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**Procedures for Managing Violations of Architectural Guidelines  
and Related CC&R's**

**Purpose:**

Currently, no standard procedure exists for managing violations of the Lucas Valley Homeowners Association Architectural Guidelines and related CC&R violations. The purpose of this document is to establish a formal procedure managing and resolving violations.

**Procedure:**

Homeowner and ARC Responsibility – All homeowners are encouraged to advise the ARC or Board of any apparent CC&R or Design Guideline violations. A form will be available online at [lucasvalley.org](http://lucasvalley.org) or at the community center for this purpose. The ARC and/or Board will then look into the situation and act accordingly. All homeowners are expected to follow the procedures outlined in the CC&Rs and Design Guidelines.

*Process for Notifying ARC and/or Board of Violation:*

1. When the situation is appropriate Homeowners should talk to their fellow Homeowner; help them to understand the process and commitment/requirement of all homeowners to uphold the CC&R and Design Guidelines. Advocacy for these guidelines will make a positive impact on the community as many violations occur inadvertently; simple community enlightenment may resolve many issues before they become violations.
2. File a timely written Homeowner CC&R Violation Complaint to the ARC and LVHA; if at all possible list stated violations with reference to the CC&R and/or Design Guidelines. A form will be available online at [lucasvalley.org](http://lucasvalley.org) or at the community center for this purpose.

*ARC Process upon Notification of Homeowner Complaint:*

1. Acknowledge in writing the notifying Homeowner, informing them their complaint has been received and the situation is under review.
2. Copy LVHA Office Manager, who shall create an incident file and enter the complaint and subsequent response into the tracking log.
3. Notify the Board Liaison to the ARC or another LVHA Board Member of Homeowner Complaint.
4. Thoroughly review the situation, (taking photographs when possible) and discuss the error/violation in regular ARC meetings to determine if this is in fact a violation and assign notification responsibilities.
5. If there is disagreement among the ARC as to the type or severity of the violation it is to be put to a vote with majority rule.
6. Follow the procedures as follows:

Application Violation – Scenario: Homeowner begins modifications to their home or property without having submitted an application to the ARC or without having received approval for their project.

*Process for Dealing with Application Violation:*

1. ARC or Board Member is made aware of an application violation through personal observation or notification by another Homeowner.
2. ARC Representative will fill in a standard “first notice” letter citing appropriate language from CC&R’s notifying the Homeowner of their “error/violation” and directing them to stop work and submit an appropriate application within 10 business days of the notification. This letter shall be signed by a minimum of two members of the ARC and acknowledged by a minimum of one Board Member. Letter shall be delivered via regular mail.
3. ARC Representative will make efforts to contact and assist homeowner through the process, answer questions and provide appropriate guidance.
4. Assuming the Homeowner does not stop work and/or submit application within 10 days, ARC shall prepare a “second notice”. The “second notice” letter shall request the Homeowner to appear at a hearing in accordance with Section 9.7(a) of the CC&R. This letter shall be signed by a Board Member (preferably the President) and acknowledged by at least one member of the ARC. The hearing shall be attended by the Board President or his/her designee, the Board liaison to the ARC and the Chairman of the ARC or his/her designee. Sent via registered US mail or like service.
5. A plan of action and a timeline for resolution shall be developed and agreed to by the Board representatives, the ARC representatives and the Homeowner at the conclusion of the meeting.
6. LVHA Office Manager is to be copied on all formal correspondence and shall maintain a log, distributed regularly to the Board and ARC Chairman of all Application Violations. The log shall at a minimum include dates of all correspondence, meetings and a date and description of the final resolution. A separate file shall be maintained for each incident.
7. In the unlikely event that the Homeowner refuses to meet, discuss or resolve this issue, the Board shall take all appropriate actions afforded them under Article X of the CC&R’s including but not limited to deeming the status of the violation as a Nuisance, discontinuing services to the property and appropriate fines.

Compliance Violation – Homeowner’s within the community have made a formal complaint of CC&R and/or Design Guidelines violation. Upon review by the ARC and/or Board Members the violations may be deemed warranted, thus requiring further action. If not addressed in a timely manner by the Homeowner these violations may be changed to a Nuisance status.

*Process for Dealing with Compliance Violation:*

1. ARC or Board Member is made aware of a compliance violation through personal observation or notification by another Homeowner. Complaint is documented.
2. ARC and /or Board members will investigate complaint; document types and severity of violations including photographs of each violation. A property will be deemed in violation only when voted as such by a majority of ARC Members. It is assumed that the issue will be discussed at a regular ARC meeting and the determination shall be voted on by the ARC members.
3. ARC Representative will fill in a standard “first notice” letter citing appropriate language from CC&R’s notifying the Homeowner of the situation and directing them to correct the compliance issue or submit a course of action within 10 business days of the notification. This letter shall be

signed by a minimum of two members of the ARC and acknowledged by a minimum of one Board Member. Where possible the entire Board will be made aware of the situation. Letter shall be delivered via regular mail.

4. ARC Representative will make efforts to contact and assist homeowner through the process, answer questions and provide appropriate guidance.
5. If the Homeowner submits a plan of action and timeline to correct violations it will follow a standard review process before being “approved” or “not approved”.
6. Assuming the Homeowner does not correct the situation within 10 days or receives a “not approved” notification on the submitted plan, ARC shall prepare a “second notice”. The “second notice” letter shall request the Homeowner to appear at a hearing in accordance with Section 9.7(a) of the CC&R. This letter shall be signed by a Board Member (preferably the President) and acknowledged by at least one member of the ARC. The hearing shall be attended by the Board President or his/her designee, the Board liaison to the ARC and the Chairman of the ARC or his/her designee. This letter shall be sent via registered US mail or like service.
7. A plan of action and a timeline for resolution shall be developed and agreed to by the Board representatives, the ARC representatives and the Homeowner at the conclusion of the meeting.
8. LVHA Office Manager is to be copied on all formal correspondence and shall maintain a log, distributed regularly to the Board and ARC Chairman of all issues. The log shall at a minimum include dates of all correspondence, meetings and a date of the final resolution. A separate file shall be maintained for each incident.
9. In the unlikely event that the Homeowner refuses to meet, discuss or resolve this issue, the Board shall take all appropriate actions afforded them under Article X of the CC&R’s including but not limited to deeming the status of the violation as a Nuisance, discontinuing services to the property, appropriate fines and/or legal action.

Request for Consideration of Hardship Status – During the hearing process the Board will hear and consider all credible evidence of a hardship status which may be the root cause of the violation or may impact the action plan and timeline to correct the violations. This does not relieve the status of the violation but will be given consideration in the development of the timeline and may delay any action taken by the Board including but not limited to discontinuation of services to the property, appropriate fines and/or legal action, as long as agreed upon progress is continually met.