



PLA-VADA COMMUNITY ASSOCIATION (PVCA) ENFORCEMENT AND FINE POLICY

INTRODUCTION

Purpose. This policy describes how Pla-Vada Community Association (PVCA or Association) enforces its Governing Documents (Declaration/ CC&Rs, Bylaws, and Rules & Regulations), including notice, opportunity to cure, disciplinary hearings, imposition of monetary penalties, and collection. It is intended to comply with the Davis-Stirling Common Interest Development Act, including the 2025 amendments (AB 130) to Civil Code §§5850 and 5855.

Enforcement Principles. The Board enforces the Governing Documents in accordance with the Governing Documents and the Davis-Stirling Common Interest Development Act. Enforcement may be initiated by the Board of Directors, Association staff or members. If members have complaints, they should submit them in writing for the Board to review. The Board shall have the sole discretion as to handling the complaint, including, without limitation, whether to initiate a formal enforcement hearing.

Persons Subject to the Governing Documents. All present and future owners, tenants, occupants, and guests of any unit within the Association shall be subject to, and shall comply with, each and every provision of the Governing Documents. Owners are responsible for their own actions/violations and the actions/violations of their family, guests, tenants, agents and/or invitees (the “**Owner Parties**”). Any violation of the Governing Documents by the Owner Parties may be enforced against the Owner, including the imposition of sanctions and/or fines under this Schedule of Fines against the Owner and/or his/her Lot.

Disputes Between Neighbors. For violations involving disputes between owners and/or neighbors, the Board encourages owners and/or neighbors to work together cooperatively to resolve their issues. The Association generally does not involve itself in trying to resolve disputes between owners and/or neighbors unless it involves violations of the Governing Documents as determined by the Board. In the event where the Association does get involved, the parties involved in the dispute are asked to first talk to the other party directly. This should be the first step. The Board may address or may not address any owner’s complaints about other owners or Owner Parties at its discretion. Any complaints about other owners or Owner Parties must: (a) be in writing; (b) detail the dispute by focusing on the violation of Governing Documents, with citation to specific provisions; (c) provide information about what informal efforts were undertaken to resolve the dispute; and (d) give the contact information of the complaining Owner. Any complaint may not exceed two typed, single-spaced, twelve-point font, 8.5”x11” pages. The Board may request more detail at its sole discretion. If the Board decides to initiate a hearing concerning the dispute, it shall notify the affected Owners and/or Owner Parties as provided in this rule. Regardless of whether a complaining Owner has complied with these procedures, the Board may initiate a hearing on its own motion at its discretion.

ENFORCEMENT PROCEDURES

1. Notice of Violation

When a potential violation is observed, the Association may issue a **Notice of Violation** describing:

- The date and nature of the alleged violation;
- The Governing Document section violated; and
- The steps and timeline to correct it.

The Notice of Violation may be sent by the Association via email and/or United States Mail to the affected owner. Notice of Violation shall be presumed received when sent by the Association. Members are encouraged to resolve violations whenever possible before any further enforcement begins.

2. Opportunity to Cure (Mandatory for Curable Continuing Violations)

Before imposing any discipline or fine for a curable violation, the member will be given a reasonable opportunity to correct the issue, which will be outlined in the Notice of Violation.

If the violation is remedied before the disciplinary hearing, no fine or discipline shall be imposed for that instance.

The cure period will be determined by the Association, depending on the nature and severity of the violation. Extensions may be granted if the owner demonstrates active efforts to comply (e.g., submits an ARC application or schedules repair work). Some violations may not be curable. The Board retains the discretion to not allow a cure for repetitive violations where the Member has previously been issued a Notice of Violation but has continued to violate substantially similar provisions of the Governing Documents.

Curable vs. Incurable Violations

Curable Violations. A curable violation is one that can be corrected or reversed, and once corrected, resolves the issue and prevents recurrence. Examples of curable violations include architectural and lot maintenance violations. The Board shall not impose discipline if the Member cures a curable violation prior to the hearing or if curing the violation would take longer than the time for the hearing and the member provides financial commitment to cure the violation that is agreeable to the Board of Directors.

Incurable Violations. An incurable violation is a one-time act that cannot be undone or an act inherently harmful to health, safety, or quiet enjoyment. An opportunity to cure is not required, but the owner is still entitled to notice and a hearing process outlined herein before any fine is imposed. Examples of incurable violations include parking/traffic safety violations, use of firearms, outdoor fires.

Repeated Curable Violations. If a violation is cured but reoccurs after notice, subsequent incidents may be treated as separate incurable violations.

3. Notice of Disciplinary Hearing

If a hearing is to be held, the Association will notify the member in writing at least 10 days prior to the meeting. The notice will state:

- The date, time, and location of the meeting;

- The alleged violation and relevant governing document section; and
- The member's right to attend and be heard.

4. Disciplinary Hearing Procedures

The member may attend, present evidence, call witnesses, but may not be represented by counsel unless the Association's notice of the hearing indicates the Association's legal counsel will be present. The hearing will be held in executive session, unless the member requests otherwise. The member may also submit a written explanation to the Board before the hearing (not more than 2 pages of single-spaced, 12-point font, 8.5x11" paper). The charges against the member shall be stated and may be verified by the testimony of any other person making the charge and supported by other documentary support. The Board shall have the right to hear and examine all witnesses, including the member. The Board shall have the exclusive power and authority to impose (or refrain from imposing) any disciplinary action after consideration of the matter at the hearing in the Board's sole discretion. Members are encouraged to attend their disciplinary hearings. The Board may impose discipline on a member regardless of whether the member attends the hearing or submits an explanation to the Board.

All decisions by the Board to impose or not to impose fines or other sanctions are entirely within the sole and absolute discretion of the Board. No decision by the Board shall waive any rights or remedies under the Governing Documents for any future or similar violations, or establish any precedent for future decision. Each matter shall be addressed by the Board as an independent matter under the particular facts and circumstances of that case. The Board may consider all relevant information and evidence without reference to the rules of evidence.

If the member and Board reach agreement at the hearing, it will be recorded in the minutes. A copy of the minutes will be memorialized and signed by the Board and the member documenting the agreement. The signed document will be judicially enforceable.

5. Notice of Decision

If the Board imposes discipline or a fine, written notice of the decision will be sent to the member within 14 days of the decision. The notice will include:

- The decision and amount of any fine or action taken;
- The effective date; and
- The member's right to request IDR.

Notice of decision will be given by personal delivery or individual delivery under Civil Code section 4040.

6. Collection of Fines and Suspension of Privileges.

Fines will be billed to the member's account. The Association may pursue collection consistent with law and the Association's Delinquency Policy. Fines are not subject to interest or late fees (Civil Code §5850(e)).

The Board may suspend an owner's membership privileges, such as ability to park vehicles on the Association common area, following notice and a hearing as required by Civil Code §5855.

7. Internal Dispute Resolution (IDR)

Members may request **Internal Dispute Resolution** following a disciplinary decision by the Board of Directors. If an IDR agreement is reached and signed, it is binding on both parties under Civil Code §5915.

SCHEDULE OF FINES

- Warning – Generally, initial violations will be issued a warning notice of violation (aka Good Neighbor Letter). Warning may not be issued according to the nature and severity of the infraction and at the discretion of the Board.
- First and Subsequent Violations – \$100 per violation
- Health/safety related hazard – \$500+ per violation. *Fines in excess of \$100 may be imposed if the Board determines, in an open meeting, that the violation had a documented adverse health or safety impact on the common area or another member’s property (Civil Code §5850(d)(1)). The Board will make a written finding, recorded in the meeting minutes.*

Large Water Loss. A water loss is considered a “large water loss” when changes in the water tank levels are noticeable over a 24-hour period and are unexplained by normal use. A Large Water Loss is a health/safety hazard (leaks may lead to flooding a roadway or neighbor’s lot; damages to Association pavement, drainage, or utilities; ice hazards or slope instability; or damage to infrastructure). The fine will be based on time spent identifying and stopping a leak as determined by Facilities Supervisor (or designated employee(s)), and reviewed by the PVCA Board, with a minimum of \$500 for the first violation, and \$1,000 for second and subsequent violations.

Reimbursement Assessments. In addition to fine(s), if a violation results in damage to the common facilities or Association-owned property and systems, the Association may levy a reimbursement assessment against the responsible owner equal to the actual costs incurred for repair, cleanup, or mitigation. This charge is not a fine under Civil Code §5850(c). The Association will provide the owner with an itemized statement of costs and an opportunity to be heard before the Board.

Adopted 2/18/2026