

**Heritage Glen III Homeowners Association
Violation Enforcement Guidelines and Fines Policy**

Purpose

The purpose of this Violation Enforcement Guidelines and Fines Policy is to establish clear guidelines for the enforcement of covenants and rules and the assessment of fines. These guidelines are meant to define the rights, liabilities and responsibilities of homeowners and the Heritage Glen Third Addition Homeowners Association Board.

This policy supersedes Heritage Glen III Policies:

- 2013-001 VIOLATION ENFORCEMENT GUIDELINES AND FINES POLICY
- 2016-002 VIOLATION ENFORCEMENT GUIDELINES AND FINES POLICY

Philosophy and values:

Four values promulgated in this policy are the guiding principles of the Heritage Glen Third Addition Homeowners Association and are used to set the standards for this policy:

1. Establish and maintain a safe community for the residents and homeowners.
2. Foster a pleasing and wholesome residential environment.
3. Strive to maintain and enhance property values within our community.
4. Maintain a community perspective that Heritage Glenn III is a great place to live.

Defined Terms

Terms used in this policy are defined in Enclosure 1.

POLICIES

1. **OVERVIEW:** This Policy is a guideline for the BOD and the Owners, describing the typical way that the Association Management Company and the BOD may help maintain compliance with the Covenants and Restrictions of the Community. The Board retains discretion to determine whether it will enforce against any violation; and, the extent to which the Association will spend money, issue notices, impose fines or conduct hearings to seek compliance.
 - A. Homeowner interests:** High community standards are best preserved when all residents voluntarily follow the rules in consideration of others as good neighbors.
 - B. BOD interests:** It is the intent of the Board to: Maintain the appearance and value of all properties; maintain cohesive community relationships in a manner that is fair and equitable for all residents and property owners; and, achieve compliance of rules, policies and procedures.
 - C. Violation Enforcement:** The general policy to enforce Heritage Glen Association Third Addition By-laws, Articles of Incorporation, and Policies is established in the Heritage Glen Association Third Addition By-laws and Articles of Incorporation. Article VI of the Heritage Glen Association Third Addition

Declaration of Covenants, Conditions and Restrictions (DCCRs) provides the following: The Homeowner's Association (HA) has been empowered to fine violators in accordance with the DCCRs.

2. **SCOPE OF ENFORCEMENT ACTIONS.** An enforcement action could involve any of the following:
 - A. Direct contact with homeowner of the property by a BOD member, Architectural Control Committee member or Management Company Agent that identifies an issue and subsequently results in a commitment and actions to resolve the issue.
 - B. Imposing a fine.
 - C. Taking action to cure the violation and charging the Owner for the cost of the work.
 - D. Charge the Owner for all legal fees incurred by the Association.
 - E. Prevent a Contractor, agent or others from continuing work on un approved activity.
 - F. Requiring an Owner to pay for the costs of removing a problem and for the restoration of the property.
 - G. Imposing a specific assessment or charge to cover the costs of repair;
 - H. Filing a lien against the property.
 - I. Filing a lawsuit to get a court order requiring compliance, as well as a judgment for all damages, attorney's fees and costs incurred.
3. **COMPLAINTS:** Not all complaints are compliance issues that the Association can or will enforce. Owners and Residents should make efforts to resolve issues with their neighbors directly as much as possible before bringing a complaint to the Association. Noise, barking dogs, parking issues, etc. are best resolved directly and promptly by affected parties.

If issues cannot be resolved directly, the Association will accept written complaints (via e-mail, fax or mail) that bring possible violations to the Board's attention. The complaint must identify the property address or Owner name of the offending residence and specifically describe the violation and the date(s) of the violation(s). Photos of conditions are recommended, if appropriate for the complaint. Complaints must describe the measures taken to try to reasonably resolve the issue directly. Complaints may, but are not required to be kept confidential. The MSNW Manager and/or BOD will review the complaint and determine what procedures are appropriate.

4. **VIOLATION ENFORCEMENT PROCESS:** The violation process includes multiple notifications, ample time to take corrective actions, and fair enforcement. The purpose of the fining process described below is to provide an incentive to homeowners to address ongoing problems that are going without correction. Refusal to take corrective actions when notified may be followed up with a monetary penalty.
 - A. **Standards :** are delineated in the Heritage Glenn III Declarations of Covenants, Bylaws and Board Policies.
 - B. **Sanctions:** Sanctions may include reasonable monetary fines which shall constitute a lien upon the Owner's Lot (and improvements located thereon), and suspension of the right to vote, and the right to receive services contracted for through the Association. In addition, the Board shall have the power (but not the

obligation) to seek relief in any court for violations or to abate unreasonable disturbances.

5. COMPLIANCE ENFORCEMENT PROCEDURE:

A. First Notice of Violation: A courtesy letter citing the rule or restriction that was allegedly violated, a description of the non-compliant issue and a request to resolve the issue within twenty (20) days of receipt of the letter or (immediately if appropriate). The notification of alleged violation and request for resolution will be sent to the owner. The homeowner may respond in any of the following ways to resolve the issue or express extenuating circumstances:

- 1) Return the completed response form to the ACC or MSNW.
- 2) Make direct contact with the ACC to discuss the resolution.
- 3) Make direct contact with MSNW to discuss resolution..
- 4) Correct the issue
- 5) Make direct contact with any BOD member to discuss resolution.
- 6) Request a hearing with the BOD to discuss resolution.

If the issue is not resolved or responded to on or before the suspense date set in the letter of notification a second notice will be sent.

B. Second Notice of Violation: If the alleged non-compliant issue is not resolved after a reasonable amount of time has been given to comply or if there is a reoccurrence of the same violation within a one year time frame, a second notice and fine will be issued with an additional request to resolve the issue within twenty (20) days of receipt of the letter. Fines are based upon the schedule of fines contained in Enclosure 4 and shall be levied with BOD approval. Such approval shall be documented in BOD meeting minutes but approval may also be done via an email process in lieu of a BOD meeting.

C. Subsequent Notice of Violation: Following the fine notice specified in 5B. above; if the alleged non-compliant issue is not resolved after a reasonable amount of time has been given to comply or if there is a reoccurrence of the same violation within a one year time frame of an initial fine, a Subsequent Notice of Non-Compliance will be issued and the original fine will be doubled and assessed to the owners account. If it becomes necessary to seek legal counsel to remedy the on-going violation, all legal fees associated with the violation will be the responsibility of the owner who is in violation.

D. Response Forms: All Notices will include a "Response Form" intended to help Owners communicate their responses or requests to the Association. This form allows Owners to explain what they have done, plan to do or what they contest. Owners may also request a Hearing or for an extension of time to complete. This form must be submitted within the same time frames described in the Notice. Otherwise, upon re-inspection, if the issue is not resolved and efforts are not obvious, further compliance action may continue.

E. Corrective Actions Requiring BOD Approval (via ACF) shall normally be completed within ninety (90) days of the approval being granted. Extensions may be granted in specific circumstances (i.e. weather preventing construction) by the BOD.

- F. Homeowner's Right For Hearing:** All owners have the right to request a hearing and appeal to the Board. Hearing requests must be submitted to MSNW in writing within twenty (20) days from the postmarked date on the applicable notice (or 20 days from the date of the letter issued to Owner if postmark is unavailable or disputed) or the right to a hearing will be waived.
- i. The purpose of the hearing is to provide the property owner the opportunity to establish why the rule has not been violated or why the rule of procedure does not apply.
 - ii. After hearing the property owner's position, the BOD, or a committee appointed by the BOD, shall make a determination whether the alleged violation still applies. The BOD or committee shall notify the owner in writing upon rendering their decision. No additional fines will apply until their decision is rendered.
- G. Compliance Procedures for Modifications without Approval:** All exterior additions, structural alterations or exterior modifications must have written approval of ACC Committee (using ACF) BEFORE the work is started. An immediate fine may be assessed to any owner who does not obtain ACC approval before the start of a project (see fine schedule at Enclosure 2). Compliance enforcement action will continue until a completed ACC Request Form is properly submitted and approved or the project is restored to its original condition. Owners may be issued 'Stop Work Notices' or be required to make modifications or restorations in order to comply with the governing documents, ACC guidelines or Rules.
- H. Hazard Immediate action:** If the Board determines a violation is a hazard to the health, safety and enjoyment of neighborhood residents or in violation of the law, legal action may be initiated without prior notice, and an immediate fine up to \$1000 may be imposed without prior notice.
- I. Other remedies:** The procedures set forth above shall in no way preclude the Board from pursuing any other remedies available under the HG III governing documents or under applicable law with regard to the enforcement of the HG III governing documents.
- J. Fine Schedule:** the Schedule of Fines is presented as Enclosure 2
- K. Delinquent Payment of Fines:** All fines assessed to an owner's account are subject to the same collection policy as regular assessments in accordance with HG III Lien Initiation and Management Policy.
- L. Satisfaction of Violation:** Homeowners will be made aware when issues and fines have been resolved by either the BOD or their agent.
- 6. CHANGES TO THIS VIOLATION ENFORCEMENT GUIDELINES AND FINES POLICY**
- A.** Any changes in this policy will receive advance notification to the homeowners by being posted on the HG III-HA website and published in the HG III-HA Newsletter.
 - B.** However, HG III-HA or Board of Directors reserves the right to change, modify or update this policy at any time without notice.
- 7. ANNUAL REVIEW:** HG III HA Board of Directors members shall:
- A.** Individually read and initial this document annually.

B. Collectively review this document annually for content and continued applicability.

8. SEVERABILITY CLAUSE. In the event any provision or part of this policy is found to be invalid or unenforceable, only that particular provision or part so found, and not the entire policy, will be inoperative.

9. EXPIRATION: This Policy Statement shall expire five years from date of promulgation or sooner if revoked or amended.

If you have questions or concerns about our Violation Enforcement Guidelines and Fines Policy, please contact any member of the HG III-HA Board of Directors or Management Solutions North West.

Reviewed and approved by HG III-HA Board of Directors; 12/11/2016

ENCLOSURE 1 DEFINITION of TERMS

As used in this Standards, Violation Enforcement Guidelines and Fine Policy the following terms have the stated definitions:

1. **HERITAGE GLEN THIRD ADDITION HOMEOWNERS ASSOCIATION (HG III-HA):** The legal entity responsible for operating and governing the Heritage Glen Third Addition homeowners association, in accordance with its Articles of Incorporation, Bylaws, Declaration of Covenants, Conditions and Restrictions, Washington State law and other governing documents.
2. **ACRONYMS:**
 - a. **ACC** shall mean Architectural Control Committee;
 - b. **ACF** shall mean Architectural Change form used to request approval of modifications to property;
 - c. **BOD** shall mean Board of Directors;
 - d. **HA** shall mean Heritage Glen III Homeowner's Association;
3. **MSNW** shall mean Management Solutions Northwest. **ASSESSMENT** shall mean a monetary amount that is levied against a lot for annual association operations, funding of special projects and capital expenditures.
4. **FINE** shall mean, a monetary amount imposed for rule and regulation violations.
5. **LOT** shall mean and refer to any portion of the properties described as a separate tract or plat, excluding the common areas, on the survey of the properties to include any subsequent additions to HERITAGE GLEN ASSOCIATION, THIRD ADDITION.
6. **OWNER** shall mean and refer to the recorded owner, whether one or more persons or entities of a fee simple title to any lot which is a part of the properties including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
7. **PROPERTIES** shall mean and refer to that real property owned and maintained by HG III homeowners herein described and such additions thereto that may hereafter be brought within the jurisdiction of the Association.

ENCLOSURE 2 SCHEDULE OF FINES

Fines levied for violation of Covenants, Conditions & Restrictions(CC&R), By-Laws, Policies and or Rules and Regulations will become a personal obligation of the homeowner.

Care of lot, structures & yard maintenance

Excessive/illegal signs	\$50
CC&R Criterion, Section 12. Signs	
Properties not kept neat and well-maintained	\$50
CC&R Criterion, Section 20. Property Maintenance	
Improperly stored garbage & garbage containers	\$50
Improperly stored yard waste & yard waste containers	\$50
Improperly disposed of refuse or sewage	\$100
Unightly lot/debris including furniture, appliances, yard waste	\$100
CC&R Criterion, Section 4. Rubbish and Trash	

Parking

Improperly parked vehicles	\$50
CC&R Criterion, Section 6. Vehicles in Disrepair	
CC&R Criterion, Section 9. Off-Street Parking	
CC&R Criterion, Section 10. Parking	
CC&R Criterion, Section 11. Recreational Vehicle Storage	

Common Areas

Basketball stands left on right of way	\$50
CC&R Criterion, Section 18. Structures in the Common Area	
Parking on road surface or shoulder over 24 hours	\$50
CC&R Criterion, Section 9. Off-Street Parking	

Construction: exterior remodel, upgrade, maintenance

Done without ACC Permit	\$150
Non-compliance with ACC Permit	\$150
CC&R Criterion, Section 15. Fences	
CC&R Criterion, Section 16. Exterior Finish	
CC&R Criterion, Section 22. Landscaping	

Fires

Fire left unattended	\$50
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Animal control

Unleashed animals (dogs and cats)	\$50
Unauthorized animals	\$50
CC&R Criterion, Section 8. Animals	

Noise:

CC&R Criterion, Section 7. Offensive Activities	\$50.00
It is the responsibility of the property owner to control the behavior of their guests.	
Fines will be levied against the property owner and will be the responsibility of the property owner to settle the matter with their guests.	

Vandalism

100% of cost to correct plus fine equal to 10% of cost to correct	Cost + 10%
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Late Payment of Annual Dues

Non-payment by 1 September of assessment year	\$50
Processing charge for late payment (per month)	\$10

Non-payment of obligation

1%/month