

## **Cumberland Harbour Approved Builder List (CHABL)**

Guidelines established by the BOD in 2020 updated in March 2021.

The CHABL is a list of builders who have satisfied a limited set of criteria established by the Cumberland Harbour POA (listed below). This list was established to assist prospective homeowners in selecting a builder, but it does not represent a comprehensive vetting process. CHABL builders are reviewed periodically for compliance with the listed criteria.

It is advised that prospective home owners carefully perform their own due diligence when selecting a building contractor.

### Inclusion criteria for CHABL builders:

Along with completing and submitting an CHABL application and application fee:

1. Builder agrees to adhere to CH covenants and standards and to abide by the guidelines and planning/building process established by the POA and DRB.
2. Builder will demonstrate financial stability/viability via 3rd party financial review conducted by a consultant retained by the BOD.
3. Builder will have and maintain a contractor's license at all times.
4. Builder will carry adequate business insurance at all times.
5. Builder will sign "hold harmless" clause releasing the BOD, POA and DRB from liability in the event a builder falls out of compliance and is removed from the CHABL.
6. Builder may be required (upon POA request) to provide bank references and to disclose any adverse legal history (bankruptcy, lawsuits, liens, board actions, etc).

### The Cumberland Harbour POA and BOD does not:

1. Endorse one builder over another.
2. Guarantee the ability or performance of builders.
3. Conduct a comprehensive background investigation of builders.
4. Review or negotiate the contract between the owner and the builder.
5. Engage in owner/builder disputes.

The CHBOD has the right to remove a builder from the CHABL. Any builder who fails the financial review, fails to pay subcontractors resulting in liens or engages in business practices that generate credible complaints from CH clients will be contacted by the CHBOD and informed that he/she is in jeopardy of being removed from the CHABL. That builder will have an opportunity to respond to the CHBOD and address the issues. If the issues cannot be resolved in a timely and satisfactory manner, the CHBOD may remove the builder from the list immediately.

If a builder is removed from the CHABL the builder cannot build homes within CH. Barring unusual circumstances the builder should be able to finish current construction projects, but

will not be able to write any new contracts for a construction project.

A builder who has been removed from the CHABL may apply for reinstatement at any time he/she meets the criteria for inclusion on the list.

A current list of approved builders may be obtained at the CH greeting cottage or on the CH website [cumberlandharbour.life](http://cumberlandharbour.life).

The BOD will review the CHABL periodically and update as needed.

## **Cumberland Harbour Approved Builder List - FAQ**

### **Q: What is the Cumberland Harbour Approved Builder List (CHABL)?**

A: Builders who are on the CHABL have produced information regarding financial viability, licensure, insurance, customer satisfaction and track record in the building industry for review. The Design Review Board (DRB) and the Cumberland Harbour Board of Directors (CHBOD) examine the information submitted by builders and decide if the information meets the criteria for inclusion on the list. This process also ensures that builders become familiar with the rules that govern building in CH. While the CHABL provides some measure of builder vetting for prospective homeowners it is not intended to be all-encompassing and the POA/DRB offer no guarantees about individual builders. Property owners who are seeking a contractor to build for them still should conduct their own interview of one or more builder candidates and ask appropriate questions.

### **Q: Why isn't there a Signature or Preferred Builder Program?**

A: It is often the case that a Developer/Declarant will designate a construction company or a few construction companies as the builders of choice. In many cases this selection is based on some sort of business arrangement between the Developer and the construction companies. No such arrangement exists between Cumberland Harbour and any builder. The goal of the CHABL is to provide prospective homeowners with a few objective measures of builder quality that are free of endorsements based on a financial arrangement.

### **Q: Who is the developer/declarant for Cumberland Harbour?**

A: Originally, CH was conceived and developed by a development company that was also the legal declarant. Currently, the Cumberland Harbour Property Owners Association (CHPOA) is the legal declarant. We are not owned or governed by a developer. As such the elected CHPOA Board of Directors and a full time property manager oversee financial and daily operations issues for the CHPOA.

### **Q: Can I get a list of approved builders and their contact information?**

A: Yes. A current list may be obtained via the CH website [cumberlandharbour.life](http://cumberlandharbour.life) or at the CH greeting cottage.

**Q: Can I use my own builder?**

A: Yes you can. However, we do require that any builder not on the list submit an application to the DRB and be approved to build in CH (same as any other builder already on the list). This is done to protect the design and build integrity of CH and to ensure that “new” builders will become familiar with the planning, approval and construction guidelines at CH.

**Q: Is there an official website for Cumberland Harbour for more information?**

A: Yes. We understand that there is some confusion about Cumberland Harbour’s web presence. [cumberlandharbour.com](http://cumberlandharbour.com), [cumberlandharbour.ga](http://cumberlandharbour.ga) and [cumberlandharbour.life](http://cumberlandharbour.life) are all found on the internet and not all of the information out there is accurate and current. The **official** website is [cumberlandharbour.life](http://cumberlandharbour.life) and we are in the process of improving it.

**Q: Who do I contact for more information?**

A: The most complete information is found on our website [cumberlandharbour.life](http://cumberlandharbour.life). Community manager, Matthew Reid, may be contacted for additional information. He can be reached at 912-576-5602 or by email at [matthew.reid@fsresidential.com](mailto:matthew.reid@fsresidential.com)

**Q: Anything else I need to know?**

A: Yes. As a prospective resident of CH it is important to know the “lay of the land” before building...because YOU, the owner, are ultimately responsible for your build and knowing the rules and guidelines during the planning and construction process. Your builder should be very familiar with the planning, approval and construction process in CH, but it is vital that you read and understand the Covenants, Conditions and Restrictions (CC&R) of Cumberland Harbour from the outset. Although it seems obvious, not everyone understands that living in a restricted community means that there are rules that govern ownership, home construction and the use of amenities. This is to protect the community and the individuals who have invested in it by owning lots and building homes. Welcome to Cumberland Harbour!

## **FOR BUILDERS**

We welcome qualified contractors to the Cumberland Harbour (CH) community. In order to preserve quality design, construction and service during the build process the Board of Directors (BOD) and the Design Review Board (DRB) have established a set of criteria and expectations for our existing and prospective building contractors. Upon satisfying the criteria for inclusion on the Cumberland Harbour Approved Builder List (CHABL) contractors will be listed as an Approved Builder and placed on our web site and printed material. The purpose of the CHABL is to provide prospective residents with a limited list of criteria to assist in their own due diligence. The construction contract will remain solely between the owner and the builder.

### Requirements:

1. Complete and submit an application and \$500.00 application fee.
2. Allow a discreet company credit check and review by a professional 3rd party analyst (chosen by the BOD).
3. Read and agree to CH and DRB guidelines and processes.
4. Maintain a contractor's license.
5. Maintain adequate business insurance.
6. The BOD may request additional information (banking, legal, etc).

### Causes for removal from the CHABL (including, but not limited to):

1. Legitimate, documented and verifiable complaints from owners regarding nonperformance of contracted services (including failure to pay subcontractors and vendors).
2. Failure to comply with CC&R or DRB process.
3. Failure to maintain the criteria for inclusion on the list.

### Removal from the CHABL:

1. Removal from the CHABL will be effective immediately upon notification of the builder.
2. Notification of removal from the CHABL will be verbal and/or email and followed by certified mail as soon as possible. The builder may not write new construction contracts in CH after initial notification.

### Completion of existing projects:

1. Delisted builders may complete projects that were contracted before notification of removal from the CHABL or those currently under construction. The builder and owner(s) must sign a 'hold harmless' agreement releasing the POA, BOD and DRB from any liability associated with the project.
2. Delisted builders may perform warranty work and existing home remodeling.

### Reinstatement to the CHABL:

1. Any contractor removed from the list may submit for reinstatement at any time the infractions causing removal have been rectified.

