



CCR Enforcement Procedures

1. When a violation is brought to the Board’s attention, a CCR Committee Member will verify it within 10 days.
2. If the committee agrees that a violation exists, a Friendly Reminder notice will be sent within 3 working days with a blind copy sent to the person who originated the complaint. The Friendly Reminder will explain the nature of the violation and a time frame to bring the violation into compliance. (The committee reserves the right to skip the Friendly Reminder notice and go directly to a First Notice of Violation/Hearing letter.)
3. If the violation is not corrected within the given time frame, a First Notice of Violation/Hearing letter will be sent via first class and certified mail. The letter will explain the nature of the violation, requirements to resolve the issue, a time frame to bring the property into compliance, and the fine schedule that will go into effect if the violation is not corrected within the time period allowed. The homeowner will also be invited to a CCR hearing to discuss the alleged violation. A blind copy of the notice will be sent to the person who originated the complaint.
4. If the violation has not been cleared by the date given, the board will hold the CCR hearing. The cited homeowner will be allowed to speak, present evidence and witnesses. The board will render its decision and a CCR Hearing Decision notice will be sent within 15 days. If the board finds that the homeowner is in violation of the CCR, they may impose a fine. The fine will remain in effect until the violation is resolved.
5. The fine will be posted to the homeowner’s account every Friday. After a minimum of 30 days, the Board retains the right to take legal action. Only under extenuating circumstances may the Board excuse the fine after this point.
6. When the violation is corrected and verified, a thank you letter will be sent.
7. Repeat violations within a six-month period will not receive a Friendly Reminder notice. The homeowner will be sent a First Notice of Violation/Hearing letter and a CCR hearing will be scheduled. If the board finds the homeowner guilty of a repeat violation within a six-month period, they may impose an immediate fine.

Fine Schedule and Time Periods

Violation	Time Period for Correction	Fine	Continuing Daily Fine
Aerials	One Week	\$35.00	\$25.00
Architectural Changes	One Week	\$35.00	\$25.00
Boats, Campers, Trailers, & RV’s	Two Days	\$35.00	\$25.00
Commercial Vehicles	Two Days	\$35.00	\$25.00
Dismantled/Disabled Vehicles	Two Days	\$35.00	\$25.00
Exterior Service Yards	One Month	\$35.00	\$25.00
Ground Maintenance	Two Weeks	\$35.00	\$25.00
Maintenance & Repair	One Month	\$35.00	\$25.00
Public Health*	One Week	\$100.00	\$25.00
Vehicles Parked On Unpaved Portion of Lot	Two Days	\$35.00	\$25.00
All Other Violations Not Specifically Mentioned	One Week	\$35.00	\$25.00

*In matters affecting Public Health, a copy of the CCR letter will be sent to the County Board of Health.

Alternative Dispute Resolution

Civil Code §1369.520 requires that the Association or a Member of the Association submit disputes pertaining to the enforcement of the governing documents of the Association to alternative dispute resolution prior to filing an action in superior court. This requirement only applies to an enforcement action that is solely for declaratory relief, injunctive relief, or for relief in conjunction with a claim for monetary damages not in excess of \$5,000.

Failure of a member of the association to comply with the alternative dispute resolution requirements of §1369.520 of the Civil Code may result in the loss of your right to sue the Association or another member of the Association regarding enforcement of the governing documents or the applicable law.

“Alternative Dispute Resolution” means mediation, arbitration, conciliation, or other nonjudicial procedures that involves a neutral party in the decision making process.

Any party to a dispute may initiate the process of alternative dispute resolution by serving on all other parties to the dispute a Request for Resolution pursuant to requirements of Civil Code §1369.530.

Notice of CCR Enforcement Policies

For your information, the RPHA Board of Directors is providing you with information on how the following CC&R Declarations are being interpreted and enforced:

- **Vehicles Parked Within the Association (including boats, trailers, and RV’s)**

1. Declaration of CC&R Paragraph 13, Subparagraph Q:

“No trailer, camper, house trailer, motor home, or boat shall be parked, left, or stored upon any lot for more than 36 hours unless the same is parked, left, or stored in a garage or behind the fence. No trailer, camper, house trailer, motor home, or boat parked behind the fence, may stand more than 4 feet above a standard 6-foot fence.”

The Association does not allow for consecutive or daily ‘36 hour’ periods. The intent is to allow the Homeowner the limited personal use of such vehicles on an infrequent basis.

2. Declaration of CC&R Paragraph 13, Subparagraph V:

“No commercial vehicles shall be kept or stored upon or in front of any residential lot, excluding automobiles, pick-up trucks, or vans one ton or under (load weight).”

The CC&R does not expressly define a ‘commercial vehicle’; therefore the definition is taken from the California Vehicle Code Section 260(a): “a vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.”

3. Declaration of CC&R Paragraph 13, Subparagraph W:

“No disabled and/or dismantled vehicles shall be stored in public view for a period of more than 48 hours.”

The CC&R does not expressly define a ‘disabled vehicle’; therefore the board defines a disabled vehicle as one, which cannot legally be driven on the public streets and/or one, which is not maintained in good repair. The DMV requires all vehicles driven on public streets to have front and rear license plates with current registration tags installed and all lights and mirrors in working condition and proper repair. Following the DMV requirement, any vehicle that does not have front and rear license plates with current registration tags installed will be cited as a violation of the CC&R’s.

Additionally, the board defines a vehicle not maintained in good repair as one with, but not limited to, flat tire(s) or a broken windshield or a broken mirror and will cite any vehicle in this category as well. The Association does not allow for consecutive ‘48 hour’ periods.

4. Declaration of CC&R Paragraph 13, Subparagraph X:

“Parking: No vehicle shall be parked within public view on unpaved portion of lot.”

The CC&R does not expressly define ‘paved’; therefore the board defines a paved area as one cover with material such as concrete or brick that forms a firm surface.