



## Key Questions and Answers: Owner Responsibility

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### What is the policy governing Owner responsibility?

- According to the CC&Rs, each Owner is responsible for ensuring that all occupants of his or her Lot, invitees, guests and contractors/vendors, which he/she authorizes to enter the community, comply with the community rules and regulations. This means that the Owners are responsible for the payment of speeding and parking fines incurred by their authorized entrants.
- In 1999, Del Webb Corporation placed this provision into the CC&R document, which is in effect today.
- When an individual purchases a home in the Anthem Country Club community, this Owner agrees and becomes legally bound to follow all terms and conditions of the Governing Documents (i.e. CC&Rs) under AZ law.

### Has the policy been reviewed for clarity?

- October 2012, the Policy Committee reviewed the wording and found it to be literally incorrect and therefore recommended an Amendment to read "Under the CC&Rs" in place of "The CC&Rs state." The recommendation was approved. The net effect of the revision for overall management of the ACCCA was nil.
- January 2015, the Policy Committee completed an extensive review of the Policy and concluded it to be correct and appropriate.
  - The Owners/tenants of the HOA enjoy the benefits of a private community with HOA owned, private streets. We can and do control public access to these streets. We allow entry to only HOA Owners/tenants and those whom they approve.
  - With these benefits, Owners have responsibilities to keep our streets safe for ourselves, our friends and our neighbors. Given the nature of our Governing Documents (CC&R's, etc.) and State laws, we cannot effectively delegate that responsibility to others. It is our responsibility. The HOA leadership and staff continue to pursue methods to help Owners manage this responsibility.
  - In a survey of similar sized HOAs, it was found that Owner responsibility is standard.

### Why can't the Maricopa County Sheriff patrol and issue tickets?

- Law enforcement cannot enforce civil traffic laws on private property. If law enforcement was in the Anthem Country Club community, they could not stop someone for speeding which is a civil traffic infraction. State laws allow law enforcement personnel to enforce only a few traffic related laws on private property, such as reckless driving, DUI, and handicap parking violations.

### Why is the provision necessary?

- The ACCCA has no legal authority to enforce tickets issued to a guest or vendor who enters the Anthem Country Club community under an Owner's authorization. Owners are held responsible for the payment of any guests/vendor's fines. The ACCCA has no contractual relationship with the guest/vendor and therefore, without this provision, the result is that the guest/vendor could violate rules and regulations with no consequences.

### What can Owners do?

- Owners are encouraged to communicate the speed limit and parking regulations of the Anthem Country Club community to their guests and contractors/vendors. The Anthem Country Club community uses laser enforcement on our roadways.
- Owners should encourage their contractors/vendors to obtain a vendor transponder to eliminate Owner responsibility for violations. <http://onlineatanthem.com/gate-access>