Madera Community Association, Inc.

Procedures for Violations of Community Rules

# Types of Violations

## Construction of New Homes

The Madera covenants list numerous conditions that new homes must meet. The AERC is charged with ensuring that owners and builders meet those conditions. The AERC should be prepared to describe to the owners and builders the information that it will require, in order to ensure compliance.

The AERC will need to have in place procedures for identifying any divergence from those requirements.

## Modification and/or Additions to Existing Homes

Owners of existing homes may wish to make additions to their homes such as pools or fences. They may also wish to make modifications to those homes such as roofing materials or colors, or house paint colors. The AERC must be prepared to advise owners of the information that the AERC requires for review and approval of the changes. As with new homes, the AERC should be prepared to ensure that the owner/builder has met AERC conditions.

## Landscaping

Vegetation existing before a home is constructed is given protections by the covenants. In addition, the covenants set conditions on the amount and type of vegetation that may be added to homesites. The AERC needs to be prepared to identify to owners/builders the limitations on vegetation destruction and removal as well as its requirements for specification of plant material that the owner intends to add to the property. Such considerations may also apply to requests for additions or modifications of existing structures. Owners will also need approval for any changes they may wish to make to landscaping around existing homes. That would include removal of trees and other major plant additions or changes.

## Activity

The AERC is also charged with ensuring compliance with Association rules on owner activities that may negatively impact the desirability and value of property in the community. The AERC may promulgate such rules as it sees fit in furtherance of that objective. This includes, but is not limited to, rules on parking of vehicles, placement of garbage receptacles, maintenance of homes, and noise emissions.

# Identification of Violations

There are several ways that violations, or alleged violations, may come to the attention of the AERC.

## Community Association Manager (CAM)

It should be the responsibility of the CAM to periodically inspect our community for the purpose of ensuring compliance with Madera Community Association rules. Observed violations of the rules should be reported promptly to the AERC and processed according to AERC directions. Alleged violations may also be brought to the attention of the CAM by members and those also should be reported promptly to the AERC.

## AERC Observations and Inspections

Violations may be observed directly by members of the AERC. These may be the result of inspections following AERC approval of written requests for approval to construct new homes or to add to or modify existing structures.

## Member Reporting

Members of the association may observe and report violations, or alleged violations, to the CAM or directly to an AERC member.

**The AERC should keep a log of all alleged violations it receives. The log should include dates, nature of the alleged violation, procedures followed, and resolution. This log should also be used to list all requests for AERC approval of modifications to homes or lots and the resolution thereof.**

# Process for Resolving Alleged Violations.

When a violation, or possible violation, is reported to, or discovered by, the AERC it may meet to review the allegation and decide whether to, and how to, proceed with its pursuit of the matter.

The AERC may, based on its current knowledge of the situation, decide that the allegation of a violation has no merit; or that a casual or informal approach to resolution is warranted. (In such a case, a memorandum to the files and an entry into the log is recommended.)

If the AERC concludes that the alleged violation should be processed formally, the covenants call for a written notice to be sent to the property owner as specified in Article VIII, Section 1, of the covenants. The process of response, appeal, or acknowledgement of the violation should proceed as outlined in the covenants.

However, in the interest of community harmony, the AERC may at times elect to begin the process with an informal oral or written notice to the homeowner that would encourage voluntary compliance with the association rules. This could be performed by an AERC member or delegated to the CAM.

**Note: There have been, and likely will be, times when a lot owner makes a modification to a home or lot without having requested approval from the AERC. This should automatically, upon discovery by the AERC, lead to a notice of violation being given to the owner. This notification could be oral and/or informal or could be a letter from the CAM or AERC. (The notification should request that the owner submit a request to the AERC for approval of the modification.) This should occur even if the AERC anticipates that the violation was innocent or might be approved retrospectively by the AERC.**