

EXTERIOR PROPERTY STRUCTURE AND FENCING MAINTENANCE ENFORCEMENT & RESOLUTION

The Board of Directors of Spring Meadow Homeowners Association hereby add the following Exterior Property Structure and Fencing Maintenance Enforcement Resolution implement procedures to ensure that all homeowners maintain appropriate standards of the Association community for any building or structure.

The following document is an addendum to **ENFORCEMENT RESOLUTION; RECITALS; ARTICLES 1-5**

ARTICLE 1 OVERVIEW OF PROCESS

ARTICLE 2 ORIGINATION/INITIATION OF COMPLAINT

ARTICLE 3 INVESTIGATION OF COMPLAINT

ARTICLE 4 NOTICE PROCEDURE

ARTICLE 5 HEARINGS PROCEDURE

Consistent Enforcement and Board Discretion

The Board of Directors will make reasonable efforts to apply enforcement procedures consistently among homeowners. However, each violation may involve different circumstances, remediation requirements, or timelines.

Accordingly, the Board retains the sole discretion to evaluate each case individually and may consider factors including, but not limited to:

- the nature and severity of the violation,
- the time reasonably required to complete remediation,
- the homeowner's good-faith efforts to comply,
- communication with the Board within the required timeframe, and
- any practical or safety considerations affecting the correction of the violation.

Nothing in this policy shall prevent the Board from granting reasonable accommodations, extensions, or waiving fines when circumstances warrant, provided such decisions are made in good faith and in the best interest of the Association.

Good-Faith Remediation and Progress

If a homeowner demonstrates good-faith efforts to correct a violation, the Board may, at its discretion, temporarily suspend or defer additional fines while remediation is actively underway.

Good faith progress may include, but is not limited to:

1. obtaining contractor bids or permits,
2. scheduling repair or remediation work,
3. purchasing materials required for correction,
4. providing documentation showing work is in progress, or
5. maintaining communication with the Board regarding expected completion.

To qualify for consideration under this provision, the homeowner must provide reasonable updates to the Board regarding the status of the remediation.

Failure to continue making reasonable progress or failure to communicate with the Board may result in reinstatement of fines and enforcement actions.

Nothing in this provision obligates the Board to suspend fines, and the Board retains full discretion in determining whether sufficient progress is being made.

EXTERIOR PROPERTY INSPECTION

1. The Board shall ensure that each lot within the boundaries of the Association be inspected by a representative(s) of the Board at least annually or as needed at the discretion of the ACC or Board.
2. The inspection is to certify that the exterior maintenance of all structures on the property visible from street are in good condition, including paint, stain, siding, roof, windows, doors, pavement/driveways, sheds/outbuildings. The inspectors shall look for evidence of fading, chipping, cracking, peeling, breakage, damage, moss, mold, or any other visible defect or blemish. Photos of defects will be taken and included in notice to homeowner.
3. Violations may be reported to Property Management, the ACC, or any Board member.
4. Within 30 days of notification, the ACC will inspect the property to identify and confirm exterior maintenance violations. Color photographs of the exterior property will be taken to document the condition.
5. The ACC will prepare a report, including input from participating ACC members, documenting the noncompliance and attaching supporting photographs. The report will be submitted to the Board and Property Management.
6. Property Management will initiate and administer the violation process, including issuing notices of violation, tracking remediation progress, and maintaining records of timelines, notices, and any applicable fines.
7. Property Management will provide the Board with a monthly status report summarizing open violations, remediation progress, and enforcement actions.

EXTERIOR PROPERTY STRUCTURE NOTICE PROCEDURE

Compliance Enforcement and Extension Policy

1. Initial Notice and Compliance Period

Upon identification of a violation, the Association will issue a written Notice of Noncompliance. The notice will specify the violation and provide the homeowner nine (9) months from date of notice to correct the issue, unless otherwise stated.

The homeowner may request a hearing with the Board within ninety (90) days of the date of the initial notice to:

- request clarification of the violation,
- present information regarding the violation, or
- request an adjusted timeline to complete remediation.

2. Follow-Up Notices of 2nd (30 days) If the violation has not been corrected and no hearing or adjusted timeline has been requested a second notice will be sent approximately sixty (60) days after the initial notice.

Follow-Up Notices of 3rd (90 days)

A third and final notice will be sent approximately ninety (90) days after the initial notice. These notices serve as reminders that the violation remains unresolved and that the 90-day period to request a hearing or adjusted timeline is expiring.

3. Failure to Request Hearing Within 90 Days

If the homeowner does not request a hearing or negotiate an adjusted timeline within the 90-day period, the original compliance deadline remains in effect.

The Board is not obligated to grant extension requests made after the 90-day period but may do so at its sole discretion.

4. Fines for Noncompliance

If the exterior structure violation remains unresolved after the stated compliance deadline, the homeowner will be assessed a fine of \$100 per month beginning on the original compliance deadline, and continuing until the violation is corrected. **If non-compliance is for fencing only, the fine is \$50 per month as indicated in Exhibit A: SCHEDULE OF FINES.**

5. Discretionary Extension After the 90-Day Period

If the Board elects to grant a late request for an extension, the Board may establish a revised compliance date.

- Any such extension shall **not exceed three (3) months** beyond the original compliance deadline, unless otherwise determined by the Board under exceptional circumstances.
- A late extension does not eliminate fines already incurred due to failure to request an adjusted timeline within the initial 90-day period, unless the Board expressly waives such fines.

6. Continued Noncompliance

If the exterior structure violation remains unresolved after any Board-approved extended deadline, monthly fines of \$100 per month will resume until the violation is satisfactorily corrected.

If non-compliance is for fencing only, the fine is \$50 per month as indicated in Exhibit A: SCHEDULE OF FINES.

Example of Enforcement Timeline

March 1: The HOA sends an initial notice of noncompliance on **March 1** with a stated timeline of nine months to remedy the issue(s) (**deadline December 1**).

The homeowner may also request a hearing with the Board within 90 days of the initial notice (**March 1 – June 1**) to request an extension, seek clarification, or obtain additional information regarding the required remedy.

April 1: At **30** days from the initial notice, a second notice is sent if the issue has not been remedied and no adjusted timeline or hearing has been arranged with the Board. The deadline to remedy the issue remains December 1.

May 1: At **60** days from the initial start, a third and final notice is sent if the issue has not been remedied and no adjusted timeline or hearing has been arranged with the Board. The deadline to remedy the issue remains December 1.

December 1: If the owner remains out of compliance and has not negotiated an adjusted timeline with the Board within the initial 90-day period, a fine of \$100 per month will be imposed beginning December 1 and continuing until the issue is resolved.

- **Scenario #1**

- The homeowner does not request a hearing for an adjusted deadline within the initial 90-day period.

- The homeowner begins remediation on August 25 and does not complete all corrective work satisfactorily until February 15, past the due date of December 1.

- Because the owner did not negotiate an adjusted timeline with the Board within the 90-day period following the initial notice, the original compliance deadline of December 1 remains in effect.

- As a result:

- The owner is fined \$100 for December and \$100 for January.

- The total fine is \$200, covering the two months the property remained out of compliance after the December 1 deadline.

- No fine is assessed for February because the violation was corrected on February 15.

Scenario #2

- The owner does not request an extension from the Board, commences remediation in July and then in October it realizes they cannot meet compliance by December 1 .

- Owner asks the Board for an extension.

- The Board MAY choose to do so but is not obligated to have a hearing or consent to a new due date because the owner failed to communicate with the Board during the 90-day window.

- If the Board does consent to a hearing and issues an adjusted due date, that due date will not be extended more than an additional three months from original due date of December 1. Maximum final extension would then be to March 1.

- If the Board chooses to have a hearing and agrees to an extended due date, fines will be assessed for the original due date (December 1) because of failure of owner to request an adjusted due date within the 3 notice/ 90 day period.
- Fines for this owner will not be assessed for January and February.
- If non-compliant issues are not resolved by final due date of March 1, a \$100 per month fine will be assessed until issues have been satisfactorily resolved.

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