



# Rafter J HOA Governing Documents Project Summary

SPRING 2024-SPRING 2026

[UPDATED 2/9/2026]

# HOA Governance



## The Rafter J HOA is governed by:

- Law – federal, state, local
- Plat – plan or map for subdivision lots and type
- Bylaws – outline for how the HOA operates
- Covenants, Conditions & Restrictions (CCRs) – legal document (contract) of expectations for owning property in a subdivision governed by an HOA (what you can, can't do)
- Rules – clarify or interpret a covenant's meaning
- Policies – in Rafter J we are moving policies into the Rules to consolidate expectations and processes in one location
- Board of Directors – manage affairs of the HOA as stated in the HOA's governing documents and applicable law
- Design Committee - consider and act upon plan proposals and adopt design committee rules

# HOA Board Powers & Duties

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Those necessary for the administration, operation, and maintenance of the Rafter J Ranch Subdivision as a first-class residential community. All of which are done for and on behalf of the owners of lots within the Rafter J subdivision.

Such as:

- Administer and enforce covenants, restrictions, easements, conditions, uses, limitations and obligations, and all other provisions in the CCRs
- Prepare an annual budget
- Levy and collect assessments
- Prepare and maintain accurate books
- Enter into contracts
- Attorney-in-fact for all owners for the benefit of all owners

\*\*Also, Board members must not use their knowledge or role to the advantage of themselves or a third person, without disclosing the conflict of interest and receiving approval from the majority of the board. Board members occasionally recuse themselves from votes when appropriate.

# Board Authority to Make Rules

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Under Wyoming law, the HOA's authority is limited to what is expressly or implicitly granted by the Rafter J CCR's, the HOA's Articles of Incorporation and Bylaws, and applicable law. The HOA's CCRs and Bylaws both give the HOA Board the authority to adopt, amend, and repeal Rules.

Rules may describe implementation of provisions in the CCRs that are expressly stated and may clarify unclear or incomplete provisions in the CCRs if doing so is implicitly supported by other CCR provisions, and the rules do not violate rights of lot owners that are clearly stated in the CCRs.

On the other hand, substantive amendments to CCRs must follow the process described in Article XII of the CCRs and require a community-wide vote.

# Authority References

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The Rafter J Bylaws state: *“The Board of Directors shall have power to (a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof...”*

The Rafter J CCRs state: *“The Board of Directors of the Rafter J Ranch Homeowners Association may, from time to time, in its sole discretion, adopt, amend, and repeal, by majority vote, rules and regulations to be known as "Rafter J Ranch Homeowners Association Rules.”*

The CCRs also refer to the “rules” in several sections, such as property rights, land classifications and enforcement.

# HOA Board Considerations

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- The Board has a duty to enforce the CCRs and HOA Rules.
- The Board has latitude to prioritize enforcement of the CCRs and to adopt Rules to interpret and clarify the meaning of the CCRs that are vague or ambiguous, so long as the rule does not violate a lot owner's clearly articulated rights under the CCRs.
- Consistency in that enforcement role requires specificity in the documents that guide the Board (CCRs 1st and Rules 2nd). Where the CCRs are silent or unclear, the Rules provide procedures for consistent enforcement for fairness of treatment to all owners.
- The Board cannot amend a CCR with a rule, only clarify.
- The CCRs do not give the HOA Board the power to grant variances. Only the Design Committee has that power.
- Rules serve as a centralized reference for the staff, board members and owners.
- Rules must be applied uniformly to all owners in the subdivision.

# Board Members Are Owners Too...

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While rewarding, being a Board member can be a challenging role:

- Volunteer their time, energy and expertise while having their own lives
- Bring their experiences, knowledge and expertise to the role, representing a range of viewpoints across the neighborhood
- Must navigate the complexities and nuances of the role to make the best decisions for the neighborhood
- Do their best to consider the legal, historical, logistical, practical, etc in enforcing the CCRs and Rules, but cannot change the plain meaning of the words in the CCRs
- Have neighbors and friends with widely differing preferences and opinions, and socially, this can feel uncomfortable

# About the Governance Review Project

In 2024, the Board recognized the need to review and potentially update some of the HOA's governing documents. This included the compilation of written Rules and written Board "Policies" that had been adopted by previous HOA Boards over many decades, and which were not combined in a single document.

Goals:

- Compile all previously adopted written HOA Rules and written Board "Policies" into a single document that allows ease of reference
- Memorialize that previously adopted written Board "policies" are in fact "rules" as contemplated by the CCRs
- Clarify language of existing Rules that were vague
- In some cases, add substantive rules where language in the CCRs is unclear, under the Board's implicit authority to adopt rules interpreting a CCR's meaning



# About the Process

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This has been a large undertaking which has been ongoing over time.

The HOA Board began by reviewing the most pressing areas – shifting previously adopted Board “Policies” into “Rules” for conformance with authority in the CCRs and for better transparency to HOA members; addressing matters with financial implications; and addressing matters that have been frequent issues of owner complaint or comment.

Examples of completed Rule updates are the 3-day grace period for recreational vehicles, snow machines and boats (Aug 2024); defining conventional passenger vehicles (Aug 2024); assessment rules (Apr 2025); postal box rules (May 2025); and storage area rules (May 2025).

The Board then moved on to review and draft updates to other Rules such as the common area rules; playground rules; and design, construction & maintenance rules.

Throughout the process, the Board used legal guidance to inform its decision-making. The Board also provided updates about the process in their monthly email updates as well as at the 2024 and 2025 Annual Meetings. The Board requested input from owners through surveys and emails.

# Where We Are Now

The Board is undertaking review of owner comments regarding the proposed Rules and making final edits to the proposed Rules.

The final proposed Rules will be shared with owners for review and comment.

The Board anticipates voting at the February and/or March 2026 meetings regarding the Rules.



# Proposed Changes to Existing Rules

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- Assessment – previously titled a “policy”; retitled as a “rule” in April 2025
- Post Box – previously titled a “policy”; retitled as a “rule” in May 2025
- Storage Area – previously titled a “policy”; retitled as a “rule” in May 2025 and provisions added to suspend storage area use privilege when dues are delinquent; and clarifying how to prove ownership of items in the storage area
- Playground – memorialize and make consistent the rules already physically posted in the parks/playgrounds
- Recreational Vehicles – reaffirm CCR provisions regarding maximum gross vehicle weight
- Design, Construction & Maintenance – add language to set limits on construction noise
- Firewood – add language to set limits on chainsaw noise
- Other – language and grammar clean-up

# What's Next

- Common Area Rules update
- Bylaws review
- Review remaining Board “Policies” and retitle them “Rules” as appropriate:
  - Privacy policies
  - Correspondence policy
  - Donations to Common Areas policy



# Common Area Rules



The Board has a duty to enforce the CCRs and HOA Rules. Rules regulating use of the common area are limited to what is expressly or implicitly granted by the HOA's Articles of Incorporation, Bylaws, CCRs and applicable law.

Historically, the HOA has had a set of Common Area Rules. These rules were consolidated into the HOA Rules document in July 2025 (noxious or offensive activity, loitering, private use of common area, storing or dumping of trash or lawn debris, signs/ banners, pets, wildlife, e-bikes, ponds, fishing).

Private lot owners using the common area for anything other than what is specifically allowed by the CCRs and Rules is prohibited.

Over the past several years, numerous complaints and issues regarding common area use as "perceived personal use" brought to the forefront the need to provide clear expectations in the HOA Rules.

# Common Area Usage Complaints & Issues

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Here are a few recent examples:

- Planting and cutting of vegetation in the common area
- Private structures encroaching in the common area
- Liability issue of trampolines and fire pits in common area acknowledged by insurance agent
- Construction vehicles and materials storage use of the common area without permission
- Sprinklers and landscaping installed in the common area
- Real estate agent advertisement of HOA property as part of a residential property
- Claim of ownership of common area

# Rationale for Open Space Rule Amendment Proposals

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The Board has attempted to address those complaints and issues but feels that more clarity in common area rules will provide consistent guidance.

The Board has a fiduciary responsibility to protect the common area assets of the Rafter J community (keep investments safe) while ensuring that the rights of all owners are respected.

- Common area Rules and enforcement protect the HOA from adverse possession of HOA land by individual owners.
- Rules prevents individuals from deterring use of the common area by others due to the nature of their mowing, landscaping, structures (making it appear common area is private property).
- It is not in the best interest of the full Rafter J community to allow transfer of value to some individuals at the expense of the larger community.

Common area Rules and their enforcement can also serve to protect the HOA from liability. The HOA's insurance agent has indicated that increased risk results from allowing individuals to place items like trampolines in the common area. Examples of other liability issues include fire pits – fire danger, sports equipment – personal injury, archery equipment – personal injury.

# Board Authority to Make Common Area Rules

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The HOA's oversight and management of use of the common area (which is owned by the HOA) is specifically authorized by the HOA's Bylaws and is also generally authorized by the CCRs. Neither the CCRs or the Bylaws prescribe any specific allowed or prohibited uses of the common area, instead leaving decisions about specific allowed and prohibited uses to the HOA Board under the authority granted in the Bylaws (i.e. "The Board of Directors shall have power to (a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof") and the CCRs ("Every owner shall have a right and easement of enjoyment in and to the common area which shall be appurtenant to and shall pass with the title to every lot, subject to ... The right of the Association to designate the use and development of the common area; to regulate all hunting and fishing in and upon the common area; and to regulate snowmachine operation in or upon the common area").

# Mowing vs Structures

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Mowing or landscaping of the common area is not specifically addressed in the CCRs (or Bylaws), but the HOA Board has the power to enact Rules fleshing out its responsibility under the Bylaws and CCRs as stated above, all so as to “keep in good order, condition, and repair all of the common area and all items of common personal property acquired by or on behalf of the Association (CCR Article III, Section 4(d) and to maintain the Rafter J Ranch Subdivision “as a first-class residential community” (CCR Article III, Section 4). Rules adopted by the HOA Board can provide specifics about mowing or landscaping of the common area and other activities in the common area.

An “encroachment” is an unauthorized intrusion onto a neighboring property through the creation or extension of a physical structure (buildings, fences, planters, flora) or through activities that give the appearance of ownership. Such activities by a lot owner pose the risk of that owner later declaring ownership of portions of the common area through adverse possession.

# Board Considerations

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- Rules should be applied uniformly to all owners in the subdivision
- Current common area Rules have been found insufficient in supporting the Board in its duty to enforce CCRs and Rules consistently
- Per the CCRs, the common area is for enjoyment of all Rafter J residents and owners; personal use should not limit other's use
- Legal liability – fire, injury
- Adverse possession risk mitigation
- Wildfire risk mitigation
- Invasive weed mitigation
- Safety – maintenance, fire
- Historical leniency has led to “creep,” thus the need to define and address egregious violations
- Diversity of neighbors' perspectives & values – view of aesthetics varies; lots are varying shapes; lot location varies (approx. 100 lots border undeveloped common area, and 400 lots don't)

# Common Neighborhood Values

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- Conservation – water, land, native plants
- Wildlife habitat
- Access to outdoors/nature
- Recreation
- Safety – road, personal, property, etc
- Protecting property values
- Low/ reasonable HOA fees
- Quiet residential neighborhood

# Potential HOA Board Action

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We could...

1. Do nothing – leave the common area Rules vague and let a future Board address
2. Update the Rules to include overarching guidelines, relying on the Board to address complaints and violations using their own discretion
3. Clarify Rules to communicate clear expectations and support consistent enforcement into the future
4. Allow no encroachment at all, including mowing, in the common area

# Themes in Comments from Owners

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- Perceived historical lack of enforcement of the CCRs and Rules by the HOA
- Some owners have mowed the common area near their property for years
- Concern of the fire danger grasses pose to structures
- Belief that mowing does not lead to adverse possession
- Concern that enforcement around personal use of the common area will lead to upset owners and create discord in the neighborhood
- Request to spend HOA Board time and energy on other projects (various project ideas mentioned in the comments)
- Others...??

# Board Conclusion

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