

# **WINDSOR GARDENS CONDOMINIUM ASSOCIATION**

## **RULES AND REGULATIONS CC&R VIOLATION AND ENFORCEMENT POLICY (AMENDED \_\_\_\_\_, 2024)**

Windsor Gardens Condominium Association has established the following Enforcement Policy for Covenants, Conditions and Restrictions (CC&R's) and Association Rules violations enforcement, and any applicable monetary penalties for continuing violations. This Policy will be deemed part of the Association Rules and is subject to amendment or modification at any time by majority vote of the Board. This Enforcement Policy for non-monetary violations is adopted in accordance with Arizona's Condominium Act, Arizona Revised Statutes, Title 33 and the provisions of the CC&R's and Project Documents, as currently in force and effect.

*The following constitute the policies and provisions that apply to General Violations and Monetary Penalties (fines). Where applicable, specific provisions are stated with respect to Section 13.7 of the CC&R's recorded in No. 83-345554 in Maricopa County regarding Short-Term Rental Violations, i.e. the requirement that "no UNIT may be leased for a period of less than thirty (30) days".*

### **First Notice**

A letter will be sent to the Owner of the property outlining the violation. In the event that the Owner of the property can be identified as an absentee Owner, a copy of the violation letter will also be sent to the tenant at the property address. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

### **Second Notice and Assessment of Initial Monetary Penalty**

The Association will assess an Initial Monetary Penalty of seventy five (75) dollars if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation has repeated or returned. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

**Short-Term Rental Violations:** Initial Monetary Penalty=One Thousand (1,000) Dollars

### **Third Notice and Assessment of Additional Monetary Penalty**

The Association will assess an Additional Monetary Penalty of one hundred fifty (150) dollars if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation has repeated or returned. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

**Short-Term Rental Violations:** Additional Monetary Penalty=Two Thousand (2,000) Dollars

### **Maximum Monetary Penalty**

After the imposition of the Additional Monetary Penalty, a Maximum Monetary Penalty of three

hundred (300) dollars may be imposed upon subsequent inspections for continuing violations if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation is repeated or has returned. Inspections will be conducted to coincide with the terms of the notices. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

**Short-Term Rental Violations:** Additional Monetary Penalty=Three Thousand (3,000) Dollars

**Should a period of time of at least ninety {90} days lapse between violation letters about the same offense, the next letter will be a First Notice again. *\*\*NOTE\*\*: This only applies to General Violations, not Short-Term Rental Violations.***

**Certified Mailing Fee**

In addition to the monetary penalties there will be a fifteen {15} dollar certified mailing fee assessed per violation.

**Right of Self-Help**

The Association has the right (but not the obligation) to enter the Owner's property and to provide all maintenance and repairs that are necessary to remove the violation. Entry by the Association and any of its agents is not an actionable trespass. The Association may assess the Owner for the costs of all maintenance and repairs performed by the Association.

**Opportunity to be Heard/Other Rights**

The Association recognizes each Owner's right to explain the reasons why there is a violation of the CC&R's or the other Project Documents, particularly if the violation results in a fine. Before any fine is assessed, an Owner has the opportunity to request a hearing before the Board of Directors. The Owner must provide timely written request for a hearing. If the hearing is scheduled, and attended, the Owner is bound by the decision of a majority of the Board. Owners have other rights as set forth in the Arizona condominium statutes, including the right to file a petition with the Arizona Department of Real Estate for an administrative hearing.

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Title: \_\_\_\_\_

For Windsor Gardens Condominium Association

Date: \_\_\_\_\_