

## **Montair Homeowners Association Schedule of Fines / Enforcement Policy**

Section 5.08 of the Montair Homeowners Association CC&Rs authorizes the Board of Directors to impose monetary penalties and/or temporary suspensions of an owner's rights as a member for failure to comply with the rules and provisions of all governing documents.

***Fining and penalizing are not the desired methods to gain compliance regarding rules and governing document violations. The Board of Directors considers fining and other penalties as an alternative to be exercised only after reasonable efforts have been made to gain cooperation and compliance with Montair Estates governing documents.***

Civil Code Section 5855(a), part of the Davis-Sterling Common Interest Development Act, requires this schedule be published and distributed to the association.

### **DISTRIBUTION OF THIS POLICY**

Upon distribution by the Board of Directors this policy will remain in effect until such time that it may be modified by the Board of Directors. If at any time in the future this policy is modified, it shall be redistributed to the Association Members. It will also be provided to new Members to the extent they can be identified by the Association.

### **PROCEDURE**

**Step 1)** When appropriate, as determined by the Board of Directors, a representative(s) of the Board of Directors will make reasonable attempts to personally contact a violating Member and advise them of the specific violation(s) and request correction of said violation(s) within a specific time frame. This optional step is intended to be a less formal means of gaining cooperation and compliance when deemed appropriate for the circumstances.

**Step 2)** The Board of Directors will notify a violating Member, via an official courtesy letter, citing the specific violation(s) and requesting correction of said violation(s) within a specific time frame. Such communications will be sent via registered mail or via a similar manner which will verify document delivery.

*[At its discretion, the Board of Directors may initiate follow up contacts via official second notice(s) and requests in order to make every effort to resolve a violation prior to utilizing penalties and sanctions. Penalties and sanctions are not the desired means of compliance to rules and governing documents]*

**Step 3)** Should the violating Member fail to comply, resolve or correct the violation, the Board of Directors may proceed with the penalty process as necessary in order to gain compliance by taking the following actions:

- At least fifteen (15) days prior notice of the proposed penalty must be given, in writing, to the Member. The written notice is to include the reason(s) for the proposed penalty. Such communications will be sent via registered mail or via a similar manner which will verify document delivery.
- The Member shall have the opportunity to be heard by the Board of Directors, orally or in writing at the option of the Member, not less than five (5) days prior to the effective date of the proposed penalty.

A written notice of the decision on whether to impose the fine or penalty must be delivered to the Member within fifteen (15) days after the board has made its decision.

### **FINE OR PENALTY**

If the decision of the Board of Directors is that a violation has in fact occurred (and/or is continuing to occur), the Board of Directors may elect to fine and/or penalize the Member. Such fine will be a minimum of \$50 with a maximum fine not to exceed \$250 (depending on severity or category of the violation) for each offense, occurrence, or a continuing offense. Fines may be imposed on a per day, per week or per month basis for continuing, unresolved violations. Fines may be imposed concurrently with other action by the Board to address a violation if it is necessary.

If, as the result of an unresolved violation, fines accrue to a level sufficient to meet statutory requirements for Small Claims recovery, the Board of Directors may initiate such actions.