



**Board of Directors
Policy Statement**

Citation Reference: CC&Rs - Various sections	Policy: Enforcement and Fines
Effective Date: TBD	Date of Execution: TBD

<p>Purpose and Background:</p>	<p>Washington State law allows HOAs to levy reasonable fines for purposes of CC&R enforcement. In response to resident's concerns, with guidance from our legal counsel and examples from similar communities, and in accordance with the Revised Code of Washington, Section 64.38.020, the <u>Lacamas Shores HOA's Board of Directors</u> has developed the enclosed fine schedule and policy for enforcing and addressing LSHOA CC&R violations.</p> <p>It has been the LSHOA Board's policy to not police the community looking for CC&R violations. However, when one is brought to the attention of the Board by a member, it is obligated to <u>look into/consider</u> the complaint.</p> <p>There are some parts of our CC&Rs that are open to interpretation, and <u>there are</u> others that are <u>quite</u> definitive. This fine schedule attempts to address common issues where our CC&Rs are clear and where the HOA receives the most complaints.</p> <p>The <u>vast majority/clear majority</u> of our community consistently abides by our CC&Rs, but <u>many</u> members have expressed frustration in situations where a neighbor does not abide by the rules, and they look to the HOA <u>to find for resolution/to the issue</u>.</p> <p>The goal of implementing this policy is to encourage residents to abide by the CC&Rs and quickly correct violations.</p> <p>As allowed by the Revised Code of Washington [RCW 64.38.020 (11)] and the Covenants, Conditions and Restrictions of the Lacamas Shores Homeowners' Association Section 5.36, this Enforcement Procedures and Fine Schedule <u>was adopted by the Board of Directors at the June 30, 2015 meeting and became effective August 1, 2015. The policy was amended at the _____, 2017 meeting and becomes effective - 2017.</u></p>
<p>Policy:</p>	<p>Washington State law allows HOAs to levy reasonable fines for purposes of CC&R enforcement. In response to resident's concerns, with guidance from our legal counsel and examples from similar communities, and in accordance with the Revised Code of Washington, Section 64.38.020, the LSHOA Board has developed</p>

	<p>the enclosed fine <u>policy and</u> schedule and policy for enforcing and addressing LSHOA CC&R violations.</p> <p><u>This policy is complaint-driven. There are not the volunteer hours available nor the community desire to address every possible violation of every CC&R section. However, it is clear that it is the responsibility of every Homeowner to comply with all CC&Rs to the extent possible.</u></p>
<p>Procedures:</p>	<p>1) Upon identification of a violation of the CC&Rs or rules & regulations by an HOA member, through the appropriate Association Committee or empowered entity, or by the Board of Directors, an effort will be made to communicate directly with the <u>Homeowner</u> to provide a friendly <u>verbal</u> reminder and discuss the violation and possible resolution. <u>[The previous “friendly reminders” were actually official letters sent that called themselves “friendly notifications”.]</u></p> <p>2) <u>If a quick resolution is not foreseeable, or a verbal reminder is not practically attainable</u> In addition, a written notice will be sent by certified or priority mail describing the <u>applicable CC&R section, the action/condition violating the CC&R, and the remedy needed</u>. Written notification will require the <u>Homeowner</u> to correct the violation within <u>the applicable remediation timeframe</u> 15 (fifteen) days, or <u>respond with a request for a hearing or with a schedule for corrective action during that timeframe, or respond with a request for a hearing within 30 days, per Section 5.26. The remediation timeframe is 30 (thirty) days for maintenance issues, 7 days for 48-hour issues, and as determined by the Board’s discretion for other issues but no less than 48-hours.</u></p> <p>3) Upon expiration of the initial 30 <u>15 (thirtyfifteen)</u> day period with no response by the <u>Homeowner</u>, a second letter will be sent via certified or priority mail <u>requiring a response within 15 (fifteen) days notifying the Homeowner of the corrective action to be taken and/or of any applicable fines or other action.</u></p> <p>4) Compliance schedules which are submitted within the original 30 <u>15 (thirtyfifteen)</u> day window, have reasonable timeframes, and are approved by the Board, will not be subject to a fine.</p> <p>5) Repeat violations will not be given the friendly reminder and shall be assessed at double the previous fine level.</p> <p>6) Fines will be imposed as noted in the fine schedule (attached as Exhibit A) after notice and the opportunity for a hearing. All fines are subject to the hearing process described below. If the Board finds that a violation exists, the fine is retroactive to the date written notification of the violation was first received or delivered <u>(whichever date was first)</u>. If the Board determines there is not a violation, the fine is dismissed.</p> <p>Hearing Process:</p>

	<p>a. If a an <u>Homeowner</u> does not agree with the issue or violation, or previous resolution proposals, the <u>Homeowner</u> may file a request for a hearing before the Board with supporting documentation or evidence within 15<u>30</u> (thirty<u>thirtyfive</u>) days of the notice of violation. <u>CC&R § 5.26</u></p> <p>b. The Board will consider the documents, evidence and any testimony at the next <u>regularly scheduled Board Meeting in Executive Session</u>. The <u>Homeowner</u> may be present at the hearing<u>during such presentations</u>.</p> <p>c. The Board of Directors of the HOA will make a final decision following the hearing <u>and confidential deliberation</u>. If the Board of Directors concludes that a violation exists, a fine will be levied. <u>All Board decisions shall be made during regular session Board Meetings</u>.</p> <p>7) Failure to pay a fine can result in <u>additional fines per the schedule and/or the Annual Assessment Policy, as well as</u> a continuing lien on the property.</p> <p><u>8) This policy</u> and does not waive the HOA's right to litigation <u>or other action</u>, if necessary.</p>
FAQ's	<p><u>Q:</u> How were the items on the fine schedule determined?</p> <p><u>A:</u> The Lacamas-Shores JLS Board studied policies in similar communities nearby and sought input from our attorney to identify those violations that were clearly defined in the CC&Rs.</p> <p><u>Q:</u> Why are we initiating a fine schedule?</p> <p><u>A:</u> In order to<u>To</u> administer the CC&Rs uniformly and fairly throughout the neighborhood, we must have a documented and enforceable process. The objective is to ensure that our <u>Lacamas Shores</u> neighborhood <u>consistently</u> maintains a consistently high level of <u>"quality and character" in accordance with the legal purpose of our HOA</u>.</p> <p><u>Q:</u> How do I get a copy of the Lacamas Shores CC&Rs?</p> <p><u>A:</u> <u>You can find a copy of our CC&Rs on the official HOA website, www.lacamasshoreshoa.org</u>. A copy should have been provided to you at closing. As each homeowner purchases <u>property</u> in <u>Lacamas Shores</u>, the closing papers that we all sign inform the buyer that <u>Lacamas Shores</u> is a <u>C</u>covenanted <u>C</u>ommunity and the homeowner<u>resident</u> agrees to, and is responsible for knowing and abiding by these <u>covenants</u>. This means that we all agreed individually to abide by the legal contract called our CC&Rs. You can find a copy of our CC&Rs on the official HOA website: www.lacamasshoreshoa.org.</p> <p><u>Q:</u> How were the <u>Lacamas Shores C</u>covenants developed?</p>

A: The CC&Rs were written by the developer of Lacamas Shores to define some of the expectations and processes of the community. The Declaration of Covenants, Conditions & Restrictions is a legal document filed with Clark County.

Q: **How can the CC&Rs be revised?**

A: Changes to the Covenants require approval by 75% of ~~all the~~ Homeowners in good standing. Our community was incorporated in 1988, and to date the CC&Rs have not been amended.

Q: **I'm not sure if something I want to do to my residence or property is in compliance with a violation of our CC&Rs. What should I do?**

A: Start by reading the CC&Rs and if you still aren't sure, just ask! Send an email to board@lacamasshorehoa.com and one of our Board/Committee volunteers will get back with you.

Q: **What if I've been assessed a fine that I don't think is fair. Do I need to pay it?**

A: Yes. But, if you question the appropriateness of the fine you should file an appeal and request a hearing as outlined in the "Procedure" section above on the enclosed sheet titled "Enforcement Procedures and Fine Schedule". That will give you an opportunity to present an explanation of why you don't believe you're in violation. If the appeal is accepted, the fine will not be due. If denied, the fine will be applied from the day notice was first given.

Q: **What happens if I receive notice of the same violation a second time (e.g. • parking a boat in my your driveway for more than 48 hours)?**

A: Friendly reminders will not be given for repeat offenses, and the amount of the fine owed will be immediately doubled. Please be sure to read the fine schedule carefully for full details!

Q: **What happens if a fine is owed and not paid?**

A: If you fail to pay a fine, a continuing lien can be placed on your property for the amount owed. Fines will continue to accrue, including late fees, until the violation has been corrected.

Q: **What should I do if I see that my neighbor has a violation?**

A: The hope of the HOA Board is that having a friendly chat with your neighbor is all it will take to remind them that they're in violation of the rules. Any Homeowner can take on the duty of helping another notice what they might have missed. If that doesn't work, please contact the Board to file an official complaint (see the Homeowner Complaint Form), and the enforcement procedures will be followed, if necessary.

Notes:

This Policy supersedes all prior policies relating to enforcement and/or fines, other than the Annual Assessment Policy.

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FINE SCHEDULE

All fines are weekly unless otherwise indicated or in case of repeat violations, as determined at the Board of Directors' discretion.

Ref #	Description	<u>CC&R</u>	Fine	Note
1	Commencement of building construction without HOA approval	§ 5.14	\$1,000	Fine and compliance (submit request form to seek approval and sign Building Agreement).
2	Unapproved modifications to new construction	§ 5.5, § 5.14	\$500	Fine and compliance (submit request form).
3	Excessive trash during construction	Building Agreement	\$100	After first warning.
4	Unapproved construction or modifications or " <u>exterior alteration</u> " to existing dwelling, installation of solar panels, or repainting with unapproved paint colors	§ 5.5, § 5.13, § 5.14	\$300	Removal of unapproved construction/modifications; repainting with approved color.
5	Unapproved significant alteration of existing landscape; erection of fence, hedge, structure, wall or retaining wall, driveway, swimming pool, sport court, basketball hoop, rookery, etc. without approval. <u>This includes trees and shrubs.</u>	§ 5.6 § 5.14	\$150	Removal of unapproved landscaping.
6	Unapproved replacement of roof with other than like material and color. Use of unapproved roofing materials.	§ 5.13	\$1,000	Removal of unapproved roof; replacement with approved roofing material.
7	Trailers (including but not limited to boat trailers), recreational vehicles, trucks over 3/4 ton, truck with camper mounted, or vehicle in extreme disrepair parked for more than 48 hours in visible overnight (except for occasional guest)	§ 5.19	\$100 50	<u>After first warning, fine charged daily.</u>
8	Animals, fowl or reptiles (other than household pet) kept, bred, or maintained for commercial purpose, or animals creating a nuisance, or animals contained other than on rear portion of lot.	§ 5.7	\$100	Removal of animal, fowl or reptile.
9	<u>Signs erected without permission other than signs specifically allowed by CC&R Section 5.8. Permanent sign larger than 6x14 inches or temporary sign larger than 18x24 inches.</u>	§ 5.8	\$150	Signs will be removed.

10	Conducting business from the residence that involves employees or vendors visiting residence and creating a nuisance.	§ 5.19	\$500 <u>100</u>	Cease business from residence.
11	Unapproved removal of, or intentional damage to an existing tree on a residential lot. (As defined by the city of Camas, a trunk over 4 inches in diameter <u>at 4.5 feet above the ground</u> is considered a tree)	§ 5.6 §5.13	\$1503,000	Fine assessed per tree.
12	Unapproved removal of, or intentional damage to vegetation and/or existing trees in the common area. The removal of trees within the common area may only be permitted if removal is necessitated as a result of a monitoring plan for the wetlands and approved by the HOA and any other city, county, state or federal authority as necessary	§ 5.6 § 5.13	\$3,000 <u>150</u>	Fine assessed per tree. <u>Plus remediation for any permanent damage.</u>
13	Unapproved installation of flag poles, radio or TV antennae or satellite dishes, rotary beams, separate towers, or structures detached from the building.	§ 5.9	\$100	Removal of device or structure.
14	Noxious or offensive activity constituting a nuisance or annoyance, or aesthetic burden.	§ 5.9	\$100	<u>Per incident and/or week.</u>
15	Failure to keep lot or yard maintained, trees and shrubs trimmed in a neat and orderly manner, cultivated, and free from insects and diseases. <u>This includes landscaping that "obstructs another lots view", street signs, or approaching traffic; or that overgrows sidewalks and/or curbs or overhangs to obstruct the passage or view of traffic.</u>	§ 5.10	\$100	
16	Failure to complete new construction within 8 months from commencement.	§ 5.15	\$1,000	Unless waiver is obtained.
17	Failure to complete landscaping within 2 months from the completion of construction.	§ 5.15	\$500	Unless waiver is obtained.
18	Failure to maintain exterior of residence in a clean and attractive condition and 'good repair'.	§ 5.24	\$100	
19	Failure to keep trash in sanitary containers and screened from view from the street or adjacent properties; drying lines (clotheslines) and apparatus not screened from view from the street or adjacent properties.	§ 5.9 § 5.23 § 5.31	\$400 <u>50</u>	

20	Yard debris, dirt, raking, or rubbish kept on street, open space, or lot.	§ 5.23	\$100	After first warning.
21	Release of access code, security devices (e.g. card key), or keys to realtors, construction contractors, landscapers, subcontractors, tradesmen or agents of the above listed.	<u>N/A</u>	\$250	After first warning.

~~* This fine schedule attempts to identify only clearly defined violations of the CC&Rs of the Lacamas Shores Homeowners' Association. Fines may be levied daily, weekly, or monthly, at the Board of Directors' discretion.~~

CC&Rs "§" refers the section of the CC&Rs where the responsibilities requirements are identified.

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