



## Board explanation of the following five Resolutions:

**\* WHEREAS, this Resolution was duly introduced and was thereafter adopted by the Association Board of Trustees at a regular scheduled general meeting on this 20th day February, 2025 at which a quorum was present, by a majority vote of the Board of Trustees present and eligible to vote on this matter.**

### HOPA Compliance\*

The resolution outlines the Silver Ridge Park Westerly Homeowners Association's adoption of rules and regulations in compliance with the Federal Housing for Older Persons Act (HOPA). It emphasizes the Board of Trustees' authority to establish necessary rules, as stipulated in the Association's By-Laws and Governing Documents.

#### **Mandatory: HOPA Two Year Survey requirement by Homeowners**

The resolution aims to implement procedures to ensure compliance with HOPA requirements, specifically maintaining the community's status as a 55-and-over age-restricted area by verifying the residents' age through surveys or other methods at least every two years.

#### **This portion of the resolution ensures compliance measures with the Housing for Older Persons Act (HOPA) and Association Governing Documents.**

1. Age Verification Requirement:

- Owners must complete Association forms to verify occupants are age-appropriate or at least 55 years old, or that their spouse/domestic partner is 55+.

2. Pre-Acquisition Age Verification:

- Prospective buyers must complete forms to confirm they meet the age requirements before acquiring a Lot or Living Unit.

3. Proof of Compliance:

- Owners/prospective owners must provide proof of age upon request.

4. Acceptable Proof of Age:

- Driver's license, passport, or official government ID.

5. Tenant and Non-Owner Resident Compliance:

- They must provide two forms of photo ID or documentation proving eligibility under the Governing Documents before occupancy.

**This portion of the resolution ensures compliance measures with the Housing for Older Persons Act (HOPA) and Association Governing Documents.**

**-continued (penalties)-**

6. Non-Compliance Fine:

- \$500 fine if not compliant within 30 days of notice, plus attorney fees and costs.

7. Daily Violation Penalty:

- \$25/day fine for ongoing non-compliance after the initial \$500 fine.

8. False Information Penalty:

- Additional \$500 fine for false information; potential voiding of title transfer and ejection for falsifying age.

9. Lien for Unpaid Fines:

- Unpaid fines/fees may be recorded as a lien on the Lot or Living Unit until settled.

10. Liability for Violations:

- Violators are jointly and severally liable for fines, including legal costs.

11. Restrictions for Non-Compliance:

- Violators are prohibited from participating in various Association activities, including voting, holding office, club activities, receiving communications, using common property, and attending meetings.

## **Violation Fees and Fine Structure Resolution and Members of Good Standing\***

NOW, THEREFORE, BE IT RESOLVED BY THE ASSOCIATION BOARD OF TRUSTEES AS FOLLOWS:

1. Fines for Violations: The Board of Trustees can impose fines up to \$500 for each violation of the Governing Documents.

2. Recovery of Costs: The Board can charge violators for attorneys' fees and other costs incurred due to violations, including costs related to their collection.

3. Liens for Unpaid Charges: Any unpaid charges after 30 days can become a lien on the property of the owner and associated members, affecting them and their guests or tenants as per the By-Laws.

4. Separate Offenses: Each violation is a separate offense. Owners must be given 30 days' notice to correct the issue before fines are imposed, unless it's an emergency.

5. Continuing Violations: If a violation continues beyond the 30-day correction period, each day counts as a separate violation.

## **Violation Fees and Fine - continued (penalties)**

6. Additional Costs: Besides fines, violators can be charged with reasonable costs and attorneys' fees jointly with their guests or tenants.
7. Suspension of Privileges and Other Actions: The Board can suspend access to common properties for up to 30 days per violation, remedy the violation at the owner's cost, or seek legal action for further relief.
8. Restrictions for Non-Payment: Owners or associate members who owe money due to violations cannot use common properties, nominate or serve on the Board of Trustees.

### **This portion of outlines measures for violation fee resolution structure**

This resolution outlines the sequence in which partial payments made by a Lot Owner or Associate Member towards their debt to an Association will be applied. Payments must cover each category in full before moving to the next:

1. Attorney's Fees and Costs: First, any incurred legal fees related to the owner's or member's conduct must be fully paid.
2. Charges/Other Expenses: Next, any additional charges or expenses must be fully settled.
3. Fines: Fines imposed due to conduct issues must be cleared after the above are paid.
4. Late Fees: Any late payment fees must then be paid in full.
5. Interest: Interest on overdue amounts must be fully paid thereafter.
6. Special Assessments: Outstanding special assessments due at the time of payment must be covered next.
7. Annual Assessments: Finally, annual assessment dues must be satisfied.

A Lot Owner remains delinquent until all these categories are fully paid, and the unpaid amounts create a continuous lien on the property. The owner is not considered in good standing with the Association until all debts are cleared.

## **SRP Westerly Administration Fee Increase\***

The Resolution by the Association Board of Trustees declares that all properties under the Silver Ridge Park Westerly Governing Documents are subject to this rule.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSOCIATION BOARD OF TRUSTEES AS FOLLOWS:

**The One Time Administration Fee upon transfer of lot or title at: \$1250.00 per Living Unit.**

## **SRP Westerly Dues Assessment of Dues Increase Approved by Vote of Association Members Budget adopted and effective July 1 2024**

The Board of Trustees, with member approval, determines the annual assessment for the Homeowners Association to cover maintenance, improvements, and reserve accounts for major expenses like roof or equipment replacement. This assessment is reviewed annually and paid semi-annually on January 1st and July 1st. If there are more than two owners or additional permanent residents, they must become associate members and may incur extra fees.

### **Notice of record\***

### **WHEREAS, this Resolution was duly introduced and was thereafter adopted by the**

Association Board of Trustees at a regular scheduled general meeting on June 20, 2024 at which a quorum was present, by a majority vote of the Board of Trustees present and eligible to vote on this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSOCIATION BOARD OF TRUSTEES AS FOLLOWS:

**The annual assessment for each Lot, effective July 1, 2024 shall be \$462.00 per year.**

**This Resolution shall not prohibit members in  
good standing to seek  
Unlimited two year term limits  
from any membership position on the  
Executive Board.\***

**By-law Amendment for NJ statute compliance of Election Term Limits for  
Association Member of good standing qualifications**

RESOLUTION AMENDING ARTICLE III, SECTION 2 OF THE SILVER RIDGE PARK  
WESTERLY HOMEOWNERS ASSOCIATION, INC. BY-LAWS REGARDING TRUSTEE  
TERM LIMITS

WHEREAS, the Silver Ridge Park Westerly Homeowners Association (hereinafter  
“Association”) By-Laws at Article III, Section 5, Paragraph (j) empowers the Association  
Board of Trustees “To adopt such rules and regulations as the Board may deem necessary  
in its sole discretion”;

WHEREAS, N.J.S.A. 46:22A-46 d. (5) (a) in pertinent part provides that “An  
executive board shall not amend the bylaws of an association without a vote of the  
association members open to all association members . . . except an executive board may  
amend the bylaws . . . to the extent necessary to render the bylaws consistent with State,  
federal or local law”;

WHEREAS, Article III, Section 2 of the Association By-Laws, in part, provides that  
“A member may not serve as a Trustee for more than three (3) consecutive terms. This  
1 rule is waived when less than seven (7) Trustees are elected. When this occurs, a Trustee  
may serve a 4th consecutive term.” (hereinafter referred to as the “**Term Limits Language**”);

WHEREAS the Term Limits Language violates N.J.S.A. 45:22A-45.2 c. (4) which  
in pertinent part provides that “An association . . . shall not prohibit an association member  
in good standing from nominating himself or herself, or any other association member in  
good standing as a candidate for any membership position on the executive board”;

WHEREAS the Term Limits Language violates N.J.A.C. 5:26-8.9 (l)1. ii (1) which  
in pertinent part provides that “Good standing shall be the sole criterion for the eligibility of  
a nominee.”;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSOCIATION BOARD OF TRUSTEES AS FOLLOWS:

On this 20th day of February, 2025 the Association Board of Trustees by this Resolution claims and declares that:

**1. The Term Limits Language contained in Article III, Section 2 of the Association By-Laws are inconsistent with N.J.S.A. 45:22A-45.2 c. (4) and N.J.A.C. 5:26-8.9 (l)1. ii (1) and hereby deleted in its entirety.**

**The resolution amends the Silver Ridge Park Westerly Homeowners Association By-Laws by removing the term limits for trustees. Previously, a member could not serve more than three consecutive terms unless fewer than seven trustees were elected, allowing for a fourth term. This term limit rule has been deleted because it violated New Jersey statutes, which require that good standing be the sole criterion for eligibility, allowing any member in good standing to nominate themselves or others for board positions.**