

AERC Enforcement Timing Guideline

January 4, 2012

The purpose of this Guideline is to clarify CC&R Article III, Section 8 regarding Architectural and Environmental Committee Enforcement.

Consistent with the recommendations presented by the By-Laws and Covenants Review Committee at the 2011 Glacier Hills Homeowners Association meeting the AERC was directed by the Glacier Hills Board to establish and publish a Guideline related to defining specific timing for correction of violations of Committee standards or guidelines or failure to properly maintain properties.

It is therefore recognized and confirmed that such a Guideline clarifies the definition of a "reasonable time limit" for remedial action against non-conformity or violation of a CC&R. The purpose being to create transparency among all parties with the ultimate goal of achieving remediation on a schedule commensurate with the nature of the necessary remediation, and achieving the above amicably. As such it also acknowledges that certain remediations may require more, or less time, than others. By way of contrast an example could be the time necessary to change the painted color of house siding to bring it into compliance versus correcting drainage issues, which could conceivably require several seasons to fully address. Lastly, it is also recognized and confirmed that timely corrections are in the best interest of the entire Homeowners Association and consistent with the intent of Article III, Section 8.

Accordingly, the following Guideline is adopted. For clarity it is written as an addition to the existing language in CC&R Article III Section 8 in the form of underlined text, as follows:

Committee Enforcement, Article III, Section 8: If the Committee, upon its own inspection or upon receiving a complaint, determines that any Owner is in violation of the Committee's standards or guidelines, or has failed to properly maintain his property or any permanent improvement thereon, including necessary repairs, or has constructed or made any change to any improvement not in conformance with an approved plan, or is otherwise in violation of these Covenants, it shall notify the Owner in writing. Such notice shall contain a statement of the nature of the nonconformity or violation and the steps needed to remedy it. The AERC shall work with the Owner to establish a mutually agreeable timing for completion. Failing agreement the AERC and/or the Board will prescribe a completion date. If such remedial steps are not taken within a reasonable time, the Committee shall notify the Association which may itself, after written notice to the Owner and failure of such Owner to comply, undertake remedial measures and charge the Owner an assessment for any sums expended by it in so doing. In the event the Association does not undertake such remedial action, the Committee may do so. Any such assessment shall become a lien against the property so assessed and the personal obligation of the Owner to the same extent as those liens described in Article VII, Section 2 herein. The committee or any of its members shall have the right, upon reasonable advance notice to the Owner, to enter any property to determine if there has been compliance with these Covenants or any approved plans.