



Due process for Owners Policy: Fines and Fees

Whereas, Article VIII of the Bylaws, Section 6 of the CC&Rs, and ORS 94.777 and 94.780 set forth conditions for compliance with established rules and regulations

And whereas, the Board of Directors and the ACC are responsible for ensuring compliance of the established rules and regulations and failure to comply with the established rules and regulations are grounds for action.

And whereas, Owners have rights as well as responsibilities,

Therefore, be it resolved that the Board adopts the following policy defining the due process for owners that may potentially result in fines and fees levied for noncompliance of ACC Rules and Regulations. The Board may:

- Create an Owner Compliance Plan that specifies the consequences for noncompliance
- Levy a fine up to \$50 for each offense with the discretion to levy up to \$50 daily fine until the compliance is achieved
- Hire an outside contractor to bring the owner into compliance with rules and regulations

Prior to the Board levying a fee or hiring an outside contractor, the following due process procedures must be followed.

1. A member of the ACC must make at least two documented attempts to contact the Owner through email, phone, and/or in person to discuss the violation. These include violations by any member of the Owner's household, an Owner's guest, contractor, invitee, and/or tenant. Should the alleged violation fail to be resolved;
2. The Owner must be advised in writing by the ACC of the alleged violation and of the potential penalty that could be imposed. The owner will be given seven (7) days to resolve the violation or create a written, signed plan that identifies the steps toward compliance.
3. Should the violation continue to be unresolved; the owner will be advised by the Board in writing by certified mail that the issue of Owner's violation has been placed on the WEV HOA Board agenda of a scheduled Board meeting of the WEV HOA.

4. During the discussion of the agenda item for the alleged violation, the owner has the right to speak in person, send a designee to speak for him or her, or submit a written statement. The Board will make a final decision regarding the violation and may levy a fine and/or hire a contractor to bring the owner's property into compliance with ACC Rules and Regulations.
5. The board may create an Owner Compliance Plan that addresses a specified area of non-compliance. Within this written Owner Compliance Plan the Board may state specific ACC actions that can be taken to immediately hire a contractor to bring the Owner into compliance. The Owner Compliance Plan must have a specific begin and end date. Upon expiration of the Owner Compliance Plan, the steps of due process must again be completed.
6. The Owner will be responsible for the payment of any fine or other penalty imposed by the Board. If any fine or contractor fee imposed on the Owner by the Board is not paid within thirty (30) days of the Owner receiving written notice of the penalty assessment, the penalty assessment will be added to the amount of the monthly assessments, known as the assessment of common expenses, that are charged to the Owner. This assessment will be enforced as an assessment in accordance with the CC&Rs and By-laws.

Due Process Policy was adopted by a unanimous vote of the Board of the Board of Directors on September 29, 2014.

Mary Abbott – President
Angela Andress – Vice President
Louis Dashofy – Secretary
Chuck Parnell – Member-at-Large