

GOOD NEIGHBORS • GOOD NEIGHBORHOODS
Oakland Mills Neighborhood Enhancement Advisory Committee

OAKLAND MILLS COVENANT ENFORCEMENT PROCESS: PROPOSED UPDATE
30 July 2015

A. Goals and Objectives

One of the reasons Oakland Mills is a special place is that all property is subject to the Oakland Mills Covenants. These covenants are designed to:

- Encourage environmental excellence
- Preserve the design integrity and architectural quality of Oakland Mills land and dwellings
- Maintain aesthetic standards that make Oakland Mills an attractive and desirable place to live
- Prevent the deterioration of neighborhoods by following the original philosophy of enforcing good maintenance and property standards

These objectives are accomplished through the architectural review system and covenant enforcement. The Covenants give the Architectural Committee the responsibility to set rules and procedures for architectural controls, as well as the power to interpret the covenants and allow exceptions to their restrictions. There are similar covenants for each of the other Villages in Columbia.

Oakland Mills is over 40 years old. What were acceptable building practices 40 years ago may not be today, just as what is acceptable today may not be five years from now. Available and popular colors, material, and design features will differ from the developers' original concepts for Oakland Mills. Furthermore, the maintenance demands for older properties are much different from those the community faced even 20 years ago. Therefore, it is imperative that the Board review and revise the covenant procedures regularly to ensure that Oakland Mills continues to prosper.

B. Process

Residents who have a complaint regarding property maintenance, concerns about residential exterior changes, and other issues pertaining to covenant enforcement, are welcome to submit a covenant complaint form. This form is available online and in print. The form is completed and dated by the Oakland Mills Covenant Advisor and copies go to the Oakland Mills Village Manager and the Architecture Committee Chair. The Covenant Advisor then enters the complaint into a data reporting and tracking system, following protocols put in place by the Oakland Mills Architecture Committee. In submitting a complaint, a resident may choose to (1) remain anonymous, (2) be named

only in the Village records, or (3) be named both in Village records and in discussions with the property owner cited in the complaint. A staff member evaluates the complaint to determine which organization is responsible. Depending on the nature of the complaint, issues will be dealt with by the Covenant Advisor directly or will be referred to the Columbia Association, the Howard County Public Works Department, or another organization.

C. Timeline

1. Receipt of complaint by Covenant Advisor.
2. Within three working days of receiving the complaint, it is dated, a complaint case number is assigned, and it is entered into the official Oakland Mills data reporting and tracking database. A copy of the complaint is sent to the complainant, the Architecture Committee Chair, and the Village Manager.
3. Within three working days of date of complaint, the Covenant Advisor and an Architecture Committee member coordinate to visit the site jointly or individually to assess reported violations.
4. If violations are confirmed, the property owner is notified by letter, setting firm deadlines for response and/or correction, as follows:
 - A first letter is sent within three working days of the inspection, notifying the property owner of the violations and setting a deadline for correction. The letter will specify that all violations must be remedied within six-months of the date of this first letter.* The letter also will indicate that if there is no response within 15 days, a 360° inspection of the property will be conducted.
 - If there is no response from the property owner within 15 days of the first letter, a 360° inspection is conducted and a second letter is sent, including both the original violations and any discovered during the 360° inspection and re-stating the deadline for correction.
 - If there is no response from the property owner within 15 days of the second letter, a third letter is sent, re-stating the deadline for correction.
 - If there is no response from the property owner within 15 days of the third letter (i.e. six weeks from the date of the original complaint), the Village Board sends a 15-day warning notice to the property owner.
5. If there is no response to the 15-day warning notice and if violations are not corrected, the Village Board approves submission of the case to the Columbia Association Architectural Resource Committee (ARC) for action.

** Note that, for fairness, this process is tightly followed and is the same for all complaints. However, in special circumstances, extensions can be authorized by the Architecture Committee Chair, in consultation with the Village Board. Any extensions*

given to a violator include follow-up timeframes that must be strictly kept, or the process continues.

D. Implementation

There are two separate Covenant Advisors – one for applications, one for violations.

The role of the Applications Covenant Advisor is to assist applicants seeking approval for property alterations from the Resident Architectural Committee. The Applications Covenant Advisor provides help in submitting applications, refers applicants to the Architectural Guidelines available in the Oakland Mills Village Association office, gives advice about available resources, and educates residents about the Covenants and the Covenant process.

The role of the Violation Covenant Advisor is to enforce the legal documents all Oakland Mills property owners signed in a manner that is impartial and friendly, but firm. The Violation Covenant Advisor receives and records complaints received from residents, employs knowledge of residential and commercial construction and maintenance practices to assess the complaint, sets deadlines, and follows up on each violation until the work is completed satisfactorily.

E. Oversight

Covenant enforcement is the legal responsibility of the Village Board. The enforcement process is carried out by the Violation Covenant Advisor, who reports to the Village Manager. The Village Manager discusses difficult cases with the Board on a case-by-case basis and seeks their advice. The Village Manager and the Architectural Committee Chair oversee the entire covenant enforcement process.