

Red Fox Hills Homeowners Association Covenant and Rule Enforcement Policy

(Adopted pursuant to C.R.S. § 38-33.3-209.5 and § 38-33.3-302)

1. Purpose

This Covenant and Rule Enforcement Policy ("Policy") is adopted by Red Fox Hills Homeowners Association ("Association") to ensure fair, consistent, and legally compliant enforcement of the Association's Declaration, Bylaws, and duly adopted rules and regulations ("Governing Documents"). The goal of this Policy is to maintain community standards, protect property values, and provide due process to all owners in compliance with the Colorado Common Interest Ownership Act ("CCIOA").

2. Authority

This Policy is adopted under C.R.S. § 38-33.3-209.5(1)(b)(III) and C.R.S. § 38-33.3-302(1)(a), authorizing the Association's Board of Directors ("Board") to enforce the Governing Documents, impose fines, and pursue remedies for violations.

3. Compliance Obligation

All owners, residents, tenants, and guests are required to comply with the Governing Documents. Each owner is responsible for ensuring that occupants, tenants, and guests also comply with all Association rules and restrictions.

4. Enforcement Authority

The Board has the authority to:

1. Investigate and verify potential violations;
2. Issue notices and demands for compliance;
3. Impose fines and suspend privileges;
4. Initiate legal proceedings or arbitration; and
5. Recover costs, attorney fees, and damages.

These enforcement remedies may be applied individually or concurrently as the Board deems appropriate.

5. Complaint and Verification Process

1. Sources of Complaints: Violations may be reported by management, a Board member, or any owner in writing.
2. Verification: The Association's management or a designated representative will investigate to determine whether a violation occurred.
3. Documentation: Findings will be recorded, including photographs, witness statements, or inspection notes, as appropriate.

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6. Notice of Alleged Violation

When a violation is verified, the Association shall issue a written Notice of Alleged Violation to the owner that includes:

1. The nature of the violation and the specific covenant or rule violated;
2. The date, location, and circumstances of the violation;
3. The action required to correct the violation;
4. The deadline for compliance (at least 30 days) unless an immediate threat exists;
5. The potential consequences for failure to comply, including fines or legal action; and
6. The owner's right to request a hearing before the Board.

Notices shall be sent by first-class and certified mail, and may also be delivered by email if the owner has consented to electronic delivery.

7. Opportunity to Cure and Evidence of Compliance

1. Owners shall have a minimum of 30 days from the date of notice to correct the violation.
2. The owner may submit written evidence of cure, such as photos or contractor receipts, to management.
3. If the Association determines the violation has been resolved, the case shall be closed in writing.
4. If the violation continues beyond the cure period, enforcement may proceed as outlined below.

8. Continued or Repeated Violations

1. Continued noncompliance or recurrence within 12 months of a prior violation is deemed a continuing violation.
2. The Board may issue additional fines for each occurrence or for each day the violation remains uncured.
3. Continued violations may also result in suspension of voting rights or common area use.

9. Hearing Process

Owners have the right to a hearing before any fines or suspensions are imposed.

1. Request for Hearing: The owner must submit a written hearing request within 30 days of receiving the violation notice. Failure to request a hearing constitutes a waiver of the right to contest the violation.
2. Notice of Hearing: The Association shall provide at least 10 days' written notice of the date, time, and place of the hearing. Hearings shall be held in executive session to maintain confidentiality.
3. Conduct of Hearing: The Board shall present the evidence of the alleged violation. The owner may present testimony, evidence, or witnesses. The Board may question both sides and deliberate privately. Legal counsel may attend for either party.

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4. Decision: Within 15 days of the hearing, the Board shall issue a written decision stating whether a violation occurred and any fines or remedies imposed. The decision is final unless appealed under Colorado law.

10. Schedule of Fines

1. The Board shall maintain a Schedule of Fines for violations, which shall be made available to all owners.

Type of Violation	First Offense	Subsequent or Continuing Offense
General covenant or rule violation	\$50 per occurrence or per week until cured	\$100 per occurrence or per week until cured
Nuisance, noise, or conduct violations	\$100 per occurrence	\$200 per occurrence
Architectural or property modification without approval	\$250 per occurrence	\$500 per occurrence or cost of restoration
Repeated violations within 12 months	Double previous fine amount	—

(The Board may modify this schedule by resolution consistent with due process.)

2. Fines shall not exceed \$500 per violation per month unless otherwise permitted by the Declaration.
3. Unpaid fines are collectible as assessments under C.R.S. § 38-33.3-316 and may become a lien subject to foreclosure.

11. Remedies

The Association may pursue any or all of the following remedies:

1. Written warnings or notices of violation;
2. Imposition of fines;
3. Suspension of rights or privileges;
4. Legal or equitable action, including injunctions; and
5. Recovery of costs and attorney fees

These remedies may be applied in any order or combination as determined by the Board.

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12. Recordkeeping

The Association shall maintain records of all enforcement actions, notices, hearing requests, correspondence, and Board decisions for at least seven (7) years in compliance with C.R.S. § 38-33.3-317.

13. Waivers

The Board may waive any fine, fee, or penalty for good cause, including hardship, prompt cure, or first-time violations. All waivers must be approved by motion and recorded in the meeting minutes.

14. Confidentiality

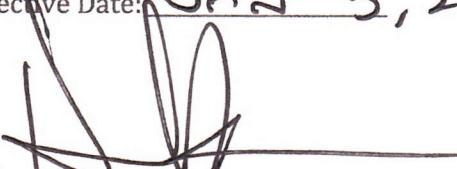
Enforcement actions are confidential. The Association shall not disclose individual enforcement matters to other owners except as required by law.

15. Effective Date

This Policy shall become effective upon adoption by the Board and shall supersede any previous enforcement policy or procedure.

Adopted by the Board of Directors on: JAN 5, 2025

Effective Date: JAN 5, 2025

By: 

Helmuth Naumer, President, Board of Directors
Red Fox Hills Homeowners Association

Attest: 
Jeff Kagan, Secretary