

HOA Enforcement Policy 2025

This policy expresses the Montclair HOA's approach to enforcement issues when they become necessary to pursue.

Adopted as explicit policy by the Montclair HOA Board at the June 20, 2019 quarterly meeting.

The basis of the board's authority to enforce is in the [covenants](#):

Article VII, Section 10. Rules and Regulations. Rules and regulations concerning and governing the Property or any portion thereof maybe adopted, amended or repealed, from time to time by the Board of directors of the Association and the Board of directors may establish and enforce penalties for the infraction thereof, including without limitation the levying and collecting of fines for the violation of any of such rules and regulations.

Before getting to enforcement though, it's critical to remember a few things:

- The goal is to have a functional, happy, and well-maintained neighborhood, not to use power.
- Both before and during the process of enforcement it's critical to have person-to-person conversations explaining what is happening if that is at all possible (and it may not always be)
- Our basic conclusions were that we may not need to make any new specific rules at this time, but the board could choose as a whole to begin an enforcement activity The most obvious long-term struggle has been with staining fascia/soffit.

Here is a basic proposal for enforcement technique; the board can modify it as it sees fit.

When an enforcement action is agreed by the board:

1. A letter explaining the problem, solution, deadline, and consequences must be sent.
 - If possible, a phone call or face-to-face meeting should explain the situation in person.
 - *Contact*: The letter must offer a board contact that the person can talk with about the issue.
 - *Problem*: Explain exactly what the problem is and why it is in conflict with our regulations or covenant/bylaws
 - *Solution*: Explain exactly what must be done to resolve the problem.
 - *Deadline(s)*: Explain the dates by which the solution must be achieved or the dates at which the board will contract the work done and charge it to the HOA member. This would normally be in the range of 90 days.
 - *Consequences*: Explain what happens if they don't meet the deadline. This would normally be a monthly surcharge in addition to dues. Then, if (6 months?) passes with it still not being solved, the HOA arranging the work to be done and double the contractor price and billing it as an HOA dues surcharge.
 - *Total possible cost of non-compliance*: Explain the total estimated possible cost of non-compliance in the first (6?) months and then if the board has to arrange the work.
2. If the initial deadline passes, another letter must go out with all of the above reiterated (or copied) and an explanation of the new surcharge and the new deadline.
3. The treasurer is kept informed of compliance deadlines and consequences, and begins surcharge if necessary. If the second deadline passes, the board arranges for the work to be done, and double the amount is passed to HOA member as a surcharge