

# **Stone Forest Homeowners Association**

## **Fine Schedule and Enforcement Policy**

### **BACKGROUND**

Homeowners purchased their homes in the Stone Forest development in order to enjoy the attractive residential environment that the development provides. However, the purchase of a home in this community also imposes a legal obligation on all homeowners to adhere to the Covenants, Conditions & Restrictions (CC&Rs) and related policies. And a homeowner's purchase here comes with a clear expectation that the CC&Rs and policies will be enforced on all homeowners in order to maintain an attractive and well-kept neighborhood and, as far as possible, to maintain and/or increase property values.

The Stone Forest Homeowners Association (HOA) has a legal obligation to exercise reasonable business judgment and to act in the best interests of the entire community. Thus, the HOA has an affirmative duty to enforce the CC&Rs and policies, but occasionally the only practical tool for enforcement of the CC&Rs and policies is a fine or the threat of fines. However, without a published Schedule of Fines, the HOA cannot legally impose fines. The Washington State Law which governs Homeowners' Associations (RCW 64.38) states that Associations may "levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association". The CC&Rs also provide that "The Association shall have the right to establish and promulgate all reasonable rules, regulations, and programs relating to the use of lots and Common Areas". A Schedule of Fines will also help ensure that the board is not capricious, selective or arbitrary in enforcing the CC&Rs and related policies.

### **POLICY STATEMENT**

The attached Schedule of Fines has been adopted by the Stone Forest HOA. It outlines common violations of the CC&Rs and policies and lists the penalty for those violations. This policy also specifies that a fine may only be imposed after the owner has been sent written notice that a fine is being considered, and is provided a reasonable opportunity to be heard regarding the alleged violation by the Board of Directors or a designated representative. No fine or enforcement fee will be imposed until after the requested hearing has taken place.

The purpose of fines is to encourage compliance with our CC&Rs and policies. This schedule of fines serves to provide each homeowner a clear understanding of the penalties involved for violations of our CC&Rs and policies, and for failure to respond to notice of alleged violations.

Any violation of the same CC&R provision within 12 months is a subsequent violation (i.e. if a homeowner has been given a courtesy letter because of a violation and has corrected the violation, but then 3 months later has a violation, it may be considered a second violation and subject to fines).

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## Fine Schedule and Enforcement Procedure

### Enforcement Procedure

- First Violation:** A courtesy letter is mailed to the homeowners' last mailing address on file, citing the specific violation(s) and requesting correction of said violation(s). If said violation(s) are not corrected within the time frame in the letter, the violation(s) is considered a second violation.
- Second Violation:** A letter is mailed requesting the homeowner to appear at a hearing before the Board of Directors (or their appointed designees) to address the cited violation(s). The letter will identify the nature of the violation(s), the potential fine, and the date, time and location of the hearing. If the homeowner fails to appear at the hearing or provide written evidence on his/her behalf, a monetary penalty may then be imposed against the homeowner. The Board of Directors will notify the homeowner in writing of its decision. Any violation not corrected within 14 days of the notification (or other such time as indicated in the notification) may become a third violation.
- Third Violation:** The Board may impose additional monetary penalties without additional notice or hearing, until the infraction or violation has been remedied.
- Repeat Violation:** A repeat violation occurs when a person violates the same provision of the CC&Rs within 12 months and has already been given the appropriate warnings and offered a hearing. A repeat violation may result in immediate fines.
- Continuing Violation:** A continuing violation is a violation of an ongoing nature which has not been corrected. In the case of a continuing violation, fines may be assessed weekly until the violation is corrected.

### Schedule of Fines

Violation	Time to Correct (1 <sup>st</sup> Violation)	Fine (2 <sup>nd</sup> Violation)	Fine (3 <sup>rd</sup> Violation)	Fine (Repeat Violation)	Weekly Fine (Continuing Violation)
Home Maintenance (Paint, etc.)/Fence Violation	60 days	\$50.00	\$100.00	\$150.00	\$150.00
Landscape Maintenance	14 days	\$25.00	\$50.00	\$100.00	\$100.00
Trash Cans in front yard or on street longer than allowed	14 days	\$25.00	\$50.00	\$100.00	\$100.00
Maintenance of Animals	14 days	\$50.00	\$100.00	\$150.00	\$150.00
Parking Violation (over-sized truck, blocking driveway/sidewalk, in yards)	14 days	\$25.00	\$50.00	\$100.00	\$100.00
Non-Compliant accessory building (shed)	60 days	\$50.00	\$100.00	\$150.00	\$150.00
Non-Compliant AC unit, etc.	14 days	\$25.00	\$50.00	\$100.00	\$100.00
Non-Compliant Boat, RV, Trailer Storage or Parking	14 days	\$25.00	\$50.00	\$100.00	\$100.00

This above list is not complete or comprehensive. Other significant violations not listed or specified above, such as illegal dumping in common areas, re-roofing with unapproved materials, and common area encroachment, may result in reasonable fines up to \$150.00 per violation. The payment of any and all legal fees and related costs, including lien costs, incurred by the Association to enforce violations or collect fines shall be the responsibility of the homeowner. Non-payment of any fines per this policy will accrue interest at 12% per year if not paid within 30 days, and a lien may be assessed against the property for any unpaid fines or assessments.