

Carefree Shadows Homeowners Association CC&R Violation Policy

The responsibility of any municipality or public body is to protect the health, welfare, and safety of its residents. A Homeowners Association has the additional obligation to protect the quality of life and the property values of its member property owners. Associations adopt Covenants, Conditions & Restrictions (CC&Rs) to meet that challenge.

CSHA has very reasonable set of CC&Rs. The goal of the CC&Rs is to protect, preserve, and enhance property values in the community. Most often the regulations are honored by member homeowners. On the rare occasion of a complaint, which must be submitted in writing or via email to the CC&R Compliance Officer, said complaint is investigated and, if the complaint is found to have merit, the Compliance Officer will take appropriate actions as outlined below:

CSHA CC&Rs violations

1st Notice – A verbal notice, along with the written particulars of the specific violation, will be issued directing the property owner to address the violation *within* 1 week.

2nd Notice – Failure to address the CC&R violation within the timeframe specified will result in a 2nd written notice of violation along with imposition of a fine ranging from \$25 to \$200. Notice will be provided via standard USPS mail delivery. Disregard of the 2nd notice, in the absence of an Appeal to the Board, or repeat violations for the same infraction, will result in additional escalating fines. In cases of threats or harassment, local law enforcement authorities will be notified.

Notice/Violation Letters:

The 2nd notice, if necessary, shall be mailed to the homeowner's address as shown on the records of the Association. If more than one person or entity owns a lot/unit, a notice to one of the joint owners shall constitute notice to all the joint owners. The notice of violation shall contain the following:

1. The Provision of the community documents that has allegedly been violated.
2. The maximum amount of the monetary penalty that may be imposed by the Board with respect to each Notice, to include the potential for escalating fines.
3. A Statement that the homeowner may request, in writing, a hearing on the subject of the violation before the Board. In order to be heard, the Association must receive a written request for such hearing within 5 days of the date of the letter. A homeowner's failure to request a hearing within the prescribed time period shall be deemed a waiver and forfeiture of the owner's right to a hearing with respect to that notice.

4. A Statement that (i) if the homeowner fails to timely request to be heard, the amount of the monetary penalty as set forth in the notice shall be due within 30 days of the date of the letter, and (ii) if the homeowner requests to be heard as prescribed, any amount of monetary penalty imposed by the Board shall be due within 30 days after the date of the Board's notice of decision.

Appeals Hearing: The Board shall conduct a timely requested hearing. Upon conclusion of the hearing, the Board shall determine, in its sole and absolute discretion, whether a violation occurred and, if so, the amount of the monetary penalty, if any, to be imposed for such violation. Such monetary penalty may not exceed the prescribed amount set forth in the notice. The Board shall mail the Decision to the homeowner. If the homeowner fails to appear at the hearing, then the homeowner shall be deemed to have waived his/her right to a hearing with respect to that violation.

The homeowner has the option to petition for an administrative hearing on this matter in the Arizona Department of Real Estate pursuant to A.R.S. §32-2199.01 (this was formerly handled by the Department of Fire, Building and Life Safety). See <http://www.re.state.az.us/HOA/HOA.aspx/> . Filing fees apply.

Non-Payment of Fines: Assessed fines which remain unpaid 30 days after written notice is issued, or upon final determination of an appeal, are delinquent. Failure to remit fine payments within the allotted timeframe **may result in a property lien.**

The Homeowners Association may seek further relief for non-payment of fines through the Association attorney and the court system. All HOA costs and legal fees associated with those actions will become part of the judgment being sought.

End of Policy