



# Stormwater Best Management Practice Facility Hand-Off Meeting - A Bulletin for Homeowner Associations

City of Durham • Public Works Department • Stormwater & GIS Services

## What is a Stormwater Best Management Practice Facility Hand-off Meeting?

A stormwater best management practice (BMP) facility hand-off meeting is a meeting between the development’s Homeowner Association (HOA), the Developer, and City staff. This meeting occurs after approval of the BMP as-built drawings. This meeting serves the following purposes:

- ❖ Memorialize the transfer of the BMP(s) from the Developer to the HOA
- ❖ Provide the HOA with basic information relating to BMPs, stormwater facility agreements and covenants (SWFACs), HOA responsibilities and obligations with respect to BMPs, and City requirements.

## What is a Stormwater BMP?

Devices which are designed to improve stormwater quality and quantity are referred to most commonly as stormwater best management practices. The most common stormwater BMPs include dry extended detention basins, wet detention basins, sand filters, level spreaders, grassed swales, bioretention, vegetated filter strips, stormwater wetlands and proprietary devices. Each stormwater BMP is unique, and has an individual identification number (i.e., Facility ID). These facilities can be constructed separately or in series with multiple facilities.

## What is a Stormwater Facility Agreement and Covenant (SWFAC)?

A SWFAC is a legally-binding, three-party agreement between a developer, a HOA, and the City of Durham. It clearly defines the responsibilities of each party. Some key responsibilities specified in the agreement are listed in the table below:

Responsibility	Responsible Party
Stormwater facility replacement fund and payment	Developer
Construction of each stormwater BMP	Developer
Transfer of property and stormwater BMP(s) to the HOA	Developer
Perpetual maintenance and annual inspection reporting	HOA
Repairs and reconstruction of each stormwater BMP (when necessary)	HOA
Budgeting for stormwater maintenance & replacement expenses	HOA

## What is the Stormwater Facility Replacement Fund?

The City is required, through financial guarantees, to ensure that adequate funds are available to provide for the long-term maintenance and replacement of stormwater BMPs. The Stormwater Facility Replacement Fund was established to meet this requirement. The Fund consists of a one-time payment by the developer for each stormwater BMP. More information on the Fund and City requirements can be found in Sections [70-750 through 70-752 of the Durham City Code](#) (Chapter 70, Article XI).

## When Does the Responsibility for the Stormwater BMP Facility Transfer to the HOA?

The HOA is created by the developer as a corporation through the Secretary of State, and by the recording of the Declaration of Covenants and Restrictions. Therefore, the developer represents both the Permittee and the

HOA at the time the SWFAC is signed and recorded. Upon completion of the stormwater BMP construction, the developer's engineer submits as-built drawings to the City for review and approval. Upon approval of the as-built drawings and verification of the property ownership transfer from the developer to the HOA; the City will issue a BMP certificate of completion which acknowledges the developer's fulfillment of obligations. From that point forward, the HOA will take ownership of the BMP facility.

### **What are the HOA's Responsibilities for Each Stormwater BMP Facility?**

The HOA's responsibilities for each stormwater BMP include perpetual maintenance, annual inspections, maintaining an adequate budget, repairs, and reconstruction when necessary. A general description of the responsibilities is provided below:

- 1. Perpetual Maintenance:** Each stormwater BMP must be routinely maintained so that it continues to function as intended, to its design capacity, and to ensure public safety. A current operation & maintenance manual should provide details of routine maintenance activities and schedules specific to each BMP. The City of Durham's guidance document titled "[Owners Maintenance Guide for Stormwater BMPs](#)", and the most recently approved plans can provide additional guidance.
- 2. Annual Inspections:** All stormwater BMPs require an annual inspection performed by a BMP Maintenance Certifier (BMC). Each BMP has an anniversary month which begins one year from the issue date of the BMP certificate of completion. The annual BMP maintenance certification must be submitted to the City no later than the last day of each anniversary month. The City will issue a certificate of completion upon receipt, review, and approval of the BMP maintenance certification. For more information regarding annual inspections, please refer to the City's guidance document titled "[BMP Annual Maintenance Certification Protocol](#)."
- 3. Major Repairs and Reconstruction:** Whether initiated by the HOA or determined by the City, the HOA must reconstruct or make repairs to its stormwater BMP(s) when necessary so that each BMP continues to function properly as previously stated. The HOA must also provide written reports to the City when major repairs or reconstruction are necessary.
- 4. Budgeting:** The dues of the HOA shall include amounts for upkeep and reconstruction of the stormwater BMP. The HOA shall have two (2) distinct line items in its budget. One of the line items shall be for routine maintenance, inspections, insurance, and minor repairs. The second line item shall be for major reconstruction and repairs. Annualized maintenance costs of various BMPs can be found in the City's guidance document titled: "[Annualized Maintenance Cost for Various BMPs](#)." Please refer to Section 4(f) of the SWFAC for the minimum fund amounts specific for your development's particular BMP(s), which shall be increased annually by 3% per year over the prior year's amount. The HOA may set aside higher amounts at its discretion.

### **What if I have additional questions?**

Additional information regarding the BMP annual maintenance certification and as-built programs is available on the City of Durham's website at <http://durhamnc.gov/ich/op/pwd/storm/Pages/BMP-Annual-Maintenance-Certification-and-As-Built-Certification-Programs.aspx>. For specific questions regarding stormwater BMPs, SWFACs, or other information described in this document, please contact the Stormwater & GIS Services Division - Development Review Section by phone at (919) 560-4326 or by email at [stormwaterbmps@durhamnc.gov](mailto:stormwaterbmps@durhamnc.gov).