



Changing the way you think about HOA Management... **Nationwide.**

VIOLATION AND TIMELINE EXPECTATIONS

**This document was put together with
assistance from HOA attorneys and
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Violation Process and Timeline Expectations

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Covenant enforcement is one of the most difficult aspects of running a homeowners association! Oftentimes associations do not understand the time it takes to remedy a violation if the homeowner decides to fight the HOA. Below is a general timeline of the process and what to expect along the way.

Step 1: Board Member Notifies Your HOA of a Violation

When this happens, our board team will input the violation in to our system and issue a non-compliance (Violation Letter 1) via email (if they have one on file) and via US Mail. This letter will be based on the recommendations of the HOA attorney and the HOA statutes in your state.

Timeline: (30 days)

Step 2: Homeowner is Non Compliant

After the initial letter, and the homeowner has not complied, with the board's approval, we will send follow up non-compliance (Violation Letter 2). This letter is more serious than the first letter and threatens legal action if there is no remedy.

Timeline: (30 days)

Step 3: Attorney Action

Once the homeowner has failed to remedy the situation, with the board's approval, we will send the homeowner over to the association's attorney for litigation.

Timeline: Initial Attorney Letter (30 days)
Filing Suit (30 Days)
Default Judgement (30 Days)
Court Hearing (if needed) 30-90 days

Entire Process if there is No Homeowner Compliance = 6 Months (or more)

Other Violation Considerations:

Community Budget:

This is the most important. Most communities do not have the funds to send all violations to legal. There are upfront costs associated with the law suits and the costs can add up quickly.

Homeowner Compliance:

When a homeowner complies, the process is a quick one. When they fight it, it can take up to a year (or more) to remedy the situation. Working with the homeowner directly is always the best course of action (and the most cost effective).

Management Company:

The management company can only act on the direction of the board and follow the state laws, attorney recommendations and the CC&Rs for the community. **Remember... We cannot force a homeowner to comply with the governing documents.** Once the violation is handed over to the association's attorney, the management company is no longer able to assist the homeowner with the violation process. They need to contact the attorney directly.

Attorney Workload:

The above timeline is based on a normal workload for the attorney. During the summer months, when non-compliance is the worst, the attorney can even be backed up which can cause further delays in processing covenant violation turnovers.

Board Participation:

Active board participation is key to effective enforcement. Quick responses to violations, and willingness to meet with homeowners in person and give reasonable variations to the rules if need be will make the entire process much easier (and cheaper) for all involved.

State Law Considerations:

For enforcement matters, a homeowner has a statutory right to meet with the Board as long as they abide by the process of requesting the meeting in writing. If the board refuses to meet with the homeowner, the Board members are violating the enforcement statutes. If they are not willing to follow the mandates then they cannot enforce the documents.

The letters that are sent out specifically detail how a homeowner is entitled to a meeting if they request it in writing within ten days. When the homeowner complies the Association must make a good faith effort to meet with the owner to resolve the violation.

Failure to participate in the process, especially once the Board have begun the process of sending a violation notice, is a violation of state law. The Board members could face breach of duty claims for failure to enforce or for failure to enforce in accordance with state law. This is a function of the Board and if they are not willing to participate, then they are not performing their Board function.

Important Partnership:

In the end, a working, transparent and cohesive partnership between the board and the management company is what is needed to be successful.

The ending goal is to protect the property values in the association and build a thriving, welcoming community.