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RESOLUTION OF THE HERITAGE RANCH OWNERS ASSOCIATION

Delinquent Fine Collection Policy and Procedure

WHEREAS, the Heritage Ranch Owners Association's Bylaws Article IX(d) establishes the duty and power of the Board of Directors to adopt and establish rules and regulations, including the imposition of monetary penalties; and

WHEREAS, the Heritage Ranch Owners Association's CC&Rs Article VII(d) and (e) specify the authority of the Board of Directors to make, establish, promulgate, amend and repeal the Rules and Regulations of the Association, and amend and repeal rules, regulations and criteria pertaining to the functions and decisions of the Architectural and Environmental Control Committee; and

WHEREAS, California Civil Code Section 5310 and 5850 requires that if an Association adopts or has adopted a policy imposing a monetary penalty, including any fee, on any Association member for a violation of the governing documents or rules of the Association, including any monetary penalty relating to the activities of a guest or invitee of a member, the Board of Directors shall adopt and distribute to each member, by personal delivery or first-class mail, a schedule of the monetary penalties that may be assessed for those violations, which shall be in accordance with authorization for member discipline contained in the governing documents; and

WHEREAS, the Heritage Ranch Owners Association will enforce all CC&Rs and Rules and Regulations equitably and issue citations for violations subject to the fine schedule contained in the Fine and Enforcement Policy and Procedures with Schedule of Sanctions.

NOW, THEREFORE BE IT RESOLVED that the Association hereby adopts the following policies and practices in enforcing the fines against its members for their default in the payment of monetary penalties (Minimum Fine amount of \$25.00):

If a property owner receives a copy of a written citation attached to a "Notice To Appear" form, it will state the time and place to appear at the Violation Hearing before the Violation Hearing Officer. If a property owner receives a citation on behalf of their tenant, they may waive their right to appear in writing, and allow the tenant to appear on the property owner's behalf. If the property owner is unable to attend, and does not wish to have the tenant appear on their behalf, a letter stating their position and any applicable details defending the alleged non-compliance.

The property owner will be notified in writing within 10 days after the Violation Hearing as to the decision of the Violation Hearing Officer by Notice of Decision.

If the citation/penalty was upheld after the property owner (and/or tenant) attended the Violation Hearing and/or submitted a letter as their defense, the property owner (and/or tenant) may appeal the decision by written request to the Board of Directors and by paying the fine assessed within 10 days of receipt of the "Notice of Decision." The property owner must be present at the appeal if the fine(s) for citation(s) on the books of the Association at the time of the scheduled appeal are \$500.00 or more.

If the property owner does not appeal the decision, they have 15 days after the date of the receipt of the "Notice of Decision" in which to pay the indicated fine. The property owner shall receive a statement showing the balance of their account.

A letter inviting the delinquent property owner to a hearing will be sent 90 days after fines are posted to an account. The hearing will be held no less than 20 days after the notice date and will be to confirm the status of the account and consider the suspension of membership privileges. After the hearing, a "Notice of Decision" will be sent to the delinquent property owner.

The foregoing policies and practices shall remain in effect until such time as they may be changed, modified, or amended by a duly adopted resolution of the Board of Directors.

BE IT FURTHER RESOLVED that within thirty (30) to ninety (90) days prior to the beginning of each fiscal year a copy of this DELINQUENT FINE POLICY AND PROCEDURE as adopted or as may be subsequently modified and amended, shall be delivered to each of the property owners of the Association.

THIS RESOLUTION is adopted and made a part of the minutes of the Board Meeting held on May 25, 2023 and rescinds and supersedes all prior iterations of this Policy.



Dan Burgess, Board President