

KIAWAH ISLAND
COMMUNITY
ASSOCIATION

KICA ASSESSMENTS – PROPERTY STATUS CHANGE

This policy supersedes KICA board policies P-06-11 and A-90-1.

WHEREAS, Article I of the Kiawah Island Community Association, Inc. General Covenants provides the following definitions:

- (f) "Multiple-Family Tract" specifies, in pertinent part, that a "Multiple-Family Tract" "shall be deemed to be unimproved until the improvements being constructed thereon are sufficiently complete to be subject to assessment as improved properties;" and,
- (g) "Public or Commercial Site" specifies, in pertinent part, that a "Public or Commercial Site" "shall be deemed to be unimproved until the improvements being constructed thereon are sufficiently complete to be subject to assessment as improved properties;" and,
- (k) "Public or Commercial Unit" specifies, in pertinent part, that a "Public or Commercial Unit" "shall not be deemed to be improved until the improvements being constructed on said parcel are sufficiently complete to be subject to assessment as improved properties;" and,

WHEREAS, Article V, Section 3(e) of the Kiawah Island Community Association, Inc. General Covenants, specifically states that "The Owner of any assessable property which changes from one category to another during an assessment year shall be billed an additional amount for the remaining full quarters of such year to reflect the category change;" and,

WHEREAS, Article V, Section 3(f) of the Kiawah Island Community Association, Inc. General Covenants provides that, "for purposes of these assessments and voting rights hereunder, a property will be classed as unimproved land, and not as a Family Dwelling Unit or Public or Commercial Unit, until such time as construction of such Unit has occurred, and assessment at the improved property rate shall be prorated for the remainder of the full quarters of the year and billed that amount on the first day of the next full quarter;" and,

WHEREAS, Article VIII, Section 4 of the Kiawah Island Community Association, Inc. General Covenants specifically authorizes the Board of Directors with "the right to determine all questions arising in connection with this Declaration of Covenants and Restrictions and to construe and interpret its provisions, and its determination, construction or interpretation, shall be final and binding;" and,



WHEREAS, Article IV, Section 1(c) of the Kiawah Island Community Association, Inc. By-Laws specifically authorizes the Board of Directors to “exercise for the Corporation all powers, duties and authorities vested in or delegated to the Corporation;” and,

WHEREAS, the Board of Directors seeks to align the property status changes of residential, public and commercial, & multi-family properties; and,

NOW THEREFORE, BE IT RESOLVED THAT the board hereby interprets these provisions of the covenants to mean:

- All properties on Kiawah Island are to be deemed “improved” for assessments & votes when a Certificate of Occupancy is issued by the Town of Kiawah Island. Once the Certificate of Occupancy is issued, that property will be assessed at an improved rate, which shall be prorated, for the remainder of the full quarters of the year.
- If any property obtains a demolition permit from the Architectural Review Board (ARB), the property will be returned to an “unimproved” status once the demolition permit is fully satisfied with the ARB. In the case of an immediate transition from demolition to new home construction, the property will be considered “unimproved” upon the completed demolition of the structure on the property, as verified by KICA staff, and will remain unimproved, until a Certificate of Occupancy is issued as outlined above.
- If a “public or commercial unit” is scheduled for demolition in the coming budget year, the commercial owner should notify KICA by October 1, of the intended demolition. Written notice shall be provided to KICA’s Chief Operating Officer and/or Director of Finance. This notice will permit KICA to plan for this loss of revenue as part of its annual budget process. For any “public or commercial unit,” where notice has been provided, the “public or commercial unit” will be charged the KICA improved assessment by quarter, until the satisfaction of the ARB demolition permit or completion of new construction. For any “public or commercial unit,” where proper notice was not provided, the “public or commercial unit” will be charged a full improved assessment for the year.

This policy takes effect as of May 1, 2022. Properties under permit prior to this date will be treated under the rules of the previous policies.

ADOPTED: At the KICA Board of Directors meeting on March 7, 2022 by unanimous vote of **(7-0)**.

