

ENFORCEMENT POLICY
Westminster Glen Estates Homeowners Association, Inc.
December 2014

The Board of Directors adopts the following policy for addressing violations of the governing documents:

A. Remedies for Violations.

1. Remedies. This policy applies to all violations of the Declaration, Bylaws, and recorded rules and regulations of the Association (collectively, a **Violation**). The Board of Directors may respond to a Violation with any of the remedies listed below. The below-listed remedies shall be in addition to any other remedies provided by the Declaration, Bylaws, State statute, or other law:
 - a. record a notice of non-compliance in the County Official Public Records;
 - b. levy a damage assessment against an owner;
 - c. impose costs of collection or enforcement (including manager's and/or attorney's charges) against an owner; and
 - d. assess a fine against the owner and the owner's lot.
2. Vicarious Liability. Owners are responsible for all Violations of their tenants, guests, invitees, or occupants.
3. Administrative Fee. The Association may charge an administrative fee of not more than \$25.00 per notice to defray the time and cost of processing violation notices.
4. Non-Exclusivity. These remedies are cumulative, and may be imposed in combination with each other. For example, the Board may, for the same Violation, impose a fine and charge manager's or attorney's fees incurred incident to enforcement.
5. Imposition of Fines. The Board gives standing orders to the managing agent to apply this procedure and, if the Violation is not timely cured, send the first notice. If the Violation is not timely cured after the first notice, the Board may impose fines according to its reasonable discretion, up to \$100.00 per day. In setting the fine, the Board may consider all factors it deems relevant, including the nature of the Violation, its frequency, and effect on neighboring owners and properties.
6. Repeat Violations. At the discretion of the Board, the fine for a repeat Violation within 6 months may be higher than for the previous violation(s).
7. Fine Period. As a general rule, fines for a discrete incident will be imposed on a per occurrence basis. Fines will be imposed on a daily or weekly basis if the Violation is of a continuous or ongoing nature.

B. Enforcement Procedure

The following outlines the general enforcement procedure for Violations. Strict compliance is not necessary, as long as the Owner is given fair notice and all statutory conditions for enforcement have been met.

1. First Notice. The Association shall mail a courtesy notice letter to the Owner involved that identifies the alleged Violation, requests that it be corrected within a specified time, and advises of the remedies the Association can impose if non-compliance continues. This step shall not apply for repeat/recurrent Violations for which a notice was sent within the preceding 6 months.
2. Formal Notice. In the event the Violation is not corrected within the specified time, or recurs within 6 months, the Association shall give the Owner written notice by certified mail, return receipt requested, that:
 - a. describes the Violation and states the remedy to be imposed, including amount and beginning date of the proposed fine;
 - b. allows the Owner a reasonable time, by a specified date (which date may be shorter than the cure period allowed in the letter sent pursuant to step 1), to cure the Violation and avoid imposition of the remedy; provided, this provision shall not apply if the Owner was given certified mail notice and a reasonable opportunity to cure a similar Violation within the preceding 6 months;
 - c. states that not later than the 30th day after the date the owner received the notice of Violation, the Owner may request a hearing before the Board to contest the matter;
 - d. advises that the request for hearing must be in writing and delivered to the Association;
 - e. states that attorney's fees and costs will be charged if the Violation continues after the conclusion of the hearing or, if no hearing is requested, after the deadline for requesting a hearing.
3. Hearing. Upon receipt of a request for a hearing, the Board shall promptly schedule the hearing and give the owner at least ten days' advance written notice (including transmission via email) of the date, time, and place of the hearing.
4. Delivery of Notice. A certified mail letter that is returned to the Association due to the owner's failure or refusal to claim the letter shall be deemed received by the owner on the 5th day after the postmark date of the letter.
5. Notice of Fine. The Association shall notify the owner of the levied fine within 30 days of imposition of a fine. This notice need not be sent by certified mail.
6. Payment. Payment of the fine shall not substitute for, or be in lieu of, correcting the Violation.
7. Exemptions. The foregoing procedures do not apply to a lawsuit seeking a temporary restraining order or temporary injunctive relief, or to the collection of regularly scheduled assessments and late fees.

