

# River West P.U.D. Community Association

## ACC (Architectural Control Committee) Procedures

Several members have asked that the board explain the ACC violation procedures and how such violations come to be. Our HOA is governed in part by a written code of architectural standards set forth in a document entitled, "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIVER WEST P.U.D. COMMUNITY ASSOCIATION (a common interest community)". These rules were adopted by the original board in 1997 and govern our association today. The obvious reason for having these rules is to define the way our property looks and interacts with our neighbors and therefore, others. This process is not to be confused with the application process you would undertake when making an improvement to the exterior of your home. We will talk about this process further in a later edition.

Below, we have outlined the steps that we go through in defining a violation and follow-up.

- Ø Alleged violations are noted by one or more of the following ways; (1) Alleged violation is noted by an ACC committee member, (2) Alleged violation is noted by an active board member, (3) Alleged violation is called in by another HOA member (most common scenario), then confirmed by our HOA management company, Faith, on the next drive through and (4) Alleged violation is noted by the drive through conducted weekly by, Faith. Items 1, 2 & 4 are assumed to be valid violations and item (3) is confirmed or declined during the next drive through. After a violation has occurred, the following takes place in order.
- Ø A New Homeowner Reminder letter is sent to the homeowner of record pointing out a potential violation and asking that the homeowner correct the item and/or contact our property management company. Compliance is assumed and checked during the next drive through.
- Ø A 1" Covenant Violation Notice letter is sent to the homeowner of record that an alleged violation has occurred and briefly describes the alleged violation, points to the covenant rules and regulations governing the item and recommendations for relieving the alleged violation.
- Ø A 2<sup>nd</sup> Violation Notice is sent to the homeowner of record. This letter is more pointed in its tone and specifically points out the alleged violation, section of the covenants relative to the offence, encourages compliance and offers the opportunity to request a hearing before the ACC. The letter goes on to timeline the process asking for action on the homeowner's part. Further, it indicates that no action on the homeowner's part may result *in* a daily fine being levied against the property in question.
- Ø Homeowner Hearing - A homeowner may request and receive a hearing with the ACC in order to better understand the homeowner and ACC positions. The ACC makes every attempt to resolve the violation before or during the hearing. The ACC is also empowered to grant variances, but only to the extent that the variance does not set precedent that would not allow similar violations the same consideration.

- Ø Appeals Process - If a homeowner feels that they have been unduly cited and cannot resolve the violation during the hearing process, they may appeal the ACC determination to the Board of Directors by requesting in writing, an appeals hearing before the board. A note of caution, the board cannot overturn a determination of the ACC, unless the board finds that the ACC acted with prejudice or performed outside the rules and regulations set forth in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIVER WEST P.U.D. COMMUNITY ASSOCIATION (a common interest community) document.
- Ø Appeal to the Membership - Finally, a homeowner may appeal the decision of the board to the body of the HOA membership as outlined in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIVER WEST P.U.D. COMMUNITY ASSOCIATION (a common interest community) document.

The board hopes that any violations are quickly resolved and we have every confidence that reasonable people can find a solution. Our architectural controls are in place to protect all of us and our property values with a minimum of intrusion in our daily lives.