



TOWNE PROPERTIES

LEGAL DOCUMENTS AND ENFORCEMENT

Enforcing Association Requirements

Governing documents, resolutions, and rules & regulations define the responsibilities and requirements of living in a homeowner association. Most homeowners understand these requirements are necessary to maintain community harmony and protect property values. However, on occasion, enforcement of the rules is required.

Enforcement authority is granted by your association's governing documents and state law. However, there are legal requirements in place to protect homeowners. Before citing a homeowner for a violation, you must understand all legal requirements, including due process, to protect the association board from liability.

Initiating Enforcement Actions

To ensure fair enforcement and protect your Board from liability, follow all regulations established in your covenants, conditions, and restrictions (CC&Rs). Consistent and uniform enforcement is critical. Be sure to serve proper notice.

Following Due Process

All enforcement actions must follow due process proceedings outlined in your community's CC&Rs. To maintain community harmony and reduce the risk of liability, it is critical that the rules being enforced and the process for enforcement are consistent. Although your CC&Rs may differ, due process generally involves the following steps:

1. First inspection
 2. Letter 1 sent
 3. Second inspection
 4. Letter 2 sent
 5. Third inspection
 6. Due process hearing letter sent
 7. Due process hearing held
 8. Due process results letter sent
 9. Due process fines issued
 10. Closing
-
1. Written notice specifying damage of violation, amount proposed as charge or enforcement assessment, and if applicable, a reasonable date to cure.
 2. A statement that the owner has a right to request a hearing before the Board to contest the proposed charge or enforcement assessment.
 3. If hearing is requested, Board shall provide written notice with hearing details.

Understanding Judicial Foreclosure

Judicial foreclosure differs from foreclosure for unpaid assessment and should be considered after other avenues have been exhausted. It is costly, and the courts tend to side with the homeowner.