





# OPERATING POLICY

POLICY TITLE: DCCR ENFORCEMENT PROCEDURES					
SECTION	SVRA ORIGIN AND PURPOSE	NUMBER	1.3.3	DATE	11/17/16
REPLACES POLICY NUMBER: 8.6		TITLE: Enforcement of DCCR Violations			
DATE ADOPTED: 2/21/98					
DATE REVISED: 3/17/12					
CROSS REFERENCES:					
APPROVED:					
 GENERAL MANAGER				11/17/16	DATE
 SVRA CHAIRPERSON				11/17/16	DATE

DCC&R Violation Complaint Forms are available at the SVRA office. If a complaint form is completed and signed by a property owner governed by the same set of DCC&R's as the property not in compliance, the enforcement procedure will be initiated. Complaint forms filed by a property owner not governed by the same set of DCC&R's as the property not in compliance will be forwarded to the Board. If the Board receives more than one complaint form on a specific property, initiating an enforcement procedure will be discussed by the Board for further action or non-action.

The procedures for DCCR violation(s) enforcement is set forth below and supersedes any other such procedure/policy previously adopted by the Board. In its discretion, the Board may deviate from the policy depending on the specific facts and circumstances of an individual violation.

1. **“Friendly Reminder”** – In most cases, and when appropriate as determined by the Association Compliance Officer\*, the first notification to an owner of violation of the DCC&Rs will be by means of a “Friendly Reminder” letter presented to the owner or left at the residence.
2. **“Notice of Violation”** – If, within fourteen (14) calendar days of the date of the “Friendly Reminder,” compliance is not gained, or if the same provision of the DCCRs is subsequently violated within ninety (90) days of its resolution, a written “Notice of Violation(s)” together with a request to cease and desist from the alleged violation(s) shall be sent to the owner of the lot via regular mail and shall specify:
  - (a.) The alleged violation(s);
  - (b.) The action required to correct the violation(s);
  - (c.) A time period for compliance of fourteen (14) calendar days; and

- (d.) That unless the violation(s) is corrected, the matter will be referred to the Association's Attorney to initiate legal action.
  - (e.) That in the event the owner is leasing his/her home, the Association may provide a copy of the "Notice of Violation(s)" to the owner's tenant.
  - (f.) That the owner has the right to request a variance by the SVRA Board of Directors, however, the ruling of the Board will be final and binding on the owner.
3. **"Notice from Attorney"** – If the violation(s) continue(s) past the period allowed in the "Notice of Violation," or if the same rule or provision of the DCCR's is subsequently violated, the Association's Attorney via regular mail, shall serve the Owner with written **"Final Notice of Violation"**. The notice shall state:
- a) The nature of the alleged violation(s);
  - b) That if the violation is not resolved within fourteen (14) days, legal actions will be initiated and that the owner may be liable for legal costs and attorney fees incurred by the Association.

**Request for Variance for Reconsideration by the Board of Directors - Procedures.**

- a) The owner may request reconsideration by the Board of Directors at any time prior to referral to the Association's Attorney.
- b) In order to request Board consideration and/or schedule an appearance before the Board for such, the owner must submit a written request for a variance to Policy and include a thorough response to each of the six (6) conditions listed in the Operating Policy "Variances to Policy 2.8 of 8/20/11". The request for a variance must be submitted to the Association's General Manager within seven (7) days of receipt of notice.
- c) The matter shall be scheduled for the next BOD Workshop and the owner will be notified of the date, time and location via regular mail (electronic notification will also be acceptable). The owner shall be afforded a reasonable opportunity to be heard. At the conclusion, the BOD will have the opportunity to discuss and rule on the applicant's request for a variance (at the Board's discretion, an Executive Session may be called to review and discuss a ruling on the request.)
- d) The owner will be notified in writing of the ruling.
- e) The ruling of the Board will be final and binding upon the owner.