

# **Northstar Meadows Property Owners' Association, Inc.**

## **Enforcement Policy Update As adopted by the Board of Directors Effective August 2020**

### **Background**

The Board of Directors is adopting a clear policy and procedure for enforcing the rules, covenants and restrictions of the subdivision, in accordance with Idaho law. Covenant enforcement is an essential part of managing and operating the Northstar Meadows Property Owners' Association, Inc. (HOA). The covenants and restrictions that have been established for the Northstar Meadows Subdivision are designed to preserve the subdivision's value, desirability and attractiveness, and to ensure a well-integrated, high-quality development. The below procedures are designed to provide an outline of the process to swiftly deal with each violation, while giving the homeowner ample time to comply or respond.

### **Legal Authority**

The Association's authority derives from the *Declaration Establishing Covenants Conditions and Restrictions for Northstar Meadows*, recorded as Instrument No. 374687 on October 18, 1994, as it may be and has been amended from time to time (the "Declaration"). The Association is also empowered and governed by the Bylaws of Northstar Meadows Property Owners' Association, Inc (the "Bylaws").

The Association's Board of Directors is authorized to adopt rules and regulation, through resolution of the Board, pursuant to Article VII of the Association's Bylaws. The Association can enforce the Declaration's provisions pursuant to Article V and Article VII, Section 7.10 of the Declaration, and is entitled to collect all attorney fees and costs incurred in an enforcement action, whether or not a lawsuit is actually filed, pursuant to Article VII, Section 7.01 of the Declaration. The Association is also entitled to impose reasonable violation fines pursuant to Article VI, Section 6.01(a) against any Owner who violates the terms of the Declaration. A schedule of fines is included below. Such costs and fines are to be added to and become a part of the assessment obligation of that Owner and his/her Lot. The Association also has the right to enter upon a Lot and remedy a violation, upon proper notice to the Owner, if the Owner fails to remedy the violation. Such action is a last resort, and will be used sparingly by the Board, and only upon adequate and required notice to the Owner.

Idaho's law pertaining to homeowner's associations governs the Association's right to take legal action, impose violation fines, and impose and collect assessments for costs and legal fees incurred, but requires the Association to follow certain procedures and give owners certain notices and opportunities to be heard by the Board and cure any violations. I.C. §55-115. This is in the best interest of the Association to enforce the governing documents and comply with Idaho law.

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## **Procedure**

This policy update shall be effective August 1, 2020. A copy of this notice of policy update shall be kept in the Association records, available for inspection. Further, the Board shall arrange to have this procedure distributed to each member and resident, so that all members understand the enforcement process and it can be applied fairly, uniformly, and consistently.

## **Inspections**

The Board of Directors arranges for periodic inspections. Potential violations are noted and sent to the Board in summary.

## **Neighbor Concerns**

Neighbor concerns are taken in writing or by phone. When a complaint is received and determined by the Board to be actionable, a neighbor complaint letter will be sent, representing the homeowner's first notice of the violation. Anytime a higher governing agency can address the concerns, the homeowner may be referred to this agency. For example: a dog barking complaint may be referred to animal control, or a noise disturbance may be referred to the police.

## **Emergency Actions**

In the event a violation is deemed by the Board of Directors to require immediate action, the Board reserves the right to expedite the procedures herein, within the bounds of the law and reasonableness. The Board will take all steps to ensure that proper fair procedure is followed but recognizes that certain violations will require emergency action on the part of the Board.

## **Procedure for Enforcement**

When a violation is noted, either through neighbor complaints or inspections, the Board will determine if the violation is actionable. If the violation is determined to be actionable:

- 1) The First notice will be mailed, emailed, and/or hand-delivered, and will note the violation, reference which provisions of the Declaration are being violated, and will request correction of the violation(s). This notice will also contain contact information and instructions for remedy.
- 2) A Second notice will be sent, through certified mail or personal service, if the violator has not contacted Property Management or the Board, or has not corrected the violation within 20 days of the first notice. This Second notice will be considered a final request



for compliance and will notify the owner of the time, date, and place of a Board meeting scheduled at least 30 days from the date of the Second notice. This notice will advise violating owners that they may be responsible for enforcement costs, or subject to the imposition of violation fines if they do not resolve the violation. At the Board meeting indicated in the Second Notice, the violating owner will have the opportunity to appear in front of the Board to discuss the violation.

- 3) If the violation remains after the Second notice, the Board shall hold the scheduled meeting to discuss and address the violation. At that meeting, the Board will vote whether or not further enforcement action is appropriate, including imposing violation fines, suspending voting rights, turning the violation over to legal counsel, or employing some other enforcement remedy. Legal action will be taken if deemed appropriate based on the violation, homeowner situation, and out of pocket expense to the Association. All enforcement and legal costs incurred will be billed to the homeowner, if the Board decides at the meeting to move forward with such actions. Any violation fines, if imposed, will be added to the homeowners' assessment account, in accordance with the Declaration.
- 4) The Board of Directors, or its Property Management company, shall keep copies of all notices sent to violating owners, including proof of certified mailing for Second notices. Minutes shall be taken from the Board of Directors meetings wherein violations are discussed and enforcement actions voted upon. The minutes shall reflect whether proper notices were sent, whether the violating owner appeared at the meeting, and what the Board's final decision in regard to the violation shall be.
- 5) If a violating owner receives more than two First notices during any quarter, or four during any single calendar year, and the Board has held an enforcement hearing for the same or substantially the same violation, the Board may vote to treat the case as one of repeated offenses. In that event, the Board may proceed with enforcement actions against the property, without holding another Board meeting.
- 6) Administrative costs charged to or incurred by the Association, such as charges for drafting first and second notices, postage, etc., may be assessed to a violating owner as a limited assessment immediately upon their accrual, without having to undertake the notice and hearing procedure described herein.

## **FINE SCHEDULE**

**A.** All fines imposed by the Association and noted in this fine schedule are imposed per event or occurrence.

**B.** The Board reserves the right to update this schedule of fines from time to time by a simple majority vote of the Board. The Association's management company will have a copy of the most current version of this fine schedule available upon request.

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C. The fines imposed by the Association, pursuant to the Declaration, shall be as follows:

1. Any construction, painting (except repainting the same color), or improvement or modification of any building exterior or improvements that hasn't been approved by the Design Review Committee:
  - Fine: \$250 per month, until resolved.
2. Unsightly articles or unmaintained landscaping (weeds, lawns, dead trees, shrubs, etc.):
  - Fine: \$50 per week, until resolved.
3. Abuse of common area property:
  - Fine: \$100 per event, plus the cost of any repairs or notable increased maintenance.
4. Improper parking of vehicles:
  - Fine: \$10 per event, not to exceed \$50 per week for ongoing violations.
5. Trailers, boats or campers kept on lot in public view:
  - Fine: An escalating cumulative schedule until resolved, starting at \$50 the first month, plus \$100 the second month, plus \$200 the third month, and so on, as determined by the Board.
6. Other violations of the Declaration:
  - To be determined at the discretion of the Board, beginning at \$10 per occurrence.

D. As stated in the Declaration, any unpaid fines, attorney's fees, or enforcement costs incurred in accordance with this policy shall be added to an Owner's assessment balance, and will result in a lien being placed on the Owner's Property, and any other collections procedures being taken, as determined by the Board.

E. Owners are ultimately responsible for violations by renters.

ADOPTED ON THE 22 day of July, 2020.

THE BOARD

I hereby certify that this procedure was adopted by the vote of the Board at a properly-called meeting of the Board of Northstar Meadows Property Owners' Association, Inc.

Tawni Baker

Name:

Secretary/Treasurer

Tawni Baker