

COMPLAINT AND VIOLATION PROCEDURE

EL RANCHO LOMA SERENA HOMEOWNERS ASSOCIATION

a California nonprofit corporation

(Adopted September 12, 2020)

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HANDLING OF COMPLAINTS OR VIOLATIONS

El Rancho Loma Serena (ERLS) Homeowners Association is made up of neighbors who seek to comply with the Association's governing documents. We rely on neighbors to resolve issues amongst themselves. When there are violations of ERLS's governing documents, Members may file a formal complaint with the HOA and the HOA must take the following steps.

The Board may impose any or all of the following against a Member who violates the governing documents:

- a. Seek any legal remedy, including, without limitation, imposing a lien and/or foreclosure on the member's property, where allowed by law;
- b. Impose monetary fine(s); and/or
- c. Correct (or cause to be corrected) the violation and assess the member for the costs and expenses of doing so, including attorneys' fees when allowed by law.

Step 1. Any Member claiming a violation must complete, sign, and submit an alleged Complaint/Violation Form to the HOA. Forms can be obtained via the HOA website or at the Ranch House. No anonymous alleged Complaint/Violation Forms will be considered.

Step 2. Board of Directors or Assignee will determine if the alleged violation is an actual violation of the governing documents and, if so, proceed with Step 3. If no action is taken, indicate why further action was not taken in the minutes of the Executive Session Meeting. To respect Member privacy, discussion will be conducted in executive sessions unless waived by Violator.

Step 3. The Board will send a "30-Day Courtesy Notice" and/or "Notice of Hearing" to the Member/Violator stating the alleged violation and the Member's right to attend a hearing with the Board of Directors. The Notice of Hearing must be in writing and delivered either in person or by individual delivery per Civil Code §§4040 and 5855 at least ten (10) days prior to the hearing.

The hearing must take place before fines or other disciplinary measures can be taken by the Board. Note that the intent of this notice is to secure voluntary compliance.

All hearings with Board Members shall be held in executive session unless the Member chooses to waive that right. The affected Members may bring witnesses or written evidence to present their case.

Step 4. After the hearing, the Board will send a "Notice of Action and/or Potential Fine" letter to the Violator with a specified time by which the violation must be corrected, as determined by the Board. This letter will also include the date and potential fine(s) to be imposed, as well as dates and amounts of future fines should the violation remain uncorrected. The Violator is responsible for providing proof of correction and compliance to the Board to alleviate the imposition of fines within the specified timeframe.

Step 5. The Violator will be notified on any action rendered by the Board of Directors within 15 days after the decision (Civ. Code §5855(c)).

EL RANCHO LOMA SERENA HOA COMPLAINT/VIOLATION FORM

COMPLAINT NO: _____ DATE FILED: _____

1. **VIOLATION OBSERVED:** DATE: _____ TIME: _____ AM or PM

LOCATION _____

DESCRIPTION OF VIOLATION (Be as specific as possible and attach a separate sheet of paper if needed)

2. **VIOLATOR NAME:** _____

ADDRESS (if known): _____ PHONE (if known): _____

******* CONFIDENTIAL UNTIL AFTER A HEARING IS HELD*******

3. **PERSON MAKING COMPLAINT:** _____

MAILING ADDRESS: _____ PHONE: _____

STREET ADDRESS: _____

4. **WITNESSES:**

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

PHONE: _____ PHONE: _____

5. **OTHER AGENCIES CONTACTED:**

CALAVERAS COUNTY SHERIFF: NON-EMERGENCY PHONE: (209) 754-6500

DATE REPORTED: _____ CASE # _____

CALAVERAS COUNTY CODE COMPLIANCE: PHONE: (209) 754-6326

DATE REPORTED: _____ CONFIRMATION # _____

CALAVERAS COUNTY ENVIRONMENTAL HEALTH DEPT: PHONE: (209) 754-6399

DATE REPORTED: _____ CONFIRMATION # _____

OTHER AGENCY: _____

DATE REPORTED: _____ CONFIRMATION # _____

6. **SIGNATURE OF PERSON FILING COMPLAINT:** _____

NOTICE OF HEARING

To Member: _____

Please be advised that you are given notice that the Board of Directors will hold a hearing on:

Date: _____

Time: _____

Place: _____

to consider the complaint or violation report filed against you or to discuss your alleged violation. Please note that based on the finding at the meeting, a monetary fine or other discipline may be assessed against you should it be found you have violated or are violating the Association's governing documents. The alleged violation is:

You have the right to attend the hearing and be heard orally or in writing before the Board of Directors and to present any witnesses or other evidence on your behalf.

The hearing will be held in executive session whether you are present or not and whether you contest the alleged violation or not. You also have the right to have your hearing heard in open session. Please note that the Board may impose legal remedies, fines, or damages, against you even if you do not appear.

Please acknowledge your receipt of this notice and indicate, by checking the box below, whether or not you will contest the alleged violation and return signed form to the Board of Directors via email to: rancholomaserena209@gmail.com or via USPS to: PO Box 428, Mountain Ranch, CA 95246.

Respectfully,

ERLS BOARD OF DIRECTORS

I acknowledge receipt of this notice and:

I will not oppose the alleged violation.

I will oppose the alleged violation.

Dated: _____

Signed: _____

**FINE POLICY
FOR VIOLATION OF
EL RANCHO LOMA SERENA HOMEOWNERS ASSOCIATION
GOVERNING DOCUMENTS**

After notice and a hearing, if the Board finds a violation of the ERLS HOA Governing Documents (including Articles of Incorporation, CC&R's, By-Laws, and/or Rules and Regulations), the Member and/or violator will be subject to the following Monetary Fine Schedule for each separate violation.

MONETARY FINE SCHEDULE

30-Day Courtesy Notice and/or Notice of Hearing.....	\$0
Uncorrected Violation by specified date (After Hearing)	\$50 to \$250
Uncorrected Violation by specified date	\$250 to \$500
Continuing Violation (daily fines until corrected)	\$25 to \$1,000
Assessments may be levied against Violator to reimburse HOA expenses.....	Amount to be Determined

Unless prohibited by other governing documents and if allowed by law, the Board may take legal action or correct, remedy or cure a violation, and seek a reimbursement assessment against the Member, or file a memorandum of costs or motion for attorneys' fees, to recover costs, expenses and attorneys' fees incurred by the Association.

If a violation is found which causes the Association to incur a financial obligation or expense, then the Member responsible for the violation will be subject to a reimbursement assessment in the amount of the obligation or expense incurred by the Association after proper notice and a hearing.

These fines do not apply to the collection of Assessment Dues which is addressed elsewhere in the governing documents.

**EL RANCHO LOMA SERENA HOMEOWNERS ASSOCIATION
COMPLAINT & VIOLATION PROCEDURE
BOARD TRACKING FORM**

ACTION BY BOARD of DIRECTORS (For Board Use Only)

COMPLAINT NO: _____ DATE RECEIVED: _____

DATE	ACTION TAKEN	DIRECTOR INITIALS

DATE COMPLAINT RESOLVED/CLOSED: _____

DATE REPORTED IN BOARD MINUTES: _____

DIRECTOR SIGNATURE(S):
