

**RESOLUTION OF THE
UNIVERSITY VILLAGE HOMEOWNER'S ASSOCIATION, INC. REGARDING POLICIES
AND PROCEDURES FOR COVENANT AND RULE ENFORCEMENT**

SUBJECT: Adoption of a policy regarding the enforcement of covenants and rules and procedures for the notice of alleged violations, conduct of hearings and imposition of fines.

PURPOSE: To adopt a uniform procedure to be followed when enforcing covenants and rules to facilitate the efficient operation of the Association.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado law.

EFFECTIVE DATE: February 7, 2022

RESOLUTION: The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association:

1. Reporting Violations. Complaints regarding alleged violations may be reported by an Owner or resident within the community, a group of Owners or residents, the Association's management company, if any, Board member(s) or committee member(s) by submission of a written complaint.
2. Complaints. Complaints by Owners or residents shall be in writing, signed, and submitted to the Association's Manager. The complaining Owner or resident shall have observed the alleged violation and shall identify the complainant ("Complainant"), the alleged violator ("Violator"), if known, and set forth a statement describing the alleged violation, referencing the specific provisions which are alleged to have been violated, when the violation was observed and any other pertinent information. Non-written complaints or written complaints failing to include any information required by this provision may not be investigated or prosecuted at the discretion of the Association.
3. Investigation. Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by a Board designated individual or committee. The Board shall have sole discretion in appointing an individual or committee to investigate the matter.
4. Initial Warning Letter. If a violation is found to exist, an initial warning letter shall be sent to the Violator explaining the nature of the violation. The alleged Violator will have 10 days from the date of the letter to come into compliance. The initial letter will also provide the opportunity for a hearing, and explain that if the violation exists after the initial 10-day period, a \$50 fine may be imposed pursuant to this Policy. The alleged violator will have up to 10 days to submit a written request for a hearing. Failure to submit the request shall be deemed as a permanent waiver of the right to the hearing for said violation. The procedure set forth in this Paragraph and other paragraphs will not be used in the event the violation is determined by the Board to be a Repetitious Violation as defined in Paragraph 8 of this policy. In such event, the procedure outlined in paragraph 8 shall be followed.
5. Continued Violation After Initial Letter, First Fine and Second Letter. If the alleged Violator does not come into compliance within 10 days of the initial letter or request a hearing, a \$50 fine for the first violation will be imposed and this will also be considered a second violation for which a second fine of up to \$100 may be imposed. A second letter shall then be sent to the alleged

Violator, providing notice of the first fine and the opportunity for a hearing, explaining that a fine may of up to \$100 may be imposed pursuant to this Policy for the second violation.

The alleged violator will have up to 10 days to submit a written request for a hearing. Failure to submit the request shall be deemed as a permanent waiver of the right to the hearing for said violation.

6. Continued Violation After Second Letter, Second Fine and Third Letter. If the Violator does not come into compliance within 10 days of the date the notice of the fine imposed pursuant to Paragraph 6 is sent, this will be considered a third violation for which an additional fine may be imposed. A third violation letter shall then be sent to the Violator, providing notice and the opportunity for a hearing, and explaining that a fine up to \$150 may be imposed pursuant to this Policy. The alleged violator will have up to 10 days to submit a written request for a hearing. Failure to submit the request shall be deemed as a permanent waiver of the right to the hearing for said violation.
7. Continued Violations after Third Letter. The same pattern for additional letters, fines up to \$150 and notice and opportunity shall be repeated for any further violations. Violations reaching this stage may be turned over to the Association's attorney to take appropriate legal action.
8. Repetitious Violations. Repetitious Violations are defined as a series of identical or substantially similar individual violations that occur repeatedly or continuously within a period of time to be determined in the discretion of the Board, with each individual violation separated by a period of no less than 1 day, nor more than 90 days, the result of which is a pattern of violations of the same covenant restriction. Examples of Repetitious Violations include, but are not limited to repeatedly or continually parking a restricted recreational vehicle in the community or repeated failure to remove and store a portable basketball hoop, storing of a dog tether outside the unit. In the event of such Repetitious Violations, in the discretion of the Board, each instance of noncompliance may constitute a separate violation, and the Board shall not be required to provide a period of 10 days from each violation for the alleged Violator to come into compliance.
 - a. A warning letter shall be sent for the first violation in the series.
 - b. On the second instance of the violation, the owner will receive a letter, and notice that additional violations may result in fines of up to \$50 per day if not cured immediately. The alleged violator will have up to 10 days to submit a written request for a hearing. Failure to submit the request shall be deemed as a permanent waiver of the right to the hearing for said violation.
 - c. On the third instance of the violation, the owner will receive a \$50 fine letter and notice and opportunity for a hearing. The alleged violator will have up to 10 days to submit a written request for a hearing. Failure to submit the request shall be deemed as a permanent waiver of the right to the hearing for said violation.
 - d. On the fourth and subsequent instances of the violation, the owner will receive a \$100 fine letter and notice and opportunity for a hearing.
 - a. If subsequent violations occur prior to the date of a requested hearing, if scheduled, the Board may hold the hearings for the subsequent violations on the same date as the first hearing, if a hearing has been scheduled, if the Violator is given at least 10 days' notice prior to the hearing. The Board shall individually consider each violation if multiple violations are considered at one hearing, but is permitted to combine all hearings requested for Repetitious Violations on one date.
9. Animal Violations. In the case of any violations involving animals, the same procedures may be followed, but animal violations shall all be assigned fines of up to \$250 for the 2nd and any subsequent violations.

10. Impartial Decision Maker. Pursuant to Colorado law, the alleged Violator has the right to be heard before an "Impartial Decision Maker".

An Impartial Decision Maker is defined under Colorado law as "a person or group of persons who have the authority to decide regarding the enforcement of the association's covenants, conditions, and restrictions, including architectural requirements, and other rules and regulations of the association and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the association." Unless otherwise disqualified pursuant to the definition of Impartial Decision Maker, the Board may appoint to act as the Impartial Decision Maker the entire Board, specified members of the Board, any other individual or group of individuals.

11. Hearing. At the beginning of each hearing, the presiding officer, shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the Complainant nor the alleged Violator are required to attend the hearing. The Impartial Decision Maker shall base its decision solely on the matters set forth in the Complaint, results of the investigation and such other credible evidence as may be presented at the hearing. Unless otherwise determined by the Board, all hearings shall be open to attendance by all Owners. After all testimony and other evidence has been presented at a hearing, the Impartial Decision Maker shall, within a reasonable time, not to exceed 10 days, render its written findings and decision, and impose a fine, if applicable. Failure to strictly follow the hearing procedures set forth above shall not constitute grounds for appeal of the hearing committee's decision absent a showing of denial of due process.
12. Waiver of Fines. The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the Violator coming into and staying in compliance with the Articles, Declaration, Bylaws or Rules.
13. Other Enforcement Means. This fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.
14. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
15. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.
16. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
17. Amendment. This policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of the University Village Homeowner's Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, via Action Without a Meeting of the Board on February 7, 2022, and in witness thereof, the undersigned has subscribed his/her name.

UNIVERSITY VILLAGE HOMEOWNER'S
ASSOCIATION, INC.,
a Colorado nonprofit corporation

By: *Rachel Pugia*

[Rachel Pugia \(Feb 14, 2022 11:15 MST\)](#)

President