

# PLYMOUTH COMMONS HOMEOWNERS ASSOCIATION

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## **RULE: Enforcement of Covenants by HOA Board (RULE #A2021)**

### **Background:**

From time to time, the Board or its agents may determine if violations of the Plymouth Commons Homeowner Association (PCHA) Governing Documents have occurred. Additionally, any PCHA member may file a written complaint with the Board, which will then take the necessary steps to investigate the complaint and, if warranted, initiate corrective action. Enforcement of the governing documents is the responsibility of the Board (see Article VIII.1.c of PCHA Bylaws). The Board can establish rules, regulations, and policies for PCHA's operation according to the authority of Restrictions (see Article VIII.1.d of PCHA Bylaws).

### **Procedure:**

1. As soon as the Board is notified of a potential violation of a covenant, the President (or the majority of the Board, in the absence of the President) will assign the issue to a specific Board member to verify the nature of the potential violation.
2. The assigned Board member will notify the President and Board Members of preliminary findings within seven business days.
3. The President (or the majority of the Board, in the absence of the President) will decide to either:
  - a. Place the potential violation on the agenda for a scheduled monthly Board Meeting; or
  - b. Place the potential violation on the agenda for an Extraordinary Board Meeting.
4. On review of the available information at the Board Meeting, the Board may vote to pursue a **Corrective Action** to address the potential violation, as follows:
  - A. **Notice of Violation and Potential Fine:** A notice providing the details of the violation and explaining that a fine may be imposed by the Board will be mailed to the homeowner for compliance within a defined period of time. This time period will not exceed five business days from the day of mailing.
    - a. On the fifth business day since the mailing of Notice of Violation and Potential Fine, the Board will verify if the violation has been addressed.
    - b. If the violation persists, a **Notice of Hearing** will be mailed.
  - B. **Notice of Hearing:** A Notice of Hearing will be sent to the homeowner; it shall state that the homeowner is entitled to a hearing on the merits of the matter. The Notice of Hearing will include the date and the time of the next Board Meeting.
  - C. **Fines:** If the homeowner fails to participate at the hearing or the violation is found to continue to exist, the homeowner may be assessed a Fine by the Board, as follows.
    - a. **First violation of a covenant:** Up to \$20/day - calculated from the date of the Fine to the day that the homeowner notifies the Board in writing that the violation has been fully addressed.
    - b. **Recurring violation(s) of the same covenant:** Up to \$40/day -calculated from the date of the Fine to the day that the homeowner notifies the Board in writing that the violation has been fully addressed.

**NOTE:**The decision about levying a fine by the Board shall be in writing and will be mailed to the homeowner within two days of the Board's decision to levy the fine. The Board reserves the right to waive or reduce the fine at its discretion. Any fines imposed by the Board will be due immediately and should be paid to the PCHA account.

Reference: PCHA Covenants and Bylaws (<https://plymouthcommons.info/documents/%2Fmeeting-minutes>)

Approval: 04/26/2021 by 2021 PCHA Board | Notified on: 04/30/2021 | Effective date:05/10/2021.

Windy Harris, President | Patrick Hannon, Vice President

Sean Laycock, Treasurer | Gaurav Sharma, Secretary | Brie Bruford, Historical Advisor