



Enforcement Policy

- A. Notwithstanding anything contained in the Providence Manor Home Owners Association Guidelines, the Board has the right to proceed, immediately or otherwise, with legal action for any violation of the Declaration, Code of Regulations, or Guidelines ("Governing Documents") as the Board, in its sole discretion may determine. The entire cost of effectuating a legal remedy to impose compliance, including court costs and attorneys' fees, will be assessed to the account of the responsible owner.
- B. The owner is responsible for any violation of the Governing Documents by the owner, or the guests, or the occupants, including tenants, of the owner's home.
- C. All costs stemming from any violation, including enforcement assessments will be charged to the responsible owner's account.
- D. In addition to any other action and if applicable, in accordance with the procedure outlined below, the Board may: a) levy an enforcement assessment for damages and/or cleaning of the common elements or other property, or b) levy an enforcement assessment per occurrence or if the violation is continuous and ongoing in nature, levy an enforcement assessment per day. For any violation of the Governing Documents that is continuous and uninterrupted for a period of more than 24 hours, each calendar day that the violation continues without interruption constitutes a new and separate violation.
- E. Prior to the imposition of an enforcement assessment for a violation, the following procedure will be followed:
 1. **Courtesy First Notice:** Upon inspection or verified report to the Board of a violation, a violation notice is sent by mail to the homeowner. The written notice will be served upon the alleged responsible owner specifying:
 - a. A description of the property damage or violation; and the rule it violates.
 - b. A period of time to correct the issue.
 - c. Instructions on how to report back that the issue has been resolved.
 2. **Second Notice with Notice to Cure by a Specific Date:** If the homeowner does not respond or correct the violation within the allotted time frame, another inspection is done to verify the issue still exists. If it does, a second notice of violation is sent to the homeowner, with an additional period of time to correct the violation. The written notice(s) will be served upon the alleged responsible owner specifying:
 - a. A description of the property damage or violation; and the rule it violates.
 - b. Notice that if the issue is not resolved, an enforcement assessment may be applied.
 3. **Third Notice which includes a Notice of Intent to Impose Enforcement:** The written notice(s) will be served upon the alleged responsible owner specifying:
 - a. A description of the property damage or violation; and the rule it violates.
 - b. The amount of the enforcement assessment; and
 - c. A statement that the owner has a right to, and the procedures to request a hearing before the Board to contest the proposed charge or enforcement assessment; and
 - d. If applicable, a reasonable date by which the owner must cure the violation to avoid the assessment.

4. To request a hearing, the owner must upload to TownSq the “Request For Hearing” form, or mail the completed form, which **must be received by the Board no later than the tenth day from the date written on the notice** required by Item 3 above.
 - a. If an owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the owner with a written notice that includes the date, time, and location of the hearing. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the enforcement assessment will be immediately imposed; and
 - b. At the hearing, the Board and alleged responsible owner have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence of written notice to the owner to abate action, and intent to impose an enforcement assessment will become a part of the hearing minutes. Within 30 calendar days of the hearing, the owner will be sent written notice of the Board’s decision.
 - c. In the event of an enforcement assessment hearing, or court hearing, copies of complaints and the complaining party identity will be made available to the alleged violator.
3. The Association may file a lien for any enforcement assessment that remains unpaid for more than 10 days.