

# **Cottages at Arcadia HOA Policy Statements**

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# Cottages at Arcadia HOA Policy Statements

## Gate Access

*Adopted 01/26/17*

**Do Not Publish:** In order to maintain a sense of security, entry gate codes may not be published. That includes publishing the code in sales advertisements, publishing on a note posted to the gate or listed in the public portion of the MLS listing.

**Party Codes:** Party codes are available upon request. Anyone who wants to hold a birthday party, holiday open house or other such event may order a party code from the Property Management Company and print the number in an invitation for the event. The code will be operational only for the day of the event.

**Realtor Access:** Realtors who have listed a home or lot may request a code for access to the community, but are prohibited from publishing or posting the code.

**Enforcement:** Publishing of gate codes will result in a fine of \$100.00.

## Leasing Requirements

*Adopted 01/26/17*

**Lease Term:** No condo may be leased for fewer than 30 consecutive days.

**Leasing Agent:** Owners who utilize the services of a leasing agent must insure that the agent is aware of and is held responsible for maintaining all leasing requirements. Owners must provide the name of the agent and an emergency contact phone number to the management company. It is the responsibility of the owner to update that information with the management company at any time a change occurs.

**Rules and Responsibilities:** All lessees must be made aware of all restrictions, rules and regulations. A completed tenant registration form must be provided to the HOA management company within 10 days of execution. The form may be found on the community website at **[RMMAZ.COM](http://RMMAZ.COM)**

**Leases:** All leases must be in writing, and must include a statement indicating that violation of any community rule may serve as the basis for immediate cancellation of the lease.

**Tenant Behavior:** Owners are responsible for the behavior and actions of their tenants and will be notified of any and all violations. Owners will be fined for any action by a tenant as if the owner had carried out the action. Additionally, owners will be “billed” for any damage to the common area which results from the action or inaction of their tenants or guests.

## Pool Key Replacement

*Adopted 01/26/17*

Cottages at Arcadia owners who need a pool key replacement may purchase one from the management company for \$50.00.

# Cottages at Arcadia HOA Policy Statements

## **Rules Enforcement and Fine Policy**

*Adopted 4/21/16*

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### **Rule Enforcement:**

We encourage owners to trade phone numbers and to talk about problems in a cordial manner before approaching the Board with a problem. Many problems can be resolved between neighbors and we all should strive for harmony by having consideration for each other.

Should intervention by the Association or its agent become necessary, it will be done in the following manner:

### **Nuisance Violations:**

For verified nuisance violations, including vehicle violations, loud noise, noxious odors, loud parties, and pet violations, the homeowner will be notified immediately. There will be an expectation that the violation will be stopped immediately. If not, a fine as indicated below will be assessed. Second violations of the same type will result in heavier fines.

### **Other violations**

A warning letter will be sent to the homeowner to outlining the substance of the violation, the time allowed for correction (normally 10 days) and the appeal process available.

### **Fine**

If the issue is not resolved within the allotted timeframe, a fine of \$50.00 will be assessed. Repeated violations or failure to resolve the problem within the allotted timeframe will result in subsequent fines of \$100.00.

The Board shall retain discretionary authority to levy a larger fine or take legal action depending on the circumstances of a particular violation.

### **Damages and Payment:**

If any property in the common area or common element is damaged or destroyed through the negligent or culpable act of a co-owner, his guest, tenants, or household member, the Association will make the repairs and bill the co-owner. Payment must be made within 10 days to avoid a lien being placed on the co-owners.

### **Tenants**

Any violation of rules by a tenant will result in notification to the owner who shall be responsible for any sanctions or fines.

# Cottages at Arcadia HOA Policy Statements

## Homeowner Appeal Hearing Process

Adopted – 4/21/16

When homeowners choose to appeal penalties imposed by the HOA, such appeal shall be conducted as follows:

**Request for Hearing:** A homeowner choosing to appeal a fine or penalty shall request such a hearing by written notification to the property manager. Any individual board member who is contacted by the homeowner for the purpose of requesting a hearing shall direct the homeowner to request the hearing as stated above.

**Response to Request:** Upon receipt of a request for a hearing, the property manager shall place the matter on the agenda of the next regular HOA Board meeting. When a hearing request is received less than 15 (fifteen) calendar days before the next regular HOA Board meeting, the property manager shall place the matter on the agenda of the subsequent regular HOA Board meeting. The property manager shall send written notice acknowledging receipt of the request to the homeowner. Such acknowledgment shall include the date, time and location of the meeting during which the hearing will be held.

**Open Session or Executive Session:** The homeowner shall be notified of the right to choose a hearing conducted in open session or executive session. If the homeowner does not elect to have the hearing conducted in open session, it will automatically be held in executive session.

**Hearing Officers:** The Board President shall act as chairperson of the hearing panel, unless he/she is the appealing homeowner, in which case the Vice President shall serve as chairperson. Other present board members will act as the hearing panel and shall make decisions based on the facts presented during the hearing. The Board may choose to employ someone who is not on the Board to serve as recording secretary of the hearing. Such person shall not play any other role during the hearing.

### **Conduct of Hearing**

- a) If the meeting is to be held in Executive Session, the President shall recess from regular session for the purpose of conducting the hearing.
- b) The Hearing Chairperson shall call the meeting to order and indicate, for the purpose of the record, those parties who are in attendance and will participate in the hearing.
- c) The Property Manager shall be charged with the responsibility of presenting a *short*, factual presentation of the history of the violation and fines or penalties assessed. Such presentation shall include presentation of any pertinent documents related to the situation at hand.
- d) Board members may choose to ask clarifying questions of the Property Manager relating to the history or documents presented.
- e) The appealing homeowner will then be provided the opportunity to make a *short* presentation, outlining reasons why the fine or penalty should not be assessed. Such presentation shall include any pertinent documents related to the situation at hand.
- f) Board members may choose to ask clarifying questions of the appealing homeowner relating to the facts or circumstances behind the appeal.
- g) The Property Manager shall be given an opportunity to respond to issues that have come up in the presentation by the homeowner.
- h) The appealing homeowner shall be given an opportunity to respond to issues that were brought up in the final presentation by the Property Manager.
- i) The Board shall then conduct such discussion as necessary to clarify the issues.
- j) The President will then ask for a motion to accept or deny the appeal. If the hearing is held in Executive Session, the President will recess the Executive Session and reconvene the regular session before entertaining a motion.
- k) After such a motion has been properly made and seconded, the board shall vote by a show of hands.

**Notification:** After a decision has been made, the appealing homeowner shall receive written notification of the Board decision.

**Finality:** Action by the Board shall be final. No further appeal to the Board shall be available.

**Witnesses:** Use of witnesses by either presenter is discouraged. Testimony required to support either presentation should be accomplished through affidavit, with such affidavits becoming part of the hearing record.

**Representation:** The process is designed to be informal. Appealing homeowners shall be encouraged to represent themselves. Should the homeowner choose to be represented by counsel, such homeowner shall notify the Board at least 15 (fifteen) calendar days in advance and the Association may choose to be represented by counsel. Should the Association's counsel be unable to attend the scheduled hearing date, the Association may reschedule the hearing for another regular HOA Board meeting, not to exceed 65 (sixty-five) days from the originally scheduled hearing date. Notice of reschedule shall be sent, telephoned or e-mailed to the homeowner not less than three calendar days before the scheduled hearing with a written notice to follow within 15 (fifteen) days detailing the new date, time and location of the meeting during which the hearing will be held.