

# **Poncha Meadows Filing No. 1, Block 6 Association, Inc.**

## **Enforcement Policy**

Effective February 6, 2024

The following Policy has been adopted by Poncha Meadows Filing No. 1, Block 6 Association, Inc. (the "Association") pursuant to the provisions of C.R.S. § 38-33.3-209.5, at a regular meeting of the Board of Directors (the "Board") for the benefit of the Association and its owners or members (the "Member(s)").

Purpose: To adopt a policy governing enforcement of the Association's Declaration, articles of incorporation, bylaws, rules, regulations, policies, procedures and other governing documents (the "Governing Documents"), including notice and hearing procedures and the schedule of fines;

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following Policy to govern the enforcement of its Governing Documents:

1. Power. The Board shall have the power and duty to hear and make decisions regarding purported violations of the Governing Documents and written complaints filed with the Board pursuant to these policies and procedures. The Board may determine enforcement action on a case-by-case basis and take other actions as it may deem necessary and appropriate to assure compliance with the Governing Documents and to create a safe and harmonious living environment. These enforcement provisions may be in addition to other specific provisions outlined in the Governing Documents. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as police, fire, or animal control.

2. Complaint and Investigation. The process to determine if the Governing Documents have been violated and enforcement action should result shall be initiated by the filing of a written complaint ("Complaint") with or by the Board or the Association's managing agent. The Board may institute a Complaint, on its own accord, whether in writing or not. The Complaint shall state the specific provision of the Governing Documents alleged to have been violated and as many specifics as are available as to time, date, location and persons involved. The Board shall make reasonable efforts to investigate all Complaints filed with it. If the Board determines that any Complaint filed with it is insufficient to provide grounds for a violation, it shall notify the complainant, who shall have seven (7) days to amend the Complaint to render it sufficient. If the complainant does not render the Complaint sufficient within said period of time, the Complaint shall be dismissed without a hearing or notice of violation. If the Board determines that the Complaint appears to establish a violation of the Governing Documents, the Board shall then make a reasonable determination as to whether the violation threatens public safety or health.

3. Violations Threatening Public Safety or Health: Upon conclusion of the investigation, where the Board has reasonably determined that the violation threatens public safety or health, the Board will proceed as follows:

- a. Notice: The Board shall deliver written notice of the violation to the Member ("Notice of Violation"). The Notice of Violation must be sent in English and the

language that the Member has previously indicated a preference for correspondence and notices. The Notice of Violation must include the following:

- i. Date and time of the violation;
  - ii. Description of the violation;
  - iii. References to portions of the Governing Documents that the Member violated or is in violation of;
  - iv. That the board has determined the violation threatens public safety or health;
  - v. That the Member has seventy-two (72) hours to cure the violation or the Association may fine the Member;
  - vi. The action(s) required to cure the violation;
  - vii. The fines to be imposed if the violation is not remedied within the cure period, including the interval at which such fines may be assessed if the violation is continuing in nature; and
  - viii. As further detailed in Section 5, an explanation of the Member's right to request a hearing, and the timeline for the hearing process described in this policy.
- b. Inspection and Cure: The Member may notify the Association of its cure and provide visual evidence of the cure. If the violation has been cured and the Association confirms the cure, the violation shall be deemed cured on the date notice was sent by the Member. If the Member notified the Association of its cure but failed to provide visual evidence or if the Association reasonably doubts the veracity of the visual evidence provided, the Association shall inspect the property as soon as practicable to determine whether the violation has been cured. If the Association does not receive notice that the Member cured the violation, the Association shall inspect the property within seven (7) days of the expiration of the cure period to determine whether the violation has been cured.
- c. Fines: If the Member has not cured the violation within seventy-two (72) hours, the Association may impose fines upon the Member in accordance with the Fine Schedule listed below.
- d. Legal Action: In addition to imposing fines, if the Member has not cured the violation within seventy-two (72) hours, the Association may take legal action against the Owner for the violation, including, without limitation seeking an injunction ordering compliance, prohibiting future occurrences of the violation, for damages, and for any other appropriate relief. Such legal action can be in addition to any hearing or associated hearing procedures proscribed under this Policy.
- e. Notice After Cure: Once the violation has been cured, the Association shall provide written notice to the Member of the outstanding fine balance for the violation, and that no further fines will be assessed for the violation.