

Covington Park Homeowners Association's Architectural Guidelines

Violation Enforcement Procedures

(Draft February 14, 2017)

These enforcement procedures will be used to address violations of the Covington Park Homeowners Association (HOA) Architectural Guidelines provided in the HOA General Protective Covenants under the direction of the HOA Architectural Review Committee (ARC).

- A. Courtesy Notice: In the event an ARC rule or restriction is violated, the HOA Board of Directors (Board) shall direct the manager (Manager) of the HOA Property Management firm to serve the property owner (Owner) with a written courtesy notice to have the violation corrected. The courtesy notice is a reasonable measure to provide the Owner due process, and shall be sent to the Owner by first class US mail or hand-delivered. The courtesy notice shall inform the Owner of the pertinent ARC rule alleged to have been violated. If the violator is a lessee, guest, invitee, employee, or agent of the Owner, the Owner shall nonetheless be the responsible party. The courtesy notice shall advise the Owner to correct the violation within 7 days receipt of the courtesy notice, and inform the Owner that a fine will be imposed if the violation is not corrected within that time frame.
- B. HOA Board Meeting: If the violation is not corrected within the allowed time stated in the courtesy notice or in the case where a similar violation by the Owner reoccurs in the future, the Board shall meet at a duly-noticed Board meeting and pass a motion to fine the Owner. The Board will determine the fine amount (in accordance with Section D below) to be imposed on the Owner. The Board shall refer the violation case to the HOA Fine Review Committee (Committee) to review the fine levied by the Board. The Committee shall consist of three HOA members who are not on the Board nor a spouse of a Board member. Minutes of the Board meeting shall be prepared and sent to the Owner with a 14 day written notice.
- C. HOA Fine Review Committee Hearing: With the assistance of the HOA Manager, the Committee shall establish a date, time and place of the hearing and provide a written notice of 14 days prior to holding the hearing. The purpose of the hearing is for the Committee to determine whether to approve, modify or reject the fine levied by the Board. The Owner shall be given an opportunity to question the HOA's evidence and present the Owner's evidence. The minutes of the Committee hearing shall contain a written statement of the findings of the hearing and the fine, if imposed.
- D. Notice and Demand for Payment: The Owner will be notified by certified mail by the HOA Manager of the findings of the Committee hearing. The Owner will be advised of the fine that has been imposed, if any. The Owner will be informed the fine will continue to accrue at a rate provided below in Section D until such time the violation is corrected. The notification sent to the Owner will provide the amount and deadline for payment (10 days) and inform the Owner that the violation must still be corrected. The notification will advise the Owner that the violation matter, if not corrected, may be referred to an attorney for further legal action as allowed by law.
- E. Fine Schedule:

General rules violation \$50 per occurrence

Continuing violation \$100 per week

A lien may be filed on the property if payment is not received. Interest on fines will be charged at a rate of 1.5% per month on any outstanding balance.