



# **Windstone Community Association II, Inc.**

## **Violation Process**

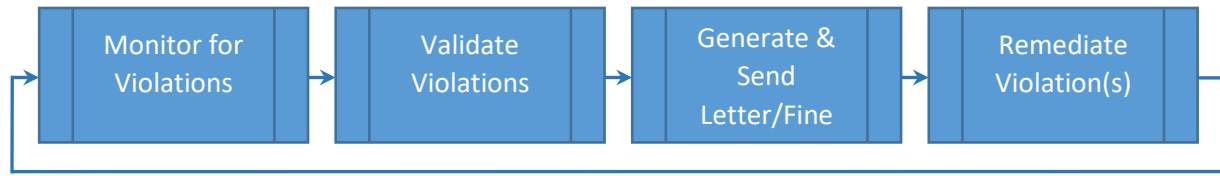
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Issue 1.0

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# Violation Process



## Overview

This document describes the violation process for the Windstone Community Association II, Inc. a.k.a Windstone Homeowners Association.

The Violation Process uses the association's governing documents as guidelines when inspecting properties to ensure adherence to the documented standards. On a regular basis the association is inspected by the property management company and suspected violations are documented. In addition, any member of the association can file a complaint if there is a perceived violation. These violations are reviewed, and when verified, a letter (or fine) is sent to the property owner of record. It is the property owner's responsibility to remediate the violation within a specified timeframe or file an appeal to dispute the violation. After the violation is remediated, or over turned, any outstanding fine must be paid to return the account to good standing. A more detailed description of the process can be found in the following sections of this document.

## Violation Inputs

1. Inspector observations (property management company)
2. Email complaints (generated from complaints to the website)
3. Direct email complaints
4. Phone complaints

## Inspector Observations

On a monthly basis the inspector from the property management company inspects the properties within the association and documents any observations that may be considered a violation. Violations are typically occurrences of some type that do not follow the Association's Covenants, By Laws, and/or Rules and Regulations<sup>1</sup>. The inspector documents the violator's property address, type and description of the violation, and a picture as evidence. The violations are recorded in a spreadsheet with the above information and a reference number that corresponds to photo evidence (**Note:** photos are to be provided for all current and unresolved violations). The photos and violations can be cross referenced to one another and the combined information is used to generate a violation letter (the letter may be Courtesy Notice, Fine, etc.). The property management company conducts these inspections from **April 1 – October 31** of each year.

The above mentioned spreadsheet is organized into the following three categories:

1. Violations from previous reports that have been corrected
2. Violations from previous reports that are still present
3. New Violations

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<sup>1</sup> The governing documents can be found on the Docs & Forms page of association's website at [www.windstonehoa.com](http://www.windstonehoa.com)

## **Email and Phone Complaints**

When complaints are made via email or phone, the property management company records the complaint(s) in the spreadsheet and submits the complaint(s) to the designated Points of Contact<sup>2</sup> (POC), who will perform verification and assist with the proper course of action. These complaints may be submitted anytime during the year and will typically be verified within two (2) days of receipt.

## **Verification – Letter Generation**

The inspector or, in some cases, the property manager, will forward the spreadsheet and supporting Word file(s) to the designated POCs for verification. The POC team members have a minimum of five (5) days to validate the violations and confirm those to receive letters from the property management company. Validation must be completed by at least one POC. When warranted, another Director can perform validation, e.g. when the POCs are unavailable. Either POC may approve or reject the noted violation or complaint.

In some cases, the validation timeframe may be more than five days, but the goal of the process is to complete validation within that timeframe.

**Note:** No letters are to be sent without the approval of at least one POC, or in some situations, another Director.

Following verification the following will occur:

1. The confirmed violations are submitted to the property manager by updating the spreadsheet provided by the inspector. The inspector may be included in this distribution as well.
2. The property management company will then review the property owner's records and determine the proper course of action:
  - Courtesy Notice,
  - Initial Fine,
  - Compound Fine,
  - Etc.
3. The property management company will generate a letter, which should include the:
  - Violation type,
  - Property location, and
  - Supporting documentation of the infraction.

After the letters are generated, the supporting spreadsheet should be updated by the property management company indicating the date the letters are sent. The letters are mailed by the property management company to the current property owner within eight (8) days of the violation observation. In addition all letter files, as well as the tracking spreadsheet, are emailed to POCs.

The POCs will be responsible for naming each letter file using the established naming convention and storing the letters (files) in the proper folder within Files Anywhere for historical purposes. The property management company also keeps records the letters within their database system for backup purposes.

After the spreadsheet is finalized, one of the POCs will email a copy to all the BOD members for informational purposes only. If a Director desires specifics about any letter they can access it in Files Anywhere or contact the property management company.

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<sup>2</sup> The designated Points of Contacts consist of one or two Board Directors that provide oversight of the Violation Process.

## **Violation Follow-up**

The type of violation will determine the type of follow-up required. Typically a POC will need to determine if a violation was resolved within the proper timeframe (in cases where the timeframe is less than 30 days). For example, in the summer when lawn maintenance is being monitored, the POCs will do interim checks at least once monthly in addition to the inspector's monthly property management inspections. If any violations are noted, the spreadsheet must be updated and submitted to the Inspector and property manager. Any new violations will use the same timeframe as that used during the monthly inspections:

- POCs have a five (5) day turnaround on getting information to the property management company.
- Property management company has three (3) days to get the letters sent to the property owner in violation.

## **Determining Proper Course of Action**

Below is the basic decision process that is used to determine the proper course of action.

Is this the first documented violation of this type for this property?

- If yes, a Courtesy Notice is sent unless it is unapproved work in which case a Cease and Desist Letter is sent.
- If no, a fine letter is sent with the proper fine assessed.

**Note:** The fine amount is determined by referencing the fine schedule in the Rules and Regulations document. Once a violation is verified it takes 18 months before the violation is reset. The only exception would be if the property is sold, at that time all violations for the property are reset.

## **Property Owner's Responsibility**

After the property owner receives the letter/fine, they typically have 10 days from the date of the letter/fine to remediate the violation. In the case of the Cease and Desist letter, the property owner must comply immediately or risk hefty fines.

If the property owner does not agree with the violation/fine, they can request a hearing within 10 days of the notice<sup>3</sup>. If any fines are outstanding, they must be paid to return property owners account to good standing.

## **References**

For detailed information outside of this process, please refer to the following documents:

[Covenants](#)

[By-Laws](#)

[Rules and Regulations](#)

[Minimum Standards - Attachment A Exhibit C](#)

[Collection Policy](#)

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<sup>3</sup> Refer to Section V – Hearing Procedures and Fines in the Windstone Community Association II, Inc. Rules and Regulations for more detail.

### **Update History**

<b>Issue Number</b>	<b>Approval Date</b>	<b>Update Summary</b>
1.0	9.5.17	Initial process description