



5 Steps TO ENFORCE YOUR HOA Rules & Regulations

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Every homeowners association has governing documents. Certain rules of conduct within the community are typically found in the “Use Restriction” portion of the Covenants, Conditions, and Restrictions (CC&Rs). In addition, most communities have adopted a set of Rules and Regulations that are even more specific concerning expected conduct within the community. When someone purchases into a community, they are also agreeing to be bound and follow or live according to the governing documents, which include the CC&Rs and rules. The HOA rules and regulations tend to be a primary document for laying out expected conduct within the community and they are set in place by the HOA Board for the best interest of the association community as a whole. When homeowners consistently find ways to dodge these rules, or just outright ignore them, the association can begin to spiral downward. Here are the steps Board members should take to effectively enforce rules and regulations in the association.





Step 1: Communicate

It's crucial that the association's Board enforces the HOA rules and regulations. Even though owners are responsible to know and follow the rules, it is a good practice to remind owners about the rules and regulations that are in place. Board members should encourage and emphasize to homeowners the importance of reading and understanding the CC&R's and rules and regulations. Of course, the Board should follow legal requirements to inform homeowners about any changes made to the rules and regulations. It's helpful to send out reminders once in awhile to keep the rules and regulations top of mind for the homeowners.





Step 2: Send a Letter

The first step an HOA Board should take when a homeowner has violated a rule is to send a formal letter to the homeowner. The letter should include the date of the violation, a description of the violation, how the violation can be resolved, and a reminder of the repercussions the homeowner will face if the rule continues to be violated. The letter should also contain a copy of the rule that has been violated.





A violation letter might say something like this:

RE: Noise Violation

Address: 123 Somewhere Dr. Anywhere, CA 98765

Account: 1234567

Dear [NAME OF ASSOCIATION] MEMBER(S):

During the week of March 14th-20th, 2010 the Association received three separate complaints regarding noise violations at [ADDRESS].

This type of activity is a violation of the [NAME OF HOMEOWNERS ASSOCIATION] governing documents and rules. Please refer to [Section #] of the CC&R's which describes offensive conduct and nuisances and [Section #] of the rules, which address "unreasonable amounts of noise and/or disturbances which would have the effect of unreasonably disturbing the other occupants of [NAME OF HOMEOWNERS ASSOCIATION]."

Because this letter serves as an additional warning, following several previous warnings, the Board has issued a [\$ amount] fine to this unit, for non-compliance. This fine will be finalized at the next Board of Directors meeting, held on April 22nd, 2010 at the Association clubhouse at 6 pm.

You do have a right to attend the April 22nd, 2010 meeting and have a hearing to address the Board regarding these issues. If you should desire to address the Board, please contact this office to express your interest and to confirm your meeting date.

If noise violations continue, the Board will consider additional and increasing fines that would be assessed against your account.

Thank you for your anticipated cooperation in correcting this matter. If you should have any questions, please feel free to contact me at: [CONTACT NUMBER]

From the Board,

[NAME]

[TITLE]



Step 3: Fine the Homeowner

If the homeowner continues to violate the rules and regulations in the association, then the next step the Board should take is to enforce a fine. The amount of time between sending the letter and charging a fine, as well as the amount of the fine, typically depends on the CC&Rs or fine policy, but fine limits may sometimes even be found in the ByLaws. If the homeowner has not addressed the rule violation, and continues to violate the rule, then a Board will typically enforce a fine 15 to 30 days after the violation letter was sent. A common amount of the rule violation fine is \$50 to \$100, but the fine should also include the amount of any damages, repairs or other costs that were a result of the violation.

The homeowner does have the right to have a hearing with the Board to try and rectify the situation. If a homeowner presents a good case against the fine, the Board could decide to waive the fine. In either case, the Board should give the homeowner the opportunity to address the rule violation. After the hearing, the Board must finalize their decision to fine the homeowner or remove the fine and then communicate their decision to the homeowner.





Step 4: Fine the Homeowner Again and Consider Other Options

If a homeowner continues to violate the same rule, the Board can then issue continuing fines, perhaps increasing in dollar amount, based on their schedule of fines procedure. This can continue to build up so that very large total amounts of fines can be established which will hopefully get the attention of the owner to finally rectify the situation. The Board must again follow the process of allowing for a hearing before finalizing each of the fines. If this still does not bring about compliance, the Board can also look at other options such as placing sanctions on the owner (removing privileges such as the use of the pool or voting), and the Board may also consider getting legal counsel concerning other options. Legal and other costs associated with enforcing the rules can typically be charged to the account of the violator.





Step 5: Follow Legal Counsel

Since each circumstance at this stage will be somewhat different depending on various factors, it is probably best to simply seek legal counsel from a law firm that specializes in homeowner associations and follow that legal counsel in seeking to bring about compliance.

To bring clear communication and procedures to your community so that many violations are stopped ahead of time and trouble is avoided for everyone, consider hiring a property management company like The Hignell Companies. For over 30 years we have been helping community associations manage and enforce their rules with great success.





Contact us today to see how we can help you and provide the professional resources your HOA needs.

Call us at (530) 419-6032 or click below
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