



HOA Enforcement Policy June 2018

- A. The owner is responsible for any violation of the Declaration, Bylaws or Rules (“Governing Documents”) by the owner, guests, or the occupants, including tenants, of his/her home.
- B. Notwithstanding anything contained in these Rules, the Board has the right to proceed, immediately or otherwise, with legal action for any violation of the Governing Documents, as the Board, in its sole discretion may determine. The entire cost of effectuating a legal remedy to impose compliance, including court costs and attorneys’ fees, will be assessed to the account of the responsible owner.
- C. All costs for cleaning or repairs or both to the common elements or other property stemming from any violation will be charged to the responsible owner’s account.
- D. In addition to any other action and if applicable, in accordance with the procedure outlined below, the Board may: a) levy an assessment for damages to the common elements or other property, and/or b) levy a reasonable enforcement assessment per occurrence, and/or c) if the violation is continuous and ongoing in nature, levy a reasonable recurring enforcement assessment per day.
- E. Prior to the imposition of a charge for damages to the common elements or other property, or an enforcement assessment for a violation, the following procedure will be followed:
 1. Written notice(s) will be served upon the alleged responsible owner specifying:
 - a. If applicable, a reasonable date by which the owner must cure the violation to avoid the proposed charge or assessment; and
 - b. A description of the property damage or violation; and
 - c. The amount of the proposed charge (or, if unknown, a reasonable estimate of the proposed charge) and/or enforcement assessment; and
 - d. A statement that the owner has a right to, and the procedures to request a hearing before the Board to contest the proposed charge and/or enforcement assessment.
 - e. A reasonable date by which the owner must cure the violation to avoid the proposed charge or assessment.
 2. To request a hearing, the owner must mail or deliver a written “Request for a Hearing” notice, which must be received by the Board not later than the tenth day after receiving the notice required by Item 1 above.
 - a. If an owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the owner with a written notice that includes the date, time, and

location of the hearing. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the charge for damages and/or an enforcement assessment will be immediately imposed: and

b. At the hearing, the Board and alleged responsible owner will have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence or written notice to the owner to abate action, and intent to impose a charge for damages or an enforcement assessment will become a part of the hearing minutes. The owner will then receive notice of the Board's decision and any charge for damages or enforcement assessment imposed within 30 calendar days of the hearing.

3. The Association may file a lien for a charge for damages and/or an enforcement assessment that remains unpaid for more than 10 days.