

Dear Neighbors,

There has been information shared on Next Door regarding who is responsible for maintaining the walls in our neighborhoods.

When our neighborhoods were developed, wall conveyance was not completed between each neighborhood developer and the HOA as is typical in a new development. Because there is not an agreement for another party to maintain the walls, the exterior privacy wall is the responsibility of each owner. It is treated like a privacy fence. The HOA, the Community Facilities District (CFD - also known as Mello Roos) and the City of Novato are not legally responsible for maintaining any home's privacy walls. The city has always told the HOA that owners are each responsible for their portion of the walls, both for maintenance and eventual replacement if needed.

In many locations, wall damage has been caused by Community Facilities District (CFD) trees. In some locations settling has occurred as well. The City of Novato has removed CFD trees at CFD expense where owners have asked them to if tree roots were causing damage to walls. In addition, the CFD has repaired the Southgate walls by the entrances where street trees have caused damage and made the walls unsafe. At our most recent discussion, city staff suggested the HOA take over responsibility for CFD tree damage and the CFD would give the HOA a lump sum. This suggestion went to the city's attorney for review and there has been no resolution.

The HOA does not have the right to enter private property without owner permission. Homeowners are responsible for ensuring that their walls are not damaged by their trees and/or other landscape elements like planter soil placed against the wall. If homeowners' trees damage the walls, homeowners are responsible for the repair, just like neighbors who have wood fences are responsible.

Finally, those of us who volunteer for the HOA do so because we care about our community and its residents. We do not get paid for all the hours that are involved. Your HOA has been responsible for holiday lighting, trash cleanup days, annual meetings, Good Neighbor Day, landscape improvements, wall repairs and improvements, and much more. We encourage people to volunteer and become involved.

Wakefield Sharp is our HOA's management company and their responsibility is to enforce our CC&Rs which are on our website. If, for any reason, you feel that your needs are not being addressed by Wakefield Sharp, please email one of us or access helphamiltonfield@gmail.com on our main website.

Please feel free to private message me if you have any questions and/or concerns. Thank you.