

If you receive a violation letter from the HOA, please read through the material below so that you are familiar with how the HOA is required to handle these matters, how we would like you to respond, and what the rules say about how the process is supposed to proceed. There is also a section at the end of this page that explains things you shouldn't do.

Read The CCR's and The R&R (Rules & Regulations) Documents

When you receive a violation letter, you should read and become familiar with sections of these documents that your violation is in conflict with. These documents explain the HOA's policies and procedures for CC&R rule enforcement, and if necessary fine assessments. Remember that the HOA is required to address violations. It's important to know that our HOA is organized as a nonprofit corporation and has been registered as such with the State of Washington since June 2001.

As a nonprofit corporation the HOA and its elected directors and officers have responsibilities and duties defined in our By-laws and CC&R's. For example, Washington law says an HOA may conduct its activities, impose dues and assessments upon its members, carry on its business, and do any other duties not inconsistent with law that furthers the activities and affairs of the corporation. Washington law also requires that directors of the HOA act in its best interests and says that "Each officer has the authority and shall perform the duties set forth in the bylaws or, to the extent consistent with the bylaws, the duties and authority prescribed by the board of directors or by direction of an officer". Our By-laws say that one of the duties of the board is to carry out the associations's purposes which are defined in part by the CC&R's.

The Bylaws and CC&R's apply to all of our homes equally and aren't something the HOA can waive or ignore for a homeowner without a very good and substantial reason. The HOA is required to enforce the CC&R's and that is usually the end of the discussion as far as the HOA is concerned unless there is a strong and compelling reason to do something else. Every homeowner was provided a copy of the CC&R's when they purchased their home and they are available on our website. Please read them and become familiar with the rules and limitations they contain. The HOA assumes all homeowners have read them.

Occasionally homeowners ask why the HOA didn't talk to them and just mailed out the initial violation letter. The context is often that the homeowner feels the letter was impersonal or that the HOA was being confrontational. The HOA sends violation letters because our rules require it to. Our Rules & Regulations says that if the HOA receives or observes a potential violation and a violation is found to exist, "a letter shall be sent to the Violator explaining the nature of the violation." There have been times when the HOA has had one of its directors or officers talk with a homeowner about an issue. That usually occurs if there are questions about whether the activity is an actual violation or a temporary concern. But, there are some important reasons the HOA doesn't generally discuss violations with homeowners in person:

- 1 It is difficult and very time consuming to go to homes – typically numerous times – to talk with a homeowner. The HOA doesn't want to talk with their children, family, friends, etc. about the violation. Sometimes homeowners won't answer the door despite being able to see them inside. It is also common to have a spouse open the door and say that the HOA has to come back when the other spouse is home because they handle these things. And don't forget that some of our homes are rentals occupied by non owners that often don't care about the rules because it isn't their house. The HOA doesn't keep pictures of the actual homeowners to be able to know when we are talking to them or to a renter.
- 2 The HOA wants to make sure the homeowner has a full understanding of the reason for the violation, our enforcement steps, and exactly how to contact us with questions. If the letter is detailed and explains these things, the HOA is confident that it has given the homeowner adequate notice and sufficient information to be fair to them.
- 3 The HOA doesn't want to get drawn into conflict and drama about who said what. Letters are typically clear about what the violation is; what corrective action is needed; and the time frame for correction. The HOA requires that any response to a violation letter by a homeowner be in writing for the same reason.
- 4 Conversations with homeowners tend to trail off into indefinite "I'll take care of it" sorts of inconclusive endings. Which, of course, often never happen and the HOA ends up wasting weeks or months while the homeowner puts off the issue and the neighbor who filed the complaint gets more and more upset with the passage of time. Letters solve this issue by clearly getting to the point and moving things along.

Prepare a response

The CC&R's for our neighborhood are generally very clear and the HOA board of directors is required to enforce them. However, that doesn't mean the HOA cannot grant exceptions for good and sufficient cause. If you feel that there is a strong and compelling reason you should not be required to follow the CC&R's on a particular issue, please take some time to carefully prepare a response. The HOA board carefully considers your response in light of its collective experience, individual backgrounds, and expertise. The board members live in our neighborhood, too, and have a home that is probably very similar to yours. If you help the HOA understand the issue and give it good information to consider, it may be able to justify allowing an exception to the CC&R's.

Communicate with the HOA Board of Directors

After you have re-read the violation letter the HOA mailed to you, read the rules in our Bylaws and CC&R's, and prepared a thoughtful response, please send it to the HOA in writing. In order to ensure the HOA receives it, the HOA requires that you send your response to either the HOA email address, which is hoawindsorridge@gmail.com, or you may send it by regular mail by addressing it to:

Windsor Ridge HOA
P.O. Box 865
Greenacres, WA. 99016

The HOA is aware of issues that affect responding to some violations in the normal resolution timeframe. The HOA is also understanding when it comes to the expense of dealing with some of these issues. For these reasons, the HOA often invites homeowners to communicate a reasonable plan within the specified deadline to resolve the issue. The HOA always reads and considers the homeowner's proposal. If the proposal is reasonable and will resolve the matter, the HOA may accept it or may otherwise work with the homeowner to come up with a good schedule to remedy the violation and get things done.

The HOA board members live in our neighborhood so it's likely you may have the opportunity to talk with one about the violation letter you receive. Please remember that conversations you may have with board members have no bearing on the contents of the violation letter sent to you, the deadline to resolve the violation or respond, or the application of our Bylaws and CC&R's.

What not to do

Please remember that the HOA is made up of people who live in our neighborhood and care about it enough to volunteer their time and serve our community. Violations of the rules affect the livability of the places we call home and reduce the value of our investments, which are worth millions of dollars. When the HOA sends out a violation letter it is following the rules, performing its duty, and reminding homeowners about the rules and restrictions in the CC&R's that apply equally to everyone to protect our community.

With that in mind, if you wish to send the HOA a response to your violation letter please remember that the HOA will read your response and consider what you say. Take a moment before you hit the "send" button, or mail the response, and make sure you won't regret the things you say to your neighbors in a few days. Angry, insulting, threatening, or harsh comments will only make things worse, as will these things the HOA has dealt with in the past:

- 1 Taunting the HOA with promises that the HOA will never be able to make you do anything. That just doesn't work. The rules say that after multiple occurrences of the same violation, or any single violation, with no resolution or correction in a stipulated timeframe, the HOA can turn the matter over to its attorney for enforcement. At that point all options are on the table such as court orders to enforce the CC&R's, or placing liens on the resident's property. The By-laws and CC&R's also state that the homeowner shall pay all the HOA's costs including attorney fees and/or lien expenses.

- 2 Accusing the HOA of selective enforcement. The HOA is trying its best and actively responds to all violations. If you know of other violations, please inform the HOA so we can investigate but it doesn't affect the violation on your property.
- 3 Saying the CC&R's are obsolete. If you have a proposal for modifying or changing the CC&R's, please write it down with your explanation of why it should be changed and send it to the HOA so that we can consider your ideas for improvement. The HOA welcomes those kinds of things and always considers them carefully. RememberBut in the mean time, just saying the CC&R's are out of date doesn't advance the discussion of your violation.
- 4 You took too long. The HOA board may not be as prompt as it could be some times. The board is made up of unpaid volunteers and other concerns such as our families, our jobs, our homes, and our health come first. It just doesn't work to try to shift responsibility for your rule violation to the HOA because you feel the HOA didn't work fast enough for your standards. If it's an important concern for you, please volunteer to join the HOA board and serve your community so that you can help us respond to things quicker and be part of the solution.

We are an association of homeowners and adults who live by the CC&R's for our neighborhood that we knew about before we purchased our homes. The HOA encourages you to stay positive and respond in a mature fashion. Just saying the rules shouldn't apply to your home won't work. Treat the situation as a learning experience and something to work out with your fellow neighbors and the Board of Directors who also own homes in our community. Send the HOA a reasonable and well supported plan as to how you would like to resolve the violation so the HOA can see you are treating this seriously. Stay positive in what you say and help the HOA bring your property back into compliance with the CC&R's. Remember that the HOA exists to preserve all of our property values for 92 homes and to keep our neighborhood a great place to live. While your violation may not seem like a big deal to you, real estate appraisers say that even little issues in the neighborhood drag down the overall value of our homes.

We hope this helps. If you have any questions about how to respond to a violation letter from your HOA, please send the entire HOA board a message by email at hoawindsorridge@gmail.com.