

**UPLAND GREEN HOMEOWNERS ASSOCIATION**

**GENERAL RULES**

**AND**

**REGULATIONS**

# Table of Contents

## Section Title / Description

Introduction

1.0 Scope

2.0 Reference Documents

3.0 Collection of Assessments

4.0 Filing Complaints

5.0 Handling Complaints

6.0 Schedule of Fines

6.1 Minor Infractions

6.2 Intermediate Infractions

6.3 Severe Infractions

6.4 Accumulation of Infractions

7.0 Hearing Procedures

7.1 Hearing Board

7.2 Requests for Hearing

7.3 Hearing Procedures

8.0 Enforcement of Rules and Regulations

## Introduction

In order to maintain an orderly and pleasurable living environment within Upland Green, reasonable policies and regulations must be established and enforced. This Manual provides information regarding policies and regulations as determined by resolution of the Board of Directors for the benefit of all property owners, residents and guests within the development.

This manual will address

- (A) Use of the common areas by Owners, Renters, Guests and other Occupants, and hereinafter referred to as “Occupants”.
  
- (B) The conduct of such persons in the common areas.
  
- (C) Guidance on such use, conduct or actions which would adversely affect the areas of the Development or its appearance or offend or endanger occupants or their guests.

The Rules and Regulations set forth in this Manual are enacted under the authority given the Board of Directors of Upland Green as set forth in Article III, Articles of Incorporation of Upland Green Community Organization dated February 18, 1981; Article D, Section 1 of the Declaration of Covenants, Conditions and Restrictions for Upland Green Homeowners’ Association (known as CC&R), dated: February 19, 1981. ; Washington State Code RCW 64.38.020 (Association Powers).

A copy of these Rules and Regulations will be delivered to each present and future Occupant either personally or by mail. The owner of each home (and/or the owner’s authorized agent) shall have the responsibility to inform renters, occupants and guests of the provisions of these Rules and Regulations.

These Rules and Regulations will be binding to all Occupants and their guests, and will be enforceable to the same extent as if they were specifically set forth as provisions of the CC&Rs and Bylaws. Any homeowner and/or the Board of Directors may enforce such provisions by all appropriate legal proceedings, including but not limited to, by injunction, eviction (in the case of a renter(s)), abatement of nuisance, and damages.

These Rules and Regulation will be reviewed from time to time by the Board of Directors, and republished if any changes are deemed necessary. Any such change to these Rules and Regulations shall become effective upon being placed in the mail, postage prepaid, addressed to the last known address of each homeowner of the Association. Notice given to the owner of a home shall also be noticed to that home’s residents, tenants and/or guests.

## **1.0 Scope**

The following Rules and Regulations are a supplement to the Bylaws of Upland Green Homeowners' Association (Bylaws) and Declaration of Covenants, Conditions and Restrictions for Upland Green Homeowners' Association (CC&Rs) to be used by the Board of Directors and homeowners for specific actions and consequences for violations of the CC&Rs.

- 1.1. The creation of Rules and Regulations is an evolutionary process, which may require change as the Rules are applied.
- 1.2. Only the Board of Directors will make change(s) to this document.
- 1.3. Any change(s) to this document will be furnished in writing to all occupants immediately after its adoption.

## **2.0 Reference Documents**

### **TABLE 1 – REFERENCE DOCUMENTS**

#### **Document**

Declaration of Covenant, Conditions and Restrictions for Upland Green Homeowners' Association (CC&Rs)

Articles of Incorporation of Upland Green Community Organization

Bylaws of the Upland Green Homeowners Association

Washington State Code RCW 64.38

### **3.0 Collection of Assessments**

- 3.1. The Homeowners Dues are due January 21st of each year.
  - 3.1.1. The homeowners' dues are to be made payable to Upland Green Homeowners Association (HOA) and sent to P.O. Box 8449, Kirkland, WA 98034.
- 3.2. All assessments that are "past due," statements will be sent fourteen (14) after the due date to notify the appropriate homeowners of delinquency.
- 3.3. A FINAL notice will be sent to those homeowners who are still delinquent after thirty (30) days after the due date. Interest on past due assessments will be added at a rate of 12% per annum beginning thirty (30) days after the due date.
- 3.4. After forty-five (45) days after the due date, a NOTICE OF DELINQUENT ASSESSMENTS will be sent by certified and regular mail.
- 3.5. If the past dues are not paid within sixty (60) days of receipt of the certified notice, a lien will be placed on the lot(s). The occupant is now responsible for all assessments, together with any interest, costs and any reasonable attorney's fees incurred to collect such assessments.

Note: If an occupant refuses or ignores a notification receipt of a certified mail, it will be documented that the occupant has been notified.

## **4.0 Filing Complaints**

- 4.1. Owners and/or residents who observe any violation of the CC&Rs should report the violation to the Upland Green Homeowners Association Board of Directors in writing.
  
- 4.2. Upland Green Homeowners Association, P.O. Box 8449, Kirkland, WA 98034.
  
- 4.3. Notification should detail the facts of the situation and the CC&R that is being violated.

## 5.0 Handling of Complaints

5.1. Upland Green Homeowners Association will handle routine violation(s) notices. The Secretary will then forward a copy of the complaint and any action they have taken to the Board members within 3 business days.

5.2. The Board of Directors will investigate the claims made and render a decision and/or course of action at the next scheduled meeting of the Board.

5.3. In the case of an emergency or harmful situation, the Board of Directors will confer by telephone and render a decision and/or course of action immediately.

5.3.1 If the Board finds the respondent to be in violation of the CC&Rs, a certified letter will be mailed detailing the violation, the applicable CC&R and course of action required remedying the situation.

If respondent believes the claim to be false, he/she should contact Upland Green Homeowners Association in writing within 14 days of receipt of the Board's letter for action.

5.3.2 Failure by the respondent to remedy the violation within fourteen (14) days will result in fines as described in Section 6.0.

5.4 The respondent may request a hearing as described in Section 7.2.

5.5 The Board may choose to investigate the claim further or may request a hearing as described in Section 7.2.

## 6.0 Schedule of Fines

- 6.1. Minor infractions. Minor infractions of the Rules, Bylaws, and/or the CC&Rs may include but are not limited to:
- a) Noise nuisance,
  - b) Failure to pickup pet dropping or violation of the leash law,
  - c) Trash cans not hidden from sight of the street,
  - d) Yard maintenance.
- 6.1.1. First Violation. The violator(s) will be notified by certified letter from Upland Green Homeowners Association describing the violation, the applicable CC&R and a course of action to be taken
- 6.1.2. Second Violation--\$25 Fine. If the violation is not corrected within fourteen (14) days of receipt of notice, a certified letter will be sent along with notification that a \$25 fine has been assessed.
- 6.1.3. Continuing Violations - \$25 increase per Month. For each thirty (30) day period during which the violation remains uncorrected, the fine will be increased an additional \$25.00.
- 6.2. Intermediate Infractions. Intermediate infractions of the Rules, Bylaws, and/or the CC&Rs may include but are not limited to:
- a) Extended parking (in excess of 30 days) of a vehicle(s) in driveways or right-of-ways.
  - b) RV's, campers or boats (in excess of 48 hours) in driveways or right-of-ways.
  - c) RV's, campers or large boats in open view from any lot or right-of-way,
  - d) Failure to request Board approval of architectural plans.

6.2.1. First Violation. The violator(s) will be notified by certified letter from Upland Green Homeowners Association describing the violation, the applicable CC&R and a course of action to be taken.

6.2.2. Second Violation--\$50 Fine. If the violation is not corrected within fourteen (14) days of receipt of notice, a certified letter will be sent along with notification that a \$50 fine has been assessed.

6.2.3. Continuing Violations - \$50 increase per Month. For each thirty (30) day period during which the violation remains uncorrected, the fine will be increased an additional \$50.00.

6.3. Severe Infractions. Severe infractions of the Rules, Bylaws and/or the CC&Rs may include but are not limited to: Refusal to comply with the Rules, Bylaws and/or the CC&Rs as determined by the Due Process Hearing Board.

6.3.1. First Violation. The violator(s) will be notified by certified letter from Upland Green Homeowners Association describing the violation, the applicable CC&R and a course of action to be taken.

6.3.2. Second Violation--\$500 Fine. If the violation is not corrected within fourteen (14) days of receipt of notice, a certified letter will be sent along with notification of an assessed fine of \$500.00.

6.3.3. Continuing Violations - \$500 increase per Month. For each thirty (30) day period during which the violation remains uncorrected, the fine will be increased an additional \$500.00.

6.4. Accumulation of Infractions. If the violation continues for a period of sixty (60) calendar days from the date of the certified letter stating the first violation, and the fines remain unpaid, a lien will be placed upon the home. (CC&Rs Article D, Section 3)

## 7.0 Hearing Procedures

### 7.1. Board of Directors to Serve as Due Process Hearing Board.

7.1.1. Members. The Due Process Hearing Board shall be comprised of at least three (3) members of the Board of Directors of the Association. The Hearing Board may also include members of the community and other impartial parties. The Hearing Board shall not exceed five (5) members.

7.1.2. Authority. The Due Process Hearing Board is authorized and empowered to investigate, hear and determine all complaints concerning violations of the CC&Rs by any owner, occupant, guest, or the Association. The Hearing Board is also authorized to impose a fine as provided in Section 6.0 of this document and to require the non-prevailing party to reimburse the Association for its costs, including reasonable attorney's fees, in connection with the complaint.

7.1.3. Officers. The President of the Board of Directors shall serve as Chairman of the Due Process Hearing Board.

### 7.2. Request for Due Process Hearing

7.2.1. Claimant. If the remedy for the violation cited in Sections 4.0 and 5.0, is not to the claimant specifications a hearing may be requested.

7.2.2. Respondent. If the respondent feels the claim made against him/her is not valid, this individual may request a hearing.

7.2.3. Homeowners. Any homeowner may request a hearing when a disagreement over a Board or committee decision occurs.

7.2.4. Board of Directors. The Board may at any time request a hearing concerning a violation of the CC&Rs.

7.2.5. Architectural Committee. The Committee may request a hearing when a decision is being questioned.

7.2.6. Requests Made. All requests for a hearing must be made in writing to Upland Green Homeowners Association. The request should state why the Hearing should take place.

### 7.3. Due Processing Hearing Procedure

7.3.1. Date for Hearing. The Due Process Hearing Board will respond to each hearing request within thirty (30) days after receiving the written request by scheduling a hearing.

7.3.1.1. The date of the hearing will be not less than ten (10) days and not more than thirty (30) days from the receipt of the request for a Hearing.

7.3.1.2. If the date of the hearing is not acceptable the parties have ten (10) days from receipt of notice to request a new hearing date.

7.3.1.3. Only in cases of emergency will a hearing be rescheduled after the ten (10) days. The Hearing Board will determine the acceptability of the emergency.

7.3.2. Cancellation. Either party involved in the hearing may cancel a hearing one (1) time up to ten (10) days prior to the hearing date.

7.3.3. Parties at the Hearing. The hearing will be attended by the Due Process Hearing Board as described in Section 7.1, the complaining party, the party requesting the hearing, and any witnesses or other persons who may have an interest in the hearing.

7.3.3.1. Each party has the right to representation by counsel at his/her own expense.

7.3.3.2. Due to the limitations of space or the issue to be discussed, the Hearing Board may conduct the hearing in executive session.

7.3.4. Procedure at the Hearing. The hearing will be a formal meeting with a Chairman as described in Section 7.1.3. At the beginning of the hearing the Chairman will explain the rules and procedures by which the hearing is to be conducted.

7.3.4.1. Both sides will present evidence, witnesses and testimony regarding the complaint without interruption.

7.3.4.2. Either party may make a claim in writing to the Hearing Board instead of being present at the hearing. Note: This will preclude the Hearing Board from asking relevant or clarifying questions prior to rendering a decision.

The Hearing Board may expel any person from any hearing for improper, disorderly or contemptuous conduct.

7.3.4.3. Detailed minutes will be kept.

7.3.5. Default. If either party concerned in the claim fails to appear for reasons other than an emergency, the Hearing Board will base their findings on whatever evidence is presented at the hearing, regardless of that party's presence.

7.3.6. Decision. The Hearing Board will notify all parties concerned of its decision within thirty (30) days of the hearing. The decision will be in writing and will include findings of fact and the conclusions based on cited rules. The decision will be entered in the Association's minute books and become a permanent part of the Association's records.

7.3.7. The decision will be public record unless either party requests a closed file.

## **8.0 Enforcement of Rules and Regulations**

- 8.1. Failure to comply with a provision of the Rules, Bylaws and/or the CC&Rs of Upland Green or a decision of the Board of Directors will be grounds for an action to recover money due for damages including but not limited to : fines levied by the Board and legal costs incurred by the Association. Such failure shall further be sufficient grounds for the issuance of injunctive relief in such an action.
  
- 8.2. If the Board of Directors fails or refuses, after demand by an aggrieved homeowner, to take appropriate action to enforce compliance with any provision of the Governing Document, any Board decision or any Hearing Board decision, an aggrieved owner on his/her own may maintain an action for damages and/or injunctive relief against the party (a homeowner or the Association) for failing to comply.
  
- 8.3. In any action brought by the Association, the Board or a homeowner as provided in this Section, the prevailing party shall be entitled to recover attorney's fees incurred in connection with the action.