

# Trailhead Village HOA Enforcement Procedure

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## Document Objective

This document is designed to outline the steps the Board of Directors shall take when dealing with violations of community rules and regulations. It will highlight the steps by which a complaint can be filed, the steps it is processed, and the enforcement methods. The Board should always seek the path of least conflict when resolve matters. We are residents of a community and in an effort to maintain good neighborly relations should refrain from overly harsh judgments and resolutions when possible.

## General Overview

1. The owner shall be responsible for any violation of the Declaration, Bylaws or Rules by the owner, guests, or the occupants, including tenants, of his/her home.
2. Notwithstanding anything contained in these Rules, the Board shall have the right to proceed, immediately or otherwise, with legal action for any violation of the Association's 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 attorney fees, shall be added to the account of the responsible owner.
3. All costs for extra cleaning and/or repairs stemming from any violation will also be added to the responsible owner's account.
4. In addition to any other action and if applicable, in accordance with the procedure outlined in Section 5 below, the Board MAY a) levy an assessment for actual damages 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 enforcement assessment per day.
5. Prior to the imposition of an enforcement assessment for a violation, the following procedure will be followed:
  - a. Written notice(s) will be served upon the alleged responsible owner specifying:

- i. If applicable, a reasonable date by which the owner must cure the violation to avoid the proposed charge or assessment; and
    - ii. A description of the property damage or violation; and
    - iii. The amount of the proposed charge and/or enforcement assessment; and
    - iv. 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.
  - b. 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 5-a above.
    - i. If an owner timely requests a hearing, at least seven days prior to the hearing the board shall 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
    - ii. 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 an enforcement assessment shall become a part of the hearing minutes. The owner will then receive notice of the Board's decision and any enforcement assessment imposed within thirty (30) days of the hearing.
- 6. The Association may file a lien for an enforcement assessment and/or damage charges which remains unpaid for more than ten (10) days.

## Order of Communications

1. If The Board is unable to reach a reasonable solution through newsletter announcements, phone calls, or friendly requests the following steps will be taken. A friendly letter is **HIGHLY** recommended as a means to notify a resident of an alleged violation.
2. Notice of alleged violation as well as a cure by date letter shall be issued.
  - a. Includes specific citation of violations.
  - b. Cure by date.
  - c. Reasonable enforcement amount.
3. If the cure by date passes the board shall issue a Notice of Intent to Impose an Assessment
  - a. Must set amount of assessment.
  - b. Must give the right to a hearing (the board should provide a request for hearing form).
  - c. The accused has the right to know the identity of the accuser at the hearing.
4. Impose Assessment or Hold Hearing
  - a. The board will always seek the most reasonable solution to remedy the violation.
  - b. Assessments shall not exceed a sum total of 1,000.00
  - c. In the event 1,000.00 is reached a lien will then be issued against the property.
  - d. Legal counsel shall be sought out.

## Hearing Procedure

1. Meeting shall be 30 minutes in length PRIOR to board executive session.
2. 10 minutes shall be spent summarizing the complaint. At this point the identity of the accuser shall be made known to the accused.
3. 10 minutes shall be allotted for the accused to rebuff or refute the allegations made against them. The board shall function as a mediator only. The board shall not argue for or against the accused.
4. The board shall then clear the room and make their decision. After which they shall inform the accused of the decision at the meeting as well as a follow up letter summarizing the decision.

## Miscellaneous Items

1. The board shall not become involved in private disputes between residents.
2. Board members may not participate in enforcement hearings that are against themselves or their spouse or partner as this is a conflict in interest.
3. The board shall document the minutes of any hearing just as it would any other meeting.
4. In the event that the board feels the need to bring in outside legal expertise it may. The costs of this can be assessed against the accused .