

October 2016

Comment on Covenant Enforcement Policy

“The Board of Directors of Homestead has an obligation to enforce our HOA covenant restrictions under Colorado law as well as a fiduciary responsibility to the community in regard to covenant enforcement... The Board of Directors has the authority and duty... to hear and make decisions regarding covenant violations, to include written complaints filed with the Board in accordance with the Association’s Governing Documents. The Board may determine enforcement action on a case-by-case basis and take other action as it may consider necessary and appropriate to assure compliance with the HOA Governing Documents and to create a safe and harmonious living environment...” [Covenant Enforcement Policy and Procedures. Adopted July 14, 2009; Revised October 12, 2010]

The purpose of the fines is to drive compliance through communication and correction of the problem. Fines are imposed for not adhering to the compliance procedures that are outlined in the letters to the homeowner (e.g. not responding or not doing the work). Ordinarily, once the work has been done and verified the compliance process can be closed and no further fines (if assessed) imposed. However, any fines that have been imposed are not forgiven. At any time in the process, or after, the homeowner may request a hearing with the board in writing or in person. This allows the board to address acceptable terms of compliance due to homeowner circumstances on a case-by-case basis, including completion dates and fines.

The board or its representative may postpone the assessment of fines because the homeowner has agreed to an acceptable interim plan which includes completion dates and notification that the compliance process will resume with fines assessed retroactively if the terms of the plan or extension are violated.

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