

**Architectural Enforcement Procedures  
for Violation of CC&R's, Bylaws and Architectural Rules  
Effective April 1, 2021**

The following procedure will apply to all violations of the Association's governing documents, including the CC&Rs and all duly adopted Rules and Regulations.

**FIRST OFFENSE**

At the time a violation is reported or noted, the Board or its appointed panel shall send a Courtesy Warning Notice to the Owner by first class mail describing the violation and corrective action, including a specific deadline for the correction. A courtesy phone call may optionally be made. If the owner provides proof of correction before the deadline, no further action will be taken. If the Board or its appointed panel determines, at its sole discretion, that the alleged offense is hazardous<sup>1</sup>, authorization is granted to omit the Courtesy Warning Notice and proceed directly to further actions described below and/or other enforcement actions authorized by the governing documents and California law.

**SECOND OFFENSE (ongoing)**

Should the violation not be corrected, the Board or its appointed panel shall send a Hearing Notice to the Owner by first class mail describing the alleged violation(s) and the date, time, and location of the hearing, including a statement that the Owner may attend the hearing and address the Board or its appointed panel. The Hearing Notice will be sent at least fifteen (15) days, but no more than thirty (30) days, before the hearing date. The hearing will be held in Executive Session. If the Owner wishes to have legal counsel present at the hearing, the Board or its appointed panel must be notified at least three (3) business days prior to the hearing date so that the Association's legal counsel can also be present. Failure to provide this notice may result in a last-minute change to the hearing date.

At the hearing, the Board or its appointed panel shall give fair consideration to the Owner's oral and/or written testimony, as well as any other relevant information to determine if a violation occurred or is occurring, and whether to impose a fine. The Owner, Owner's counsel (if any), and any relevant witnesses will be entitled to attend the hearing, but will be excused after evidence has been presented. The Board or its appointed panel reserves the right to deliberate on the alleged violations and reach its decision in private. The Board or its appointed panel's written decision will be provided to the Owner by first class mail within seven (7) days of the hearing, and will specify whether the violation has been satisfactorily resolved, or if the violation persists. In the event that the violation persists, the written decision will include specific remedies, deadlines for correction, and fines, as applicable.

Should the Owner fail to appear and has not provided proof of correction, the Board or its appointed panel may consider it an admission of the alleged offense, and the Fine Schedule will commence. If uncorrected, the Owner will be fined in accordance with the Fine Schedule. All fines are due and payable within 15 days of invoicing, as per monthly dues.

*1. A hazardous activity is any activity that could cause serious harm to persons or property, including, but not limited to, threats of physical violence and dog bites. An initial warning shall not be given for hazardous violations. Instead, the Owner will be immediately called to a hearing whereat he/she may be fined and/or subject to other disciplinary action. Pursuant to Corporations Code Section 7341.*

**ADDITIONAL OFFENSES** (ongoing)

If the violation(s) remain after thirty (30) days or are repeated, the Board or its appointed panel may call the Owner to additional hearings where additional discipline may be imposed, including and without limitation, additional Monetary Penalty Assessments as provided in the Fine Schedule. The Board or its appointed panel may elect not to call the Owner to additional hearings in cases of a persistent, continuing, and uninterrupted violation<sup>2</sup>, but may impose additional fines in accordance with the Fine Schedule until the violation is corrected.

**FINE SCHEDULE**

The following schedule of Monetary Penalty Assessments (i.e., fines) shall apply where the Board or its appointed panel finds a violation of the governing documents (e.g., the Association CC&Rs, Architectural Standards, and/or other rules) has occurred, and at its sole discretion determines to impose a fine against the applicable Owner(s). A Courtesy Warning, Notice of Hearing letter, and/or a fine invoice will be sent to the Owner in violation at every level of offense. The Fine Schedule is cumulative, meaning that new fines are added to previous fine balances.

First Offense:

General CC&R violations:	Courtesy Warning letter
Hazardous activity:	\$200.00

Second Offense:

General CC&R violations:	\$100.00
Unauthorized Architectural violations:	\$200.00
Hazardous activity:	\$300.00

Third Offense:

General CC&R violations:	\$200.00
Unauthorized Architectural violations:	\$300.00
Hazardous activity:	\$400.00

Fourth and Subsequent Offenses:

General CC&R violations:	\$300.00
Unauthorized Architectural violations:	\$400.00
Hazardous activity:	\$500.00

Please note that the fines above are in addition to any amount imposed on the Owner(s) to reimburse the Association for actual costs, damages or expenses incurred by the Association in obtaining compliance with the governing documents and/or repairing or replacing property or improvements damaged or destroyed as a result of any such violation. If circumstances warrant, the Board or its appointed panel may impose lesser or greater amounts. In this case, the Board or its appointed panel's written decision will include mitigating factors relevant to the assessed fine.

<sup>2</sup> For the purpose of this document, a "persistent, continuing and uninterrupted violation" is an ongoing, rather than repetitive, violation (e.g., unauthorized architectural alterations).