

# VILLAS DE LAS FLORES HOA

## Enforcement Procedures/Fine Schedule

A. In the event of an alleged violation of the Association's CC&Rs, Bylaws or Rules and Regulations ("Governing Documents") by an owner or an owner's family member, guest, invitee, agent, or tenant, the Board of Directors or a Hearing Committee appointed by the Board will generally follow the enforcement procedures outlined below. However, when the circumstances warrant, the Board may take more immediate action, such as noticing a hearing without first sending a violation letter, or initiating an action in the Superior Court, to secure an owner's compliance with the Governing Documents.

B. Violation Letters. The Association may first send a courtesy violation letter to the owner. This letter shall advise the owner of the nature of the violation and the specific section(s) of the Governing Documents violated. The letter shall provide a deadline (typically 15 to 30 days, depending on the nature of the violation) by which the owner must cure the alleged violation, and shall inform such owner that a failure to comply by the deadline may result in fines, other penalties, or other legal action as necessitated by the circumstances and nature of the violation. The Association may send a second or third violation letter to the owner, before proceeding with a Notice of Hearing.

C. Notice of Hearing. If the Violation Letter does not result in compliance by the stated deadline, a Notice of Hearing may be sent to the owner advising the owner that a hearing before the Board of Directors, or a Hearing Committee, will be held in connection with the violation. In its discretion, the Board may immediately send the Notice of Hearing to an owner, without first sending an initial violation letter. The Notice of Hearing shall be mailed at least ten (10) days before the hearing and will advise the owner of:

1. The date, time and place of the hearing;
2. The nature of the dispute/violation, with references to provisions of the Governing Documents that have been violated;
3. The necessary corrective action;
4. The disciplinary measure or measures that may be imposed, including, without limitation, the potential for the imposition of a fine on a continuing daily, weekly or monthly basis;
5. The owner's right to attend the hearing and address the Board or Hearing Committee;
6. The owner's right to present oral and written evidence and to confront and cross-examine adverse witnesses; and
7. The owner's right to have counsel present.

8. The owner's right to request the inspection and production of documents or other items by applying to the Association in writing at least two (2) days before the hearing date.
- D. Hearings. Hearings will be conducted in executive, or closed, session. The owner shall have an opportunity to present his or her case for a maximum of 15 minutes. The Board or Hearing Committee shall then take the matter under submission and notify the owner in writing of the Board's or Hearing Committee's determination, and the reasons for any disciplinary measures imposed, within fifteen (15) days. Any disciplinary action may take effect no sooner than five (5) days after the hearing.
- E. Disciplinary Actions. The Board or Hearing Committee may take one or more of the following actions, in addition to any others provided for by the Governing Documents, California law and/or as necessitated by the facts and circumstances of the particular matter:
  1. Levy a fine or fines, in accordance with the Fine Schedule. Continuing violations, such as, without limitation, an ongoing noise violation may result in consecutive daily, weekly or monthly fines for as long as the violation continues.
  2. Suspend the owner's voting rights and rights to use the recreational facilities. Any suspension of an owner's rights as a member shall be for the period during which any Assessment owed by the owner remains unpaid and delinquent, or for so long as any other type of violation continues.
  3. Levy a Special Assessment. Levy a Special Assessment to reimburse the Association for expenses incurred if maintenance, repair or replacement of any Maintenance Property or Common Area is necessitated by the willful or negligent act of an owner or an owner's guest, family member, tenant or invitee.
  4. Removal of Vehicles. The Association may cause the removal of any vehicle that is parked or maintained in the community in violation of the Governing Documents.
- F. Right to Appeal from Hearing Committee Decision. If a disciplinary measure is imposed on an owner by the Hearing Committee, the owner may appeal the decision to the Board of Directors. The Board shall hear the appeal in executive session and make a determination whether to affirm, reverse or modify the decision of the Hearing Committee. The notice of appeal must be submitted in writing or via e-mail to the management company within thirty (30) days of the date of the letter advising the owner of the disciplinary measure. The Board shall act on the appeal within a reasonable timeframe of receipt of the notice of appeal and when a board meeting is set.

## FINE SCHEDULE

Reasonable fines for first-time violations shall be levied in accordance with the following schedule:

Hazardous Activities in Violation of any Governing Documents (Risk or Harm to Person or Property)	\$500.00
Maintenance and storage of any "Prohibited Vehicle" as defined in the CC&Rs, e.g., RVs, commercial vehicles, vehicles with more than two axles.	\$200.00
Not maintaining landscaping in owner's exclusive use patio area (enclosed)	\$200.00
Unauthorized Improvements to Property – No Application OR; Construction that does not conform to plans submitted to and approved by the Architectural Committee	\$200.00
Rentals of units for less than 14 days	\$500.00
Violation of pool rules	\$200.00
Violation of the quiet enjoyment of other's property or unit	\$200.00
Disposal of unauthorized items in the dumpster or dumpster area	\$200.00
Use of Residence for Commercial Purposes	\$200.00
Allowing a dog off leash	\$100.00
Failure to pick up or clean up after pet in common areas and failure to clean pet urine or feces in exclusive use (enclosed) patios which emanate a obnoxious smell or odor	\$200.00
Any Violation Not Specifically Mentioned	Up to \$500.00

Continuing Fines for Continuing Violations: The Association's notice of hearing may provide that the Board or Hearing Committee will consider imposition of the fine on a continuing daily, weekly or monthly basis. If such a continuing fine is imposed after notice and hearing, the responsible owner will be liable for the amount of the fine imposed for each day, week or month, as appropriate, that the violation continues unabated. Owners subject to a continuing fine are responsible for notifying the Association promptly upon bringing their property into compliance so that the Association can confirm that the owner has cured the violation and otherwise come into compliance and halt future recurring fines.

Increased Fines for Repeated or Continuing Violations: Fines for continuing or repeated violations may be increased at the discretion of the Board or Hearing Committee, following notice and a hearing, up to \$1,000.00 each. Four or more related or unrelated violations assessed to a single unit in any 12-month period may result in an additional fine of up to \$500.00 at the discretion of the Board of Directors or Hearing Committee, following notice and a hearing.

Collection of Fines: The Board may collect unpaid fines through Small Claims Court actions or other available means.

Approved May 29, 2021