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CC&R Enforcement Procedures **(Adopted January 17, 2008, Rev. November 21, 2013)**

PURPOSE: This document establishes the procedures to be followed when a member is believed to be in violation of the CC&Rs or operating rules of the Association.

INTRODUCTION: CC&Rs are imposed on each property that is subject to the SLVHA and are for the mutual benefit of all properties within the Association. Ensuring that all homeowners abide by the CC&Rs is an important part of the Association's responsibility to all members. In most situations, a homeowner's pride of property and desire to be a good neighbor is all that is needed to ensure compliance with the CC&Rs.

However, when compliance is not voluntary and timely, formal action by the Association is required to bring a property into compliance. In such cases, the Association has the authority to impose fines or sanctions.

TYPES OF VIOLATIONS: Violations can be defined as "one-time", "repeat", or "continuing" violations.

A "one-time" violation occurs when a homeowner has violated the CC&Rs or operating rules and subsequently corrects the problem.

A "repeat violation" occurs when, following resolution of one violation (through either compliance or a hearing), the homeowner commits the *same* violation again, regardless of the time since the preceding violation.

A "continuing violation" occurs so long as a violation is not corrected. In such cases, the Board may impose a daily fine against the homeowner until such time that the violation is corrected. (The Board holds one hearing to impose the fine and conditions for a continuing violation).

In addition, some violations are simple to correct while others may be more difficult and require more time to correct. An example of a simple violation is grass that has grown excessively tall, leaving the appearance of lack of maintenance; simply cutting the grass brings the property into compliance. A more difficult problem may occur when a property falls into significant disrepair; the homeowner may need to hire a contractor, obtain building permits, arrange financing, etc.



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DISCIPLINARY PROCEDURE

Notice of Violations

Violations are brought to the attention of the SLVHA either by a homeowner who reports a suspected violation or by an SLVHA enforcement officer during routine drive-through observation.

When a violation is identified, the enforcement officer will document the violation. The homeowner is then notified in writing of the violation.

The Notice of Violation will be sent to the homeowner by either personal delivery or first class mail, and will provide the following:

- (1) The nature of the alleged violation(s); and
- (2) A statement that the member has the right to attend a hearing and present facts contesting the violation or circumstances that may mitigate disciplinary action.

Homeowner Response to Notice

A homeowner who receives a Notice of Violation has two options:

- (1) Correct the violation within a period of time approved by the Association enforcement officer, and provide proof to the Association that the violation has been corrected; or
- (2) If the violation is not corrected within the time approved, the Association will schedule a disciplinary hearing at which the homeowner may present facts why the property is not in violation, facts that prevent timely correction of the violation, or facts that may mitigate disciplinary action.

Hearings and Decisions

If a hearing is scheduled, a Notice of Hearing will be mailed by first-class mail at least ten (10) days prior to the hearing.

Homeowners who wish to speak at their hearing **must** notify the Association at least twenty-four (24) hours prior to their hearing date to schedule a time for the hearing. Otherwise, the matter will be heard as time permits.

Prior to the hearing Association staff and Board members, receive a list of all properties scheduled for a hearing in order to review the violation(s).

A hearing is held in an executive session of the Board (only the Board, Association employees, and the homeowner are permitted), and scheduled to last a maximum of ten (10) minutes. Hearings follow the example of Small Claims Courts, which means that lawyers may not be present during the hearing, and



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all evidence is presented by Association staff and by the homeowner. A notice of decision will be mailed within fifteen (15) days of the hearing.

Results can vary from dismissal of the violation, imposition of a fine, or waiver of the fine. (See *Fines and Costs for Violation of CC&Rs*, separately adopted by the Board of Directors.) The Association retains the right to combine fines with other disciplinary actions or other sanctions and conditions depending on the nature of the violation. Once a matter has been decided, the homeowner is subject to additional fines for the same violation up to six (6) months following the decision (a "repeat violation").

Each matter before the Board is considered on its own merits. Earlier decisions regarding other properties or previous owners of the same property do not bind the Board's action in the matter before the Board.

The Board in its discretion may refer unpaid fines to a collection agency or seek a court order to address unresolved violations or unpaid fines.

Appeal

The decision of the Board cannot be appealed to a rehearing by the Board. If you missed your hearing date, you can submit a written explanation of the facts and argument setting forth the reason(s) why the decision of the Board should be reconsidered. Internal dispute resolution (IDR) is available to all Association members and could be used to dispute the Board's disciplinary action (see *Internal Dispute Resolution and Alternative Dispute Resolution*, separately adopted by the Board of Directors).

AUTHORITY: Pursuant to Civil code section 5850(a) and the governing documents of the San Lorenzo Village Homes Association (SLVHA), the SLVHA has the authority to enforce the Covenants, Conditions, and Restrictions (CC&Rs) on members' properties, and the authority to impose a monetary penalty on any member for a violation of the CC&Rs or operating rules of the Association. ("Operating rules" that implement policies or mandates in the CC&Rs are established from time to time by the Association Board.)

Adopted by the San Lorenzo Village Homes Association Board of Directors January 17, 2008

Certified as a true copy

A handwritten signature in cursive script, appearing to read "Lisa Wright", is written over a horizontal line.

Secretary of the Corporation