

ENFORCEMENT PROCEDURES POLICY

LA COSTA RIDGE COMMUNITY ASSOCIATION

This Enforcement Procedures Policy (“**Enforcement Policy**”) supersedes the provisions headed Enforcement Procedures in the La Costa Ridge Community Guidelines dated October 2006 (“**Guidelines**”), and all provisions of the Enforcement and Fine Policies dated February 15, 2009 and February 10, 2015, September 11, 2018, none of which shall hereafter be of any effect.

As provided in Section 5.4.4 of the Covenants, Declarations and Restrictions for La Costa Ridge (dated September 14, 2005) (the “**CC&Rs**”), violations of any provision of the Governing Documents of the La Costa Ridge Community Association (“**Association**”) and damage to property owned by the Association (“**Community Association Property**”) or controlled and maintained by the Association (“**Common Maintenance Area**”) may result in the imposition of an enforcement assessment (a “fine”) and/or in the suspension of membership privileges.

Defined terms used herein (indicated by capitalization) and not defined herein shall have the meaning defined in the CC&Rs.

A. NOTIFICATION PROCEDURE FOR VIOLATIONS OF THE GOVERNING DOCUMENTS

Any time an alleged violation of the Governing Documents is reported to Management, or is discovered by Management or the Board, the following enforcement process shall be followed. A copy of the complaint by a homeowner will not be provided to the alleged offender except as required by law.

1. **First Notice.** Upon the filing of a complaint, or the discovery of a possible violation, the Board shall reasonably investigate to verify that, if true, the alleged violations constitute violation(s) of the Governing Documents. The Board may delegate such investigation to Management, who will report their findings to the Board. If the Board determines that the allegations, if true, do constitute a violation of the Governing Documents (and if the Board, in its sole discretion, determines that enforcement is appropriate in the case in question), the Board shall send a written First Notice (warning letter) to the alleged offender summarizing the violation and requesting compliance with the Governing Documents by a date determined by the Board. Such First Notice shall be served by first-class mail to the owner of record and, if appropriate, to the resident tenant. No penalty shall generally be assessed to the owner in this First Notice. If compliance occurs as a result of sending this First Notice, the Board need take no further action on the violation. If compliance does not occur as a result of sending the aforesaid First Notice, the Board reserves the right to send one (1) or more additional notices, at its discretion, without any assessed penalty but including a statement that failure to comply may result in a penalty, or it may proceed to send a Hearing Notice, as set forth below.

In situations where the Board of Directors, in its sole discretion, determines that the alleged offense is sufficiently serious including, but not limited to, threats against persons or property, dog bites, in-progress unapproved architectural modifications, and outrageous conduct, the Board can authorize the omission of the First Notice and proceed directly to the actions described in Paragraph 2, hereof, or other enforcement actions authorized by the Governing Documents and/or California law.

2. **Hearing Notice.** If the violation described in the First Notice is not corrected within the timeframe provided by the Board, or if the violation is repeated, a notification letter may be sent to the offender (“**Hearing Notice**”). The Hearing Notice will advise the offender that a hearing before the Board of Directors will be held. The Hearing Notice will provide a general summary of the allegations in the complaint; the date, time, and location of the hearing; a statement that the alleged offender may attend the hearing and address the Board; and may also contain the penalties that may be assessed at the hearing. The Board shall fix a hearing date and mail or serve the Hearing Notice on the owner of the separate interest at least fifteen (15) days prior to the date of the hearing. The Hearing Notice shall be delivered by first-class Mail.

The owner has the right to attend the hearing with any material witnesses, and may offer evidence and/or make representations to the Board in accordance with this Enforcement Policy. Whether or not the owner wishes to attend the hearing, he or she may deliver to the Board a written statement, setting forth the owner’s answer to the allegations presented. If the owner submits a written response, it must be delivered to the Board of Directors, care of Management, at least seventy-two (72) hours prior to the hearing. This will ensure that the Board has the opportunity to consider the response prior to any decision on the alleged violation.

B. NOTIFICATION PROCEDURE FOR DAMAGE TO OR TRESPASS ON COMMUNITY ASSOCIATION PROPERTY AND DAMAGE TO COMMON MAINTENANCE AREA.

Damage to or trespass on Community Association Property and damage to Common Maintenance Areas may come to the attention of the Board through written homeowner complaints or through visual observations by one or more Board members or by Management. A copy of the complaint by a homeowner will not be provided to the alleged offender except as required by law.

Upon the filing of a complaint or a discovery of a potential violation, the Board shall reasonably investigate to verify that, if true, the alleged violations constitute damage to or trespass on Community Association Property or damage to Common Maintenance Area. The Board may delegate such investigation to Management, who will report their findings to the Board. If the Board determines that the allegations, if true, do constitute a violation of the Governing Documents (and if the Board, in its sole discretion, determines that enforcement is appropriate in the case in question), the Board shall send a written Notice to the alleged offender summarizing the alleged violation and will advise the offender that a hearing before the Board of Directors will be held. The Notice will provide a general summary of the alleged violations; the date, time, and location of the hearing; a statement that the alleged offender may attend the hearing and address the Board; and may also describe the penalties that may be assessed at the hearing. The Board shall fix a hearing date and mail or serve the Notice on the owner of the separate interest at least fifteen (15) days prior to the date of the hearing. The Notice shall be delivered by first-class mail.

C. HEARING PROCESS

The following process applies to the conduct of hearings at which the Board may determine to impose discipline (e.g., to levy a fine or suspend membership privileges) pursuant to this Enforcement Policy.

1. Neither the complainant nor the alleged offender is obliged to be in attendance at the hearing, although such attendance is encouraged. All hearings will be held in executive session.

2. At the beginning of the hearing, or at any appropriate time during the hearing, the Board will explain the rules and procedures by which the hearing is to be conducted. The Board is entitled to exercise its discretion as to the specific manner in which the hearing will be conducted. Technical and specific rules of evidence or procedure will not generally be applicable to the hearing except that the Board shall have full discretion to impose specific rules where it considers such rules to be appropriate and to refuse to admit evidence not reasonably relevant to the issues. Formal questioning of witnesses by the owner called to hearing will generally not be permitted.

3. The Board will consider any written or oral statements of the parties and witnesses together with such other information or evidence then before it that the Board reasonably determines to be material and relevant.

4. Should the owner fail to appear at the hearing and fail to submit a written statement in defense of the allegations, the Board may consider such failures to be an admission of the allegations.

5. The owner and any relevant witnesses will be entitled to attend the hearing, but they may be excused after presentation of the evidence. The Board reserves the right to deliberate the issue and reach its decision out of the presence of the complainant, the owner called to hearing, or any witnesses.

D. SCHEDULE OF FINES & PENALTIES FOR VIOLATIONS OF THE GOVERNING DOCUMENTS

The following fine schedule shall apply where the Board finds a violation of the Governing Documents has occurred and, in its sole discretion, determines to assess a fine.

1. **1st Offense**

Generally: \$100.00 maximum fine

Violations Involving a Hazardous Activity*: \$200.00 maximum fine

2. **2nd Offense**

Generally: \$200.00 maximum fine

Violations Involving a Hazardous Activity*: \$400.00 maximum fine

3. **3rd Offense**

Generally: \$400.00 maximum fine

Violations Involving a Hazardous Activity*: \$800.00 maximum fine

4. **4th and Subsequent Offenses**

Generally: \$600.00 maximum fine

Violations Involving a Hazardous Activity*: \$1,000.00 maximum fine

5. **Hazardous Activities.** A “hazardous activity” is any activity that could cause serious harm to persons or property, including, but not limited to, threats of physical violence; dog bites; and in-progress, unauthorized architectural modifications. Warning letters shall not be required for hazardous violations. Instead, the Member may be immediately called to a hearing where he or she may be fined, or the Board may take any other enforcement actions authorized by the Governing Documents and/or California law.

6. **Persistent, Continuing, and Uninterrupted Violations.** In addition to the initial fines listed above, the Board may levy a maximum \$10.00 per day fine for each and every day that a violation of the Governing Documents that is of a persistent, continuing and uninterrupted nature is permitted to continue. Before imposing such a fine, the hearing notice shall clearly state that the Board may initiate daily fines if the violation is not cured. At the hearing, the Board shall provide the owner called to hearing with a timeframe within which the violation of the Governing Documents must be cured and notice that if the violation is not cured within the stated timeframe, daily fining will commence without further notice and hearings. The Board may also levy an initial fine in accordance with the current Fine Schedule. If the Member fails to attend the noticed hearing, the notice contained in the hearing notice and the post hearing notice confirming the disciplinary action being taken, including the Board's intent to commence daily fines shall suffice.

7. **Fines for Damage to or Trespass on Community Association Property or Damage to Common Maintenance Areas.** After a duly noticed hearing, an owner may be assessed for all costs incurred by the Association to repair damage the owner or his or her family member, tenant, other occupant, guest or invitee caused to the Community Association Property or Common Maintenance Area in accordance with CC&Rs Section 5.4.4. Additionally, the Board may impose a fine against the owner's account of up to \$10,000 depending on the nature and extent of the damage.

8. **Payment of Fines and Charges.** All fines and charges imposed against an owner for a violation of the Governing Documents or for damage to or trespass on Community Association Property or damage to Common Maintenance Area will be applied to the offending owner's account and will appear on the owner's next statement of account. Any unpaid balances will be subject to an additional late fee, interest and collection charges as set forth on the statement.

9. **Suspension of Membership Privileges.** In addition to assessment of a fine, to the extent permitted by law, the Board may temporarily suspend the offending owner's rights and privileges associated with membership commencing five (5) days from the date written notice of the Board's decision to impose the suspension is provided to the owner. However, in no event may the offending owner's voting rights be suspended.

E. LEGAL ACTION

In appropriate circumstances, including but not limited to situations where there is a need for immediate action against an owner or resident who continues to damage Community Association Property or Common Maintenance Area after a request to desist by the Association, or in any other situation deemed dangerous, hazardous or of an immediate threat by the Board, the Board in its sole discretion, may bypass Sections A, B and C of the Enforcement Policy (as applicable) and refer the matter directly to legal counsel for injunctive and/or declaratory relief, and for monetary damages as may be necessary and lawful under the Governing Documents and California law.

F. NOTICE OF DISCIPLINE

1. **Notice Following Hearing.** If the Board imposes discipline on an owner pursuant to this Enforcement Policy, the Board will provide the owner with written notification of the disciplinary action being taken within 15 days following the hearing. Disciplinary action, if any is imposed, and unless otherwise ordered by the Board, shall become effective no fewer than five (5) days after the Board's decision is mailed

to the owner. All decisions of the Board shall be final unless the Board, in its sole discretion, agrees to rehear the matter due to the availability of new evidence or information of an overriding nature.

2. **Verification that the Violation has Ceased.** Following the Notice of Discipline, Management will verify whether the offense/violation has ceased, or is continuing or reoccurring to the extent the violation is observable. If the offense has ceased or been corrected, as applicable, no further fines or penalties shall be imposed, all suspended rights will be reinstated and the offense proceeding will be closed. If the offense has not ceased or been corrected, as applicable, the violating homeowner may be called to one (1) or more additional hearings whereat further monetary fines and penalties may be imposed in accordance with this Enforcement Policy.

G. NOTICES

All notices required or sent pursuant to this Enforcement Policy shall be sent by United States first-class mail, postage prepaid, to the offending owner at the last known address listed with Management.

G. NEIGHBOR-TO-NEIGHBOR DISPUTES

1. Definitions.

a. **“Neighbor-to-Neighbor Dispute”** means a dispute or complaint lodged by one owner against another owner which, in the Board’s discretion, does constitute an objectively verifiable violation of the Governing Documents warranting the Association’s involvement.

b. **“ADR”** means Alternative Dispute Resolution as defined in Civil Code section 5925.

c. **“Written Certification”** means a letter signed by the disputing parties, certifying that one party requested the other party to submit the dispute to ADR and, either ADR was completed or the other party refused to submit the matter to ADR.

2. When a dispute/complaint is brought to the Board regarding interpretation of rights under, or enforcement of, the Governing Documents, the Board shall discuss the complaint/dispute and make a reasonable business judgment decision as to whether it constitutes a Neighbor-to-Neighbor Dispute. The Board may consult with the Association’s legal counsel in making its decision.

3. If the Board finds that the complaint/dispute constitutes a Neighbor-to-Neighbor Dispute, it shall notify the complaining/disputing parties of its decision.

4. The parties to the Neighbor-to-Neighbor Dispute shall then be required to use their best efforts to submit their dispute to ADR prior to seeking the Association’s involvement in the matter. For ADR, this may be accomplished by the complaining party serving the other (responding) party with a “Request for Resolution” in accordance with Civil Code section 5935.

5. Only upon receiving Written Certification evidencing that the parties first attempted to resolve the Neighbor-to-Neighbor Dispute through ADR will the Board consider the matter again. In that instance, the Board shall determine: (a) whether a violation of the Governing Documents exists which requires Association action, (b) whether Association enforcement is required under the particular circumstances and, if so, (c) the action to be taken by the Board in accordance with its enforcement policies and procedures.

VIOLATION COMPLAINT FORM

LA COSTA RIDGE COMMUNITY ASSOCIATION

PERSON REPORTING THE VIOLATION (THE "COMPLAINANT") INFORMATION:	
Name:	
Address:	
Phone Number:	

**If other person(s) witnessed the violation, please provide their information in the space below. These individuals should not be related to the Complainant and should have observed the alleged violations contemporaneously with the Complainant.*

ADDITIONAL WITNESS(ES) INFORMATION:	
Name:	
Address:	
Phone Number:	

VIOLATION BEING REPORTED
<p>Based on my personal observations, I, the above Complainant, report the following alleged violation and request appropriate investigation and Board action to enforce the Association's Governing Documents. I understand that my name and address may not be kept confidential as the party in question has the legal right to question the nature of this complaint.</p> <p>Property Address of Alleged Violator: _____, Carlsbad, Ca 92009</p> <p>CC&R or Rule (Title and Section) to be Enforced: _____</p> <p><i>*Please include a specific description of the violation and include applicable date(s), time(s), location and activity or condition being complained of.</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

Please mail this completed form to:
 La Costa Ridge Community Association
 The Avalon Management Group, Inc., AAMC
 3618 Ocean Ranch Blvd | Oceanside, CA 92056
 Phone: (760) 481-7444 x103 | Fax: (800) 646-1887
www.LaCostaRidgeHOA.com