

1115 Cordova HOA

Hearing Procedure, Enforcement and Fine Policy

Adopted August 10, 2026

1. Notice and Hearing Procedures. This Hearing Procedure, Enforcement and Fine Policy (this “Policy”) will be followed whenever the Board meets to consider an alleged governing document violation which could result in disciplinary action against a member.

a. **Notice of violation.** Upon report of a violation of the Association’s governing documents to the Board, the violating Member shall be given a written Notice of Violation. The Notice of Violation shall contain, at a minimum, the following: (i) a description on the violation; (ii) notice that the violation may result in a hearing and possibly a fine or other enforcement measures; and (iii) instructions for the Member to dispute the report of violation (record of which, if and when received by the Association, shall be attached to the Notice of Violation and made a part thereof).

b. **Notice of Hearing.** Should the Board determine to hold a disciplinary hearing regarding the violation described in the Notice of Violation, a written Notice of Hearing will be sent to the Member at least ten (10) days prior to the hearing and will be given either by personal delivery, first-class mail or any other method permitted by California law to the Member’s most recent address shown in the Association’s records. The Notice of Hearing shall contain, at a minimum, the following: (i) the date, time, and place of the hearing; (ii) the nature of the alleged violation for which the Member may be disciplined; and (iii) a statement that the Member has a right to attend and may address the Board at the hearing.

c. **Opportunity to Be Heard.** The Member shall have the right to send a letter, send a representative, or appear in person to present evidence as to why he/she should not be disciplined and/or did not commit the alleged violation. The Member shall also have the right to bring an attorney with him/her to advise him/her or to speak on his/her behalf. The hearing will be held during an open session meeting of the Board, unless the Member requests in writing to the Board prior to the hearing that the hearing be held in executive session.

d. **Rescheduled Meetings.** In the event the Member fails to appear for a hearing, the Board will review the evidence presented to date and make its decision accordingly. Upon timely, written request and for worthy cause, the accused Member may be granted a continuance to a new hearing date. The Board is under no obligation to reschedule a hearing to accommodate a member’s schedule.

e. **Correction of Violation.** In the event the violation is corrected prior to the hearing date, the Board may, if appropriate and in its sole discretion, discontinue the disciplinary proceedings.

f. **Notice of Decision.** Within fifteen (15) days after the hearing, the Member will be given written notice by personal delivery or first-class mail of the Board’s decision whether to impose disciplinary measures against the Member, and, if so, what disciplinary measures will be imposed, when, and, if applicable, for how long.

g. **Record of Decision.** A copy of the Notice of Hearing, along with a statement of the date and manner of delivery of the Notice of Hearing entered by the Association representative delivering the Notice of Hearing, along with the Notice of Decision, shall be filed with the minutes of the hearing.

h. **Conflicts of Interest.** If a member of the Board has a conflict of interest in a disciplinary matter (e.g., the Board member filed the complaint, or the complaint was filed against the Board member), that Board member may not deliberate or vote on the Board’s decision whether to impose disciplinary measures with respect to that matter.

2. Remedies for Enforcement. To enforce the Association’s governing documents, the Board may impose one (1) or more of the remedies described below, as the Board deems appropriate and in its sole discretion. The selection of one (1) of the following remedies does not preclude the Association from pursuing other remedies permitted under this Policy, the Association’s governing documents, at law and/or in equity.

Possible Remedies / Disciplinary Measures:

- a. Warning letters
- b. Monetary penalties
- c. Suspension of the right to use common area recreational facilities and amenities
- d. Imposition of a special assessment for (i) damage to the common area or (ii) costs incurred by the Association to bring the owner and his or her separate interest or exclusive use common area into compliance
- e. Internal dispute resolution ("IDR") or alternative dispute resolution ("ADR")
- f. Litigation

Suspension of membership privileges, as may be applicable, may be imposed for a period of up to thirty (30) days for a single non-continuing violation. Membership privileges may be suspended for so long as a continuing violation exists and remains uncured.

Failure by a Member to pay any monetary penalty or reimbursement assessment imposed within thirty (30) days of the due date thereof may result in legal action against the Member by the Association to collect such amount. If the Association is forced to retain an attorney to ensure compliance, or collect a monetary penalty or a special/reimbursement assessment, the Member shall be liable for those attorney fees and costs and all related expenses, in addition to the amount of the monetary penalty or reimbursement assessment.

3. Fine Schedule. Violation of the Association's governing documents may result in the imposition of a monetary penalty, as the Board may determine to be appropriate to the situation and as provided for in the fine schedule below. In addition to or instead of imposing monetary penalties, the Board may pursue other remedies for enforcement described in this Policy.

1st violation: warning or a fine up to \$100

2nd violation, same offense: fine up to \$100

3rd violation, same offense: fine up to \$100

Additional violations, same offense: fine up to \$100

Health and safety violations: fine up to \$1,000**

Continuing violations: fines up to \$100 per day may accrue until the violation is cured

*****Defined as a violation that could result in an adverse health or safety impact on the common area or another association Member's property. The Board reserves the right to levy a Health and Safety fine in a larger amount if warranted by the nature of the violation. Examples include, but are not limited to:***

- ***Smoking in the common areas***
- ***Secondhand marijuana smoke infiltrating another unit***
- ***Speeding on association streets/driveways***
- ***Pulling a fire alarm as a prank***
- ***Parking in front of a fire hydrant***
- ***Allowing pets to roam off leash or leaving pet waste in common area***
- ***Riding e-bikes or wheeled vehicles in the common areas***
- ***Hoarding/mishandling trash that leads to insect or rodent infestations***
- ***Setting off fireworks***

4. Selection of Remedies. The Association may pursue one (1) or more enforcement remedies simultaneously. The selection of one (1) enforcement remedy does not preclude the Association's right to pursue any other remedies.