

Smoky Ridge Homeowners,

Your Board of Directors are entertaining the idea of adding two new sections of rules to our covenant documents. These two rules have nothing to do with violations or restrictions on your homes but are an effort of your Board to hold our HOA to a higher standard.

The first will minimize the use of your Board from holding votes in between public meetings. As an initiative to provide more transparency, the board has come to an agreement that most business that requires an official vote can wait until we are forward facing the community at a monthly meeting. The rule we are proposing does allow us the exemption of an emergency situation which is thoroughly defined in our draft below.

The second rule we are proposing was written by our lawyers to bring us into compliance with federal and state laws. It gives us set guidelines to help us work through a request for a reasonable accommodation.

To follow our document *Rules of Smoky Ridge Maintenance Association, Section 1 "Procedures for Adopting and Amending Rules"*, we are providing this hand delivered notice to your household with a draft of the Internet Voting Policy and the Reasonable Accommodation Policy. We are soliciting all comments during this process. If you have any questions or comments please attend the April 9th meeting or send them to us via email, dropped off at the March meeting or a letter through US Postal. Please provide your written comments either to [Mark@withCPMG.org](mailto:Mark@withCPMG.org) or send a letter to

Smoky Ridge Maintenance Association  
c/o CPMG  
2620 S Parker Rd Ste 105,  
Aurora, CO 80014

If you send your comments through the United States Postal system, please do so at least 10 days prior to the meeting so we can guarantee your letter makes it to us in time.

Thank you for your attention. We look forward to receiving your feedback.

Amelia Almazan President  
Smoky Ridge Maintenance Association President

### **13. Electronic Voting Policy**

- 13.1 Our Bylaws (Article 4, Section 4) allow for the Board to take action without a meeting. Previously, this has been interpreted to include voting on action items over the internet, with little or no accountability to our members of those actions taken. Based on the opinions expressed at our November 2017 Board meeting by homeowners present that this action needs to be limited.
- 13.2 Except in an emergency situation, the Board shall conduct all normal business at our monthly meetings. Doing so will give our members the opportunity to see what action their Board is taking, and for them to provide input into that process. In the rare event of an emergency situation, the Board may take action by internet voting, in order to resolve the situation. In this rare situation where the Board does use internet voting, the meeting minutes for the next scheduled Board meeting must make mention of this vote.
  - 13.2.1 An emergency situation is something that can adversely affect our owner's health and welfare, their property, or cause our HOA increased cost to remedy, if immediate action is not taken. Nothing in this policy should be viewed however as limiting the exchange of ideas, or limiting possible discussion of issues by Board members by e-mail between Board meetings.
- 13.3 In regard to actions taken by the Architectural Control Committee (ACC) regarding requests from individual homeowners for improvement to their property, the Board believes that internet voting on these requests is proper, since the homeowner is aware and is requesting that the Board take action, based on their submittal request. In this situation, the ACC can take action more quickly by internet voting, and the result of that voting (approval or disapproval of their request) is communicated back to the homeowner.

### **14 Reasonable Accommodation Policy**

- 14.1 Law: The Federal Fair Housing Act, the Colorado Anti-Discrimination Act, and local fair housing laws require that the Association provide reasonable accommodations for applicants and residents who have disabilities. The Association is committed to granting reasonable accommodations when necessary to afford persons with disabilities the equal opportunity to use and enjoy their dwelling.
- 14.2 Disability: Under fair housing laws, a person with a disability is defined as a person who has:
  - 14.2.1 A physical or mental impairment that substantially limits one or more major life activities;
  - 14.2.2 A person who is regarded as having such an impairment; or
  - 14.2.3 A person with a record of such an impairment.
- 14.3 Reasonable Accommodation: A reasonable accommodation is a change, exception, or adjustment to an Association rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.
- 14.4 Reasonableness of Accommodation Request: An accommodation request is not reasonable if it would impose an undue financial and administrative burden on the Association, is a fundamental alteration, or is a direct threat.
  - 14.4.1 Undue Financial and Administrative Burden: The Association shall determine on a case by case basis whether a request would impose an undue burden, considering these relevant factors:
    - 14.4.1.1 The Administrative cost or burden of the requested accommodation in comparison with the administrative cost of regular operation;
    - 14.4.1.2 Limits or availability of the Association's overall resources;

- 14.4.1.3 The benefits that the accommodation would provide to the requester, and
    - 14.4.1.4 The availability of other, less expensive alternative accommodations that would effectively meet the requester's disability-related needs.
  - 14.4.2 Fundamental Alteration: A fundamental alteration is a modification that alters the essential nature of the Association's operations
  - 14.4.3 Direct Threat: A direct threat is an accommodation request that, if granted, would be a direct threat to the health or safety of others, or would result in substantial physical damage to the property of others, unless the threat can be eliminated or significantly reduced by reasonable accommodation.
- 14.5 Payment for Reasonable Accommodation: Fair Housing laws require that the Association pay accommodation costs that do not amount to an undue financial and administrative burden on the Association. The Association may not require people with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.
- 14.6 Consideration of Requests: The Association will consider all accommodation requests made by a person with a disability or by a representative making the request on behalf of and with the approval of the person with a disability.
  - 14.6.1 Request May be Written or Verbal: Written requests for an accommodation are preferred, but the Association will accept verbal requests and attempt to confirm such a request in writing. To that end, the Association has a "Reasonable Accommodation Request Form" (attached to these Rules) that may be used to make a reasonable accommodation request.
  - 14.6.2 Request Must be for a Person with a Disability: The request must include information regarding the requestor's disability. If representatives of the Association know that the requestor is disabled or if the disability is readily apparent, the Association will not request written verification of the disability. The details of the disability need not be submitted.
  - 14.6.3 Request Must Show a Disability- Related Need for the Accommodation: The request must include information that demonstrates the relationship between the person's disability and the need for the requested accommodation.
  - 14.6.4 Request Must be Reasonable: The Association will evaluate each request to determine its reasonableness.
- 14.7 Verification of Information Submitted: The Association may request verification of information submitted in the request as follows:
  - 14.7.1 When the disability is obvious and the requested accommodation is clearly related to the disability, no verification is necessary.
  - 14.7.2 If the disability is known but the requested accommodation does not appear related to the disability, the Association may request only information necessary to evaluate the disability-related need for the accommodation.
  - 14.7.3 If neither the disability nor the relationship between the disability and the accommodation is clear, the Association may request proof of both.
- 14.8 The Association will accept verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's disability.
- 14.9 Supplemental information: When additional information is necessary, the Association may notify the person seeking the accommodation what information is needed and offer a reasonable time to provide the information. If, after a reasonable period of time, the requestor fails to provide the necessary information, the Association may base the decision on whether to grant the request on the available information. If the Association has insufficient information, the Association may deny the request and inform the requester of the opportunity to submit another request later with more information.
- 14.10 Alternative Accommodations: If the Accommodation initially requested is determined not to be feasible or if more than one reasonable accommodation would fulfill the needs of the person with the

disability, the Association will engage in a dialogue to identify alternatives that may be less costly or administratively burdensome.

- 14.11 Interactive Process: Upon receipt of a request, the Association will initiate an interactive, good faith dialogue with the requestor to assess it and to attempt to reach a mutually acceptable solution. The Association may invite the requestor to a meeting to address the request. The Association will give the requester the following:
  - 14.11.1 A letter confirming that we received the request.
  - 14.11.2 If needed, a letter asking for additional information (such as verification that the person has a disability, that the accommodation is disability-related, or both), with a suggested timeline for providing the information.
  - 14.11.3 A letter notifying when a request is approved, under consideration, denied, or granted in a form different from that request by the person with a disability.
- 14.12 The Association will document the interactive process, noting those situations in which additional information is necessary.
- 14.13 Timeline: The Association has an obligation to provide prompt responses to requests. If the Association will document the interactive process, noting those situations in which additional information is necessary.
- 14.14 Confidentiality: In processing requests, the Association will take reasonable measures to protect the confidentiality of any information or documentation disclosed in connection with the requests. Such measures may include limiting access to information to persons specifically designated to deal with requests for reasonable accommodations, who will disclose information only to the extent necessary to determine whether to grant the request, and keeping all written requests and accompanying documentation in a secure area to which only those designated persons have access, except as otherwise required by law.
- 14.15 Denying a Request: The Association may deny a request for a reasonable accommodation for the following reasons:
  - 14.15.1 The request was not made by or on behalf of a person with a disability;
  - 14.15.2 There is no disability-related need for the accommodation; or
  - 14.15.3 The accommodation is not reasonable.
- 14.16 If unsure about the reasonableness of the request, the Association may consult with the Association's legal counsel before denying the request or conditioning approval on an alternative. If honoring the request appears very difficult, time-consuming or expensive, the Association may inform the requester of the concern and discuss how to identify easier, quicker, or less expensive alternative accommodations that may work. In such situations, the Association may offer the requester the opportunity to amend the initial request. The Association may not deny a request for fear that an approval will encourage other people to request similar accommodation. Instead, each accommodation request shall be assessed individually.