

GRAND VIEW HOA, INC.

POLICY 5 - COVENANT ENFORCEMENT POLICY AND PROCEDURE

BE IT RESOLVED, The Association hereby adopts the following procedures to be followed for enforcing policies, rules, regulations and other governing documents of the Grand View HOA, Inc..

1. **Authority.** The Board has the power and duty to hear and make decisions regarding violations of the policies, rules, regulations and other governing documents of the Association and to impose fines or other sanctions against Owners. The Board may determine appropriate enforcement action on a case by case basis, and take other actions as it may deem necessary to assure compliance with the Association Governing Documents and to create a safe and harmonious living environment.

2. **Violations.** Engaging in any activity prohibited by the Declaration, Articles, Bylaws or any duly adopted policy, procedure, rule or regulation of Grand View HOA, Inc. constitutes a violation; provided, however, that the failure to pay common expenses when due shall be addressed under the ***Policy for Collection of Unpaid Assessments, Charges, and Fees.***

a. **HOA Board Initiated.** The Board has a duty to enforce the covenants and rules and will monitor the neighborhood for violations, applying the rules consistently among all Owners. When the Board believes a violation has occurred, it will send a violation letter to the Owner.

b. **HOA Owner Initiated.** Every Owner has the authority to request that another Owner, or Owner's guests, cease or correct any act or omission which appears to be a violation. Accordingly, Owners are encouraged to self-govern and resolve problems between them in a neighborly fashion by making an informal request that the alleged violation cease. The Board of Directors, acting on behalf of Grand View HOA, may also take such informal action deemed necessary to seek a resolution.

3. **Written Report.** If violations cannot be resolved through informal requests, violations may be reported to the Board by any Owner in writing using the ***Complaint Form*** available on the Association's website or by contacting a Board member. Submitting a written report of violation will initiate formal action by the Board. The written report must be as specific as possible and state the time, date, place, persons involved, circumstances, and acts or omissions constituting a violation believed to have occurred. ***Complaint Forms*** may be submitted to the Board by mail, email or hand delivery to a Board Member.

a. **Initial Review.** The Board will review the written report and determine whether it has stated sufficient facts to indicate a violation has occurred and will notify the complainant of its decision within 30 days of receipt of the complaint.

b. **Violation Letter.** Should the Board determine that violation has or may have occurred, it will send a letter detailing the basis of the violation, with appropriate citations to the Governing documents, to the Owner against whom a complaint has been made. The letter will require that the alleged violation be corrected within 10 days of the letter or as the Board believes is reasonable, based on the nature of the alleged violation. The letter will be mailed by regular mail and will include the ***Request for Hearing Form***. Should the Owner decide to request a hearing, the form must be received by the Board within 10 days of the date of the Violation Letter.

c. **Follow-Up Violation Letter.** If a hearing is not requested by the owner by the deadline, the Board may determine that the Owner's failure to respond constitutes a no-contest plea to the alleged violation and the Board may proceed without a hearing. If the violation is still observed past the date set in the violation letter then a follow-up violation letter will be sent to the Owner. This letter will give the owner an additional 10 days to comply or face a fine of \$50 and an additional fine of \$50 each subsequent 30-day period until the violation has been corrected.

4. **Hearing.** If the Owner requests a hearing, the Board will set a date, time, and place of the hearing within 30 days and will act as an impartial decision maker. The allegedly violating Owner will have an opportunity to attend and be heard at the hearing. After the evidence has been presented, the Board will hold an executive session to make their decision. All decisions by the Board shall be by a majority vote of a quorum of Directors in attendance and eligible to vote. The Board will send written notification to the Owner of its findings of facts and conclusions within 7 days after the hearing. If the Board determined that a violation has occurred, the letter to the owner will include a deadline to correct the violation. Failure to correct the violation by the deadline set in this letter will result in a fine of \$50 and an additional \$50 fine for each subsequent 30-day period until the violation has been corrected.

5. **Fines.** The Board may suspend a fine if it finds that, after considering the complaint, the violating Owner has and continues to make a good faith effort to correct the violation and such effort successfully remedies the violation.

6. **Enforcement of Fines** – If a fine remains unpaid for thirty (30) days after being levied, it may be collected in the same manner as an Unpaid Assessment.

7. **Termination of Owner voting rights** until the violation is corrected.

8. **Levying an assessment** to repair or remedy any damage, physical, aesthetic, or otherwise, caused by the violation.

9. **Owner Responsibility.** It is the responsibility of the Owner to notify the Board that a violation has been corrected. Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.

10. **Deviations.** The Board may deviate from the procedures set forth in this Resolution if, in its sole discretion, such deviation is reasonable under the circumstances.

11. **Review.** The Board of Directors shall review this policy on an annual basis in order to ensure that it adequately protects Grand View HOA, Inc. and its Owners. The Board may amend this policy as deemed necessary.

President's Certification: The undersigned, being the President of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed her name.

Grand View HOA, Inc.

Deb Cockroft
Deb Cockroft, President

Effective Date: 9/29/2020