

# EXTERIOR PROPERTY STRUCTURE AND FENCING ENFORCEMENT RESOLUTION

## Compliance Enforcement and Extension Policy

### 1. Initial Notice and Compliance Period

Upon identification of a violation, the Association ~~will~~ **may** 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. 2<sup>nd</sup> Notice (FINAL) will may be sent not less than 45 days from date of initial notice if the violation has not been corrected and no hearing or adjusted timeline has been requested by the owner. The due date for correction remains unchanged from initial notice.**

### 3. Failure to Request Hearing Within 90 Days

If the homeowner does not request a hearing or negotiate an adjusted timeline within 90 days of initial notice, 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~~ **may** 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~~ **may** 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 90 days after initial notice 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~~ **may** 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 15:** Approximately 45 days from the initial notice, a second and final notice ~~is~~ **may be** 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 unchanged from initial notice, 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~~ **may** 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 obliged 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~~ **may** 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~~ **may** be assessed for the original due date (December 1) because of failure of owner to request an adjusted due date within the three notices/ 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~~ **may** be assessed until issues have been satisfactorily resolved.

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