

# RIVER CROSSING HOMEOWNERS' ASSOCIATION

## Violation Enforcement Policy/Delinquent Assessment Late Fee

**Board of Directors' Passed Motion Approving Violation procedures set forth below:**

### **a. Preamble**

**1.1 Statement of Authority.** The Board of Directors of the River Crossing Homeowners' Association (RCHOA) has authority pursuant to the Declaration of Covenants, Conditions and Restrictions (CC&R's), RCW 64.34.020 and the By-Laws of the Association, to determine the manner of remedy for violations of the provisions set forth in the CC&R's and/or By-Laws;

**1.2 Identification of the Problems.** The River Crossing Homeowners' Association Board of Directors ("Board of Directors") finds there is a need to establish procedures for the enforcement of the restrictions, architectural, design, landscape and maintenance standards of the CC&R's, By-Laws and established Association Standards and for the elimination of violations which may be found to exist within the Association. **In addition, the Board of Directors finds that there is a need to encourage homeowners to remit their assessments in a timely manner so as to facilitate the maintenance of common areas. Therefore, the RCHOA may from time to time establish reasonable late charges to be charged on delinquent assessments.**

### **b. Action of the Board (Violation Enforcement Policy)**

BE IT RESOLVED that the following procedures and practices are established for the enforcement of violations of the use restrictions, architectural, design and maintenance standards of the CC&R's, By-Laws of the RCHOA and for the elimination of violation of such provisions found to exist in, on or about any property within RCHOA, and known as the "Violation Enforcement Policy" of the Association:

#### **2.1 Establishment of a Violation.**

- a. Architectural and/or Landscape Standards: Any improvement of any kind or nature erected, placed, painted or altered on any Lot which has not been first approved in writing by the governing Architectural Control Committee ("ACC") or which does not in all respects conform to what has been approved is deemed a "Violation" under this Enforcement Policy for all purposes.

- b. Any activity or condition continuing on any Lot that is in direct opposition to the CC&R's, By-Laws and/or established standards which is not expressly authorized, by the Board or ACC is deemed in "Violation" under this enforcement policy for all said purposes.
- c. "Member" is considered the Owner of Record.

## **2.2 Notice of First Violation.**

- a. Initial Notice: Upon verification of the existence of a Violation, the Board of Directors will send to the Member a written notice of the violation.
- b. This first written notice will inform the recipient as follows:
  - i. The nature, description and location of the violation;
  - ii. A request to remedy the violation;
  - iii. The contact information for the Board of Directors if the Member has any question for clarification of the violation; and
  - iv. Provide the Member an opportunity to be heard to contest the violation by setting forth their position within the specified number of days.
- c. If the Member fails to remedy the cited violation after the first letter within a period of 10 days and/or alternate identified specified time period, a second written notice will be sent as stated herein.

## **2.3 Notice of Second Violation.**

If the Member fails to remedy the cited violation, fails to submit plans to remedy the violation or continues with a project denied by the ACC and/or Board of Directors, the Board of Directors will send to the Member a second notice of violation no earlier than 12 days from the first written notice, informing the recipient as follows:

- a. The nature, description and location of the violation and the failure of the Member to correct the violation, as previously requested;
- b. Notice that if the violation is corrected or eliminated within 7 days from the postmark of the second notice of violation, no further action will be taken;
- c. Failure to correct the Violation or cease work on any improvement will result in the Association electing to pursue any one of the remedies available to the Association under the Declaration, Bylaws or this enforcement policy, including but not limited to assessing fines;
- d. Provide contact information for the Board of Directors if the Member has any question for clarification of the violation; and
- e. Provide the Member an opportunity to be heard to contest the violation by setting forth their position within the specified number of days.

## **2.4 Notice of Third Violation.**

When it has been determined that the 7 days allowed per the notice of second violation has failed to correct the violation, the RCHOA Board of Directors will send a third and final written notice to the Member informing the recipient as follows:

- a. The nature and description of the violation and the failure of the Member to correct the Violation, as requested;
- b. Notice that the violation has caused a fine to be assigned to the Member's account and that all related costs plus the fine will be subject to any and all available collection efforts beginning no earlier than 5 days from the post mark of this notice;
- c. After the initial fine is assessed, additional fines may be charged and increased at 5 day intervals pursuant to the fine schedule;
- d. The Member shall have the opportunity to request and be granted a hearing to appeal said violation;
- e. The request for hearing must be in writing and delivered to the RCHOA Board of Directors within 5 days from the date of the assignment of the fine notice; and
- f. Failure by the Member to contact the RCHOA Board of Directors, in writing, within the 5 day period shall be a waiver of the opportunity for said hearing.

Notwithstanding the above, the Board may at any time during the enforcement process determine it to be in the best interest of the Association to refer the matter to Legal Counsel to pursue any remedy allowed by law. **Violation fines will continue to be imposed pursuant to the fine schedule once the account is turned over to Legal Counsel.**

A Member may correct or eliminate a violation at any time during the pendency of any procedure stated herein. However, once the violation has been corrected, the Member will remain liable for all costs and fines assessed to the property pursuant to the Association's governing documents and state law.

## **2.5 Repeat Violations.**

- a. If a violation of the same nature is repeated within 1 year after the last violation letter was sent, the violation letter process will continue uninterrupted.
- b. If a violation of the same nature reoccurs more than one year after the last violation letter was sent the violation will be considered new and the process starts from the beginning, or first letter.

## 2.6 Schedule of Fines.

Landscape Maintenance Violation:	\$25.00 per week/initial violation
Architectural Violation:	\$50.00 per week/continued violation after 30 days
Front and Rear Yard Installation Violation:	\$100.00 per week/continued violation after 60 days
Trash Cans:	\$25.00 per week
Maintenance of Animals:	\$25.00 per week
ACC Application Violation: (An ACC Application must be submitted and approved before any architectural improvements can be made. If the application is not submitted and approved prior to commencement of the work, fines can be imposed from the day work began, after the appropriate notice and hearing.)	\$100.00 per week

This above list is not complete or comprehensive. All other violations not listed or specified above will result in reasonable fines up to \$300.00 per week. **All fines are immediately due and owing. If a Member fails to pay any fine imposed within 10 days from the postmark of the third violation notice, a weekly late fee of \$10.00 will be imposed upon the Member until all assessed fines are paid in full. This constitutes a late fee on fines only and is separate and in addition to any fines which may be imposed on delinquent assessments. Such amounts shall be invoiced on Member's next assessment statement.**

Furthermore, Members are responsible for any and all legal fees or costs incurred by the Association to enforce violations or collect fines.

## 2.7 Continuing Violation.

The Board may impose a continuing monetary penalty, assessed on a weekly basis, without additional notice or hearing, until the infraction or violation has been remedied. A continuing violation is a violation of an ongoing nature which has not been corrected.

## 2.8 Repeat Violation.

A repeat violation occurs when a person violates the same provision of the Association's Governing Documents more than once and has already been given the appropriate warnings and hearings. A repeated violation will result in an immediate doubling of fines.

There may be a repeat, continuing violation, in which case fines (which have been doubled) will be assessed on a weekly basis until the violation is corrected.

## **2.9 Distribution of Resolution.**

A copy of this Resolution shall be sent to all Members via electronic mail and shall be available on the Association's website.

### **NOTE: LEGAL COSTS**

All legal costs of enforcement of these rules and regulations shall be placed upon the individuals who are ultimately declared to be violators of the above referenced rules and regulations. These costs include, but are not limited to, direct and indirect costs of legal services, secretarial services, and related expenses thereto.

#### **c. Action of the Board (Delinquent Assessment Late Fee)**

**BE IT RESOLVED** that in addition to the remedies set forth in Article VII of the CC&R's of RCHOA, the Board of Directors finds it necessary pursuant to RCW 64.38.020(11) to impose a late fee on delinquent assessments. This fee is intended to reimburse the Association for the time and costs associated with sending delinquent notices to homeowners.

**1. First Notice.** The RCHOA may send to any Owner who is more than ten (10) days delinquent in the payment of regular or special assessments, or other charges authorized by the Association's Governing Documents ("Assessments"), a written notice (the "First Notice") of the late fee and a request for immediate payment.

**2. Second Notice.** The RCHOA may send to any Owner who is more than forty (40) days delinquent in the payment of Assessments written notice (the "Second Notice").

**3. Third Notice.** The RCHOA may send to any Owner who is more than seventy (70) days delinquent in the payment of Assessments written notice (the "Third Notice" or "Final Notice") that unless the account is paid in full within ten (10) days, the account may be turned over to collection.

**RCHOA will charge the following late fees for delinquency notices:**

**Certified Letters:**

**\$15.00/letter\***

**Delinquency: Notification & Follow UP  
\$10.00/letter\***

**NSF and Returned Checks:  
\$37.50/check\***

Dated: \_\_\_\_\_

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President

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Vice President

\_\_\_\_\_

Secretary

\_\_\_\_\_

Treasurer

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Director