

Longcreek Plantation LLC

Longcreek HOA Board Interpretation and Position Paper

Longcreek Covenants and By-Laws – An Overview

Purpose of Board Interpretation Documents

The Homeowners Association (HOA) Board and the Architectural Control Committee (ACC) are obligated to follow the community Covenants and By-Laws. In several instances, these documents provide only general guidance that requires interpretation by the HOA and ACC. These Board interpretation documents are intended to help provide a consistent response to issues, concerns, and requests when they arise.

HOA Purpose

An HOA is a legal entity that is intended to provide services for the residents of a community and ensure it maintains a vision of a well-kept, organized community that all residents can enjoy living in. Key goals of an HOA include:

- Ensure that the community's shared spaces (common areas) are well-maintained and preserved for the benefit of all members.
- Implement responsible decisions regarding the use of community funds and assets belonging to the HOA.
- Ensure that the community rules established in the Covenants and By-Laws are followed by all residents.
- Make decisions intended to preserve or increase property values within the community.
- Ensure that the collective rights and interests of homeowners are respected.
- Maintain a strategic plan for the future, including how funds should be spent in the future.

All HOA Board members are volunteers and are not compensated financially. HOAs in South Carolina are governed by the South Carolina Code of Laws, Title 27 – Property and Conveyances, Chapter 30 – Homeowners Associations.

Key Documents

The HOA is guided by the community requirements specified in three legal documents (Covenants and By-Laws) that are formally recorded with Charleston County:

- Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Longcreek Plantation Homeowners Association, Inc. (Book T 196 Page 878).

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- Amended and Restated Declaration of Restrictions and Easements Longcreek Plantation Subdivision (Book U 196 Page 001).
- Exhibit B, By-Laws of Longcreek Plantation Homeowners Association, Inc. (Book T 196 Page 895 through Page 909).

The HOA Board has also issued a community handbook:

- Longcreek Homeowners Association Handbook (maintained only by the HOA Board).

The above documents are available on the Longcreek website (longcreekhoa.com). The following sections summarize selected requirements in these documents.

The HOA Board has the responsibility of interpreting these documents; but the Board does not have the right to pick and choose which requirements to ignore or enforce.

Covenants Book T

Book T is primarily an administrative document that addresses the following:

- Membership and member voting rights.
- Annual and special assessments, including how the assessment funds are used and how the assessments are communicated to residents.
- Allowed actions for nonpayment of assessments.
- Recognition of the Architectural Control Committee (ACC), including its duties and responsibilities.
- Procedure for revising the Covenants.

Book T specifies that any of the following proposals requires specific approval by two-thirds of the community members with each lot having one vote:

- Transfer of any portion of the common areas to any public agency, authority, or utility.
- Mortgage, pledge, or otherwise commit the HOA-controlled property as security for money borrowed or debts incurred.
- Increasing the annual assessment by more than 10%.

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- Levy of a special assessment.
- Revision to the Covenants.

Covenants Book T is important for how the HOA and the community operate, but most residents will likely have little need to be familiar with the document.

Covenants Book U

Book U is the document that property owners will likely refer to whenever property issues arise. It addresses the following:

- Confirmation that certain business practices are not allowed on each lot.
- Confirmation that the ACC must review physical changes made to a lot.
- Statement that each lot consists of one (1) single-family dwelling and one (1) detached or attached garage of similar design. Additional structures require ACC review and approval.
- Rental limitations.
- Setbacks and building locations.
- Subdivision of lots.
- Limitations on temporary and mobile structures, as well as their use as a residence.
- Allowed animals.
- Offensive activities.
- Abandoned or inoperable vehicles.

Several Board interpretation documents have been developed to address some of the above topics.

By-Laws

The By-Laws are entirely administrative and include the following:

- Conduct of community meetings, including quorums and proxies.

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- Board of directors – term of office, elections, and required Board meetings.
- Powers and duties of the Board and the officers.
- Requirements regarding assessments.

Community Handbook

The community handbook is controlled by the Board and provides guidance for some activities not addressed by the Covenants and By-Laws. The handbook also emphasizes some requirements provided in the Covenants. Topics provided within include:

- Equestrian guidelines and safety.
- Trash dumpsters and their use.
- ACC reviews.
- Abandoned or inoperable vehicles.
- Common area maintenance and guidance, including the community dock and the boat landing.
- Mailbox guidelines.

Items Not Covered by the Covenants or By-Laws

Refer to Charleston County requirements for items that are not addressed in the Covenants. A key document is *Charleston County Zoning and Land Development Regulations Ordinance*, downloaded June 2024 from [Document Viewer | Zoning and Land Development Regulations \(encodeplus.com\)](#).

Charleston County permitting requirements are provided at ([Permit Center | Charleston, SC - Official Website \(charleston-sc.gov\)](#)).

Check these Charleston county websites for the latest updates.