

Rockford Homeowners Association
Policy Adopted: April 26, 2018

This document replaces Policy Adopted May 13, 2004 regarding compliance and levying of fines.

The Rockford Homeowner's Association Board of Directors (the Board) is duly elected to uphold and enforce the Articles of Incorporation, Covenants, and By-Laws of the Association. In carrying out these duties, the Board may, from time to time, initiate action against any homeowner who refuses to abide by these documents.

It will be the policy of the Board to adhere to a set of guidelines in dealing with homeowners who violate provisions of any of the three legally-binding documents. This policy will include the taking of corrective action as well as the levying of fines. The homeowner will be responsible for all costs incurred by the Board for all fines levied.

When a homeowner is found out of compliance, the Board will discuss the situation and take appropriate action as agreed upon by a majority of the Board members.

Phase I – The Board will notify the owner via e-mail, phone, or U.S. Mail giving the following schedule:

Minor Lawn-Related Issues: 14 days from date of e-mail, phone call or postmark date of letter to correct the issue and notify the Board that issue has been corrected.

Major Lawn-Related Issues: Time frame no less than 14 days from date of e-mail, phone call or postmark date of letter as decided by the Board depending on complexity and severity of issue.

Minor Structure-Related Issues: 14 days from date of e-mail, phone call or postmark date of letter to submit plan of action to the Board, 30 days from date of original e-mail, phone call or postmark date to correct the issue.

Major Structure-Related Issues: 14 days from the date of e-mail, phone call or postmark date of letter to submit plan of action to the Board, 60 days from date of original e-mail, phone call or postmark date to correct the issue.

Other Covenant-Related Issues: Time frame no less than 14 days from date of e-mail, phone call or postmark date of letter as decided by the Board, depending on the complexity/severity of issue. If issue poses threat or damage to neighboring property, the 14 days may be accelerated.

Phase II – If the homeowner does not respond to the initial request within the allotted time, a letter will be sent giving the homeowner one week from postmark date of letter to respond. The address of record for the homeowner will be the one provided to the HOA. If one is not provided, the letter will go to the Rockford property address. This letter will detail the actions the Board will undertake to correct deficiencies and confirmation that any expenses incurred and/or fines levied are payable by the homeowner on demand. Specific statutes will be quoted in the request. A fine will be levied monthly until issue(s) are addressed and the Board has been notified of corrective actions. Monies not paid within 30 days of billing will incur interest, compounded monthly, until all amounts are paid.

Phase III – If, based on the communication in Phase II the homeowner does not engage in any meaningful dialogue with the Board, the Board may elect, as a last resort, to have an attorney send a letter to the homeowner, explaining the actions the Board is about to undertake, and by what authority. Until such repairs have been made, and/or fines are paid in full, a lien may be placed on the property. Response from homeowner is expected within 5 days of postmark date of letter from attorney.

Levying of Fines – The Board has the option of levying fines when it has determined that any homeowner has failed to act on requests within the specified time period, thereby ignoring the rules as set forth by the Association. These fines may be levied along with any expenses the Board incurs in getting the homeowner’s property in compliance. Fines may be imposed in increments of up to \$500 per incident. If the homeowner continues to ignore the Board’s request to come into compliance, the Board may impose additional fine, not to exceed \$500, at each subsequent Board meeting, whether that Board meeting is regularly scheduled or not. The imposing of fines will be determined by a majority vote of the Board members. Fines are owed on demand and, after 30 days, will incur interest, compounded monthly, until all amounts are paid.

Repeating Issues – If a homeowner is habitually out of compliance, Phase I may be omitted.

Schedule of Fines*

Situation/Examples	Fine	Follow-Up
Yard in need of cutting; weed control needed; trees shrubs needing to be trimmed, other minor issues, etc.*	\$150	If not corrected in time-frame listed in Phase I and/or Phase II, owner will be assessed \$150 monthly, plus interest, until situation is rectified, the Board has been notified, and fines are paid.
Structural issues, such as gutters needing repair; rotting woodwork; broken windows; woodwork in need of painting; garage door in need of painting or replacing, etc.**	\$150 - \$500	If not corrected in time-frame listed in Phase I and/or Phase II, owner will be assessed \$150 for the first 2 months, \$250 for third month, then \$500 for each consecutive month until situation is rectified, the Board has been notified, and fines are paid.

*As each situation is unique, consideration is given to each issue as it arises.

**As each situation is unique, and as major work takes longer to perform, please contact a Board member to discuss your plan to address the items in question. Doing so could prevent fines from being levied.

The Board will determine which category the issue fits into. This will be communicated with the homeowner.

Legal Action – Legal action is considered by the Board when/if an issue goes unresolved for longer than 90 days.

It is not the desire of the Board to initiate fines, however, from time to time, they do have to be considered.