

# HIGHLANDS AT VALLEJO HOMEOWNER'S ASSOCIATION, INC.

## ENFORCEMENT OF COVENANTS AND RULES POLICY

The Highlands at Vallejo Homeowner's Association, Inc. Board of Directors adopts the following enforcement policy for any and all violations of the governing documents that have not been previously addressed in a policy, procedure or governing document:

- All enforcement action will be consistent and not arbitrary or capricious.
- We consider all existing and written enforcement policies to be consistent and not arbitrary or capricious. We will follow those policies unless and until we determine that they violate current law(s), or community operations mandate a change.
- In the event that we have an enforcement policy that violates current law or in the event that we have a violation that we have not previously addressed with a written policy, we will adhere to the following enforcement policy:

### **Covenant and Rules Enforcement in the Event No Written Policy / Procedure(s) Currently Exist**

1. Any owner, resident, or agent of the Association may file a written complaint or petition with the Association's management company. This document will set forth the reason for the complaint or petition, including dates, times, locations, names and addresses, as well as any additional details known by the person making the complaint.
2. The management company may respond to any complaint or petition, as it deems appropriate. Copies of all complaints and/or petitions will be provided to the Board of Directors, as requested.
3. If a violation is found to exist, a warning letter shall be sent to the violator explaining the nature of the violation. The violator will have 10 days from the date of the letter to come into compliance.
4. If the alleged violator does not come into compliance within 10 days of the first violation letter or subsequent violations of the same nature occur, this will be considered a second violation for which a fine may be imposed following notice and opportunity for a hearing. A second letter shall then be sent to the alleged violator, providing notice and opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed pursuant to this Policy. The letter shall further state that the alleged violator is entitled to a hearing on the merits of the matter, provided that such hearing before an impartial decision maker is requested in writing within 7 days of the date on the second violation

letter. If the violator fails to request a hearing within 7 days or fails to appear at a hearing, they will be found liable by default.

5. All hearings are to be conducted before a quorum of the Board of Directors or an established Committee. Each hearing will be held in a normal meeting place of the Board of Directors/Committee at the scheduled time, place, and date, before the Board/Committee acting as an impartial decision maker. Such hearing will be open to all persons. Hearings will not take place during a meeting of the members. Meeting procedures for the hearing will be explained and a summary of any notices or other relevant documents will be presented. Both the Association (through the managing agent) and the violating parties will have 3 minutes each to present their findings and concerns. The Board of Directors/Committee will ask questions of interested parties, as appropriate. If additional time is needed, the Board/Committee will allow additional time with a majority vote of the attending Board/Committee quorum. Hearings will not be recorded either via audio or video devices.
6. The Board of Directors (or established Committee) may deliberate on all hearings in executive session and either render or recommend a decision in the open board meeting, unless the Board considers the decision to be of a possible personal or private nature that may be an unwarranted invasion of individual privacy. Decisions will generally be made on the same date as the hearing; however, if that is not possible, a decision will be made within 14 days after the hearing. Decisions will be approved by a simple majority vote of the attending Board quorum. All parties named on the complaint or petition will be informed of the decision in writing.

## **General**

1. Upon written application by any owner, a temporary variance or extension of time for compliance with any of the governing documents set forth within the application may be granted as the Board deems necessary. In severe cases, the Board may grant a waiver. Any such written variance, extension or waiver will only apply to the applicant and the instance set forth within the application. Information regarding all variances, extensions or waivers granted will be made available to management personnel, maintenance personnel, and any personnel hired by the Association to enforce the governing documents. The Board of Directors may revoke any variance, extension or waiver at any time for any reason in its sole discretion, with written notice to the grantee.
2. Any actions that, in the opinion of the Board of Directors or the Association's Insurance Agent, adversely affect or compromise the Association's insurance coverage, policy or premiums, will be considered a violation of the Association's governing documents.
3. Failure to notify or enforce any provision of the governing documents will not be deemed a waiver of the Association's ability to enforce any provision of the governing documents at a later time.

4. All of the Association's governing documents will be severable, and if one or more are found to be invalid, all others will remain in full force and effect.

## **Fines**

In the event there has not been a schedule of fines adopted by the association, the following will take precedence:

1. For all violations (other than the immediate towing of violating vehicles), the fine for a first violation of governing documents will be no more than \$50. The fine for a second offense of the same nature will be no more than \$100 above the amount of the previous fine. Subsequent fines for similar offenses will increase by no more than \$100 above the amount of the previous fine per subsequent offense, unless in its sole discretion, a greater amount is deemed appropriate by the Board or as stated in the Association's governing documents. A fine for a violation of a continuing nature may continue until the violation has been eliminated and the Association has received notice of it. Such fines for violations of a continuing nature will be no more than \$50 per day for each violation.
2. Fines assessed against the Owner will become assessments collectable against the property pursuant to the Declarations and Colorado Law and will be collected in the customary manner and pursuant to the business practices of the Association.
3. In all instances, the imposition of an amount less than the maximum possible fine will not preclude the Board from imposing the maximum fine allowable under this section for subsequent offenses.
4. The Board may assess fines for discrete, repetitive violations such as parking violations at a lesser amount than any established fine structure in its sole discretion.
5. Any non-compliance with the governing documents by any owner, tenant, guest, family member, or invitee or licensee of an owner, will be the responsibility of the Owner.

Notwithstanding anything in this policy to the contrary, the Association shall have the right, at any time and without proceeding through the steps outlined herein and without regard to the fine schedule, to bring an action at law to compel compliance with the terms of the Association's governing documents. Nothing in this paragraph constitutes an election of remedies nor precludes the Board from levying fines as set forth above while at the same time seeking injunctive relief for violations of a continuing nature or violations that affect the health, safety, or welfare of the residents or the property. The prevailing party to any action shall be entitled to recover its costs, expenses and reasonable attorneys' fees.

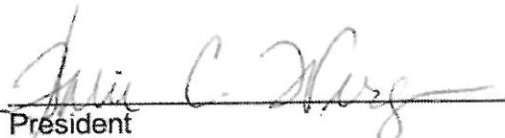
In the event that a Court of competent jurisdiction finds a provision of this Policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
HIGHLANDS AT VALLEJO HOMEOWNER'S ASSOCIATION, INC.**

Pursuant to the requirements of CCIOA, the Board of Directors for the Highlands at Vallejo Homeowner's Association, Inc. (the "Association"), hereby adopts the foregoing policy. This policy supersedes all previous enforcement of covenants and rules, including notice and hearing procedures and the schedule of fines policies dated prior to this policy and is subject to change after Board approval.

The provisions of this resolution shall be in addition to and in supplement of the terms and provisions of the Association's governing documents and the laws of the State of Colorado governing the Association.

BE IT RESOLVED, that the Association approves the "Enforcement of Covenants and Rules Policy", effective July 18, 2016.

  
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President

HIGHLANDS AT VALLEJO HOMEOWNER'S ASSOCIATION, INC.