

WOODFIELD ESTATES HOMEOWNERS ASSOCIATION

Compliance Policy

May 14, 2020

COMPLIANCE POLICY STATEMENT

Purpose:

The purpose of this policy statement is to describe the means by which enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) is achieved for Woodfield Estates.

Authority:

The Bylaws of the Woodfield Estates Homeowners Association (WEHA) grants the WEHA Board of Directors (Board) the power to establish rules and regulations as necessary to conduct WEHA business.

ARTICLE IV of the Bylaws describes the
DIRECTORS AND OFFICERS.

Section 1 establishes the Board and its powers:

Corporate powers of the corporation shall be vested in a Board of Directors. The number of directors who shall manage the affairs of the corporation shall be five.

ARTICLE VI of the Bylaws describes the
POWER AND DUTIES OF DIRECTORS.

Section 1 grants corporate powers to the Board:

Subject to limitations in the Articles of Incorporation, these Bylaws, and the laws of the State of Washington, all powers of the corporation shall be exercised by or under the authority of, and the business and affairs of the corporation shall be controlled by the Board of Directors.

Section 1, Subsection 2 grants regulatory powers to the Board:

To conduct, manage, and control the affairs and business of the corporation, and to make such rules and regulations therefore^a not inconsistent with law, with the Articles of Incorporation, the Declaration [of Covenants, Conditions and Restrictions], or these Bylaws, as they may deem best.

The WEHA CC&Rs grant the Board the power to enforce the CC&Rs, but do not create an obligation to do so. Also, any member of the association (Owner) may take it upon themselves to enforce the CC&Rs.

ARTICLE VII of the CC&Rs describes the
GENERAL PROVISIONS of the CC&Rs.

Section 1. Enforcement.

*The Association, or any Owner, **shall have the right** to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges ...*

Violations:

GENERAL GUIDELINES

The CC&Rs provide general guidelines for proper maintenance of the properties within Woodfield Estates.

ARTICLE VI of the CC&Rs describes the
LAND USE AND BUILDING RESTRICTIONS of the CC&Rs.

Section 2

*No noxious or offensive activity shall be conducted on any Lot, nor shall anything be done or maintained on the Properties which may become an activity or condition which **unreasonably interferes with the rights this Declaration gives other Owners** to use and enjoy any part of the Properties. No activity or condition shall be conducted or maintained on any party of the Properties which **diminishes the value of the Properties** as a residential community. No **untidy or unsightly condition** shall be maintained on any property. Untidy conditions shall include, but are not limited to, publicly visible storage of wood, disabled vehicles of any kind whatsoever, and **landscaping which is not properly maintained**.*

SPECIFIC VIOLATIONS¹

In addition to the general guidelines in the CC&Rs, the Board maintains a list of Specific Violations that represent the Board's clarification of those general guidelines.

EXTERNAL ENFORCEMENT

Violations in the CC&Rs that are enforced by government agencies are referred to those agencies for enforcement. The Board reserves the right to enforce these violations when a resolution is not forthcoming.

ARTICLE VI
LAND USE AND BUILDING RESTRICTIONS of the CC&Rs.

Section 1.

*No Residence shall be constructed which exceeds the allowable height set forth in the **City of Olympia Zoning Code** for this zone.*

Section 5. Mining

*Oil storage for residential heating purposes is permissible if the storage tank is buried, any necessary permits are obtained, and the storage complies with all **applicable environmental laws, rules, and regulations**.*

Section 6. Building Location.

*Setback requirements for construction shall comply with **City of Olympia regulations**.*

Section 7. Animals.

Dogs shall not be allowed to run at large or to create a disturbance for other Owners in the plat. [City of Olympia, Animal Control, enforces “at large” dogs.]

Section 11. Trees and Landscaping Requirements.

A. Trees

*The Association has the ultimate responsibility to make sure that no significant trees are removed, without the approval of the **City of Olympia Building Department**.*

*All building permit applications for all Lots shall include a site plan that identifies all significant trees and other natural vegetation including all other trees, shrubs, bushes and groundcover on the site and that indicates which trees and what vegetation are proposed for removal. The **building official** may require the plans to be modified to prevent the removal of significant trees or other vegetation. Such modification may include relocation or reorienting any of the structures on a Lot and limiting the footprint size of any structures permitted on a Lot. The **building official** may require vegetation on the site to be replaced by native landscaping. No building permit may be signed-off for any Lot until the installation of landscaping required by the **building official**, unless the **building official** has granted an extension for weather.*

B.

*Prior to issuance of any building permit for a house on a Lot, a landscaping plan showing comparable amounts of vegetative improvements and following the established theme of the typical Lot landscaping plan shall be submitted and approved by the **City of Olympia Building Department**. If inclement weather conditions prevent the timely installation of said improvements, the Lot Owner, with the approval of the **City of Olympia**, may receive a signed-off building permit on condition that the landscaping will be installed when weather permits.*

Section 13. Permits.

*No construction or exterior addition or change or alteration of any structure may be started on any portion of the Properties without the Owner first obtaining a building permit and other necessary permits from the proper **local governmental authority**.*

Section 16. Contractor.

*Without the prior approval of the committee, no home may be constructed on any Lot other than by a contractor licensed as a general contractor under the **statutes of the State of Washington**.*

Documentation:

All documents generated as a result of this policy will be retained by the WEHA secretary and will be included in the WEHA *Business Records*².

Comment Form³.

Anyone wishing to report a violation of the CC&Rs regarding any Lot in Woodfield Estates will use the WEHA *Comment Form*.

Violation notification form letter³.

Official notice of a violation of the CC&Rs will be sent to the lot owner using the WEHA *Violation Notification Form Letter*.

Correspondence.

All official compliance related communication between homeowners and the WEHA Board will be in writing. Either paper or electronic media are acceptable.

Strategy:

The compliance process begins when the WEHA *Comment Form* is received by the Board.

Once the board determines that a violation has occurred, the Board will initiate the WEHA *Compliance Process*⁴.

Any fines that are assessed are entered into the WEHA *Accounting System*⁵.

History:

Adopted on May 14, 2020

Notes:

¹In this context “rules and regulations” apply to the management of corporate business, not to extensions of the CC&Rs

References:

¹Specific violations are defined in the Specific Violations section of this document.

²Business records are described in the [TBD] Policy.

³All forms, including form letters, are found in the Forms section of the business records.

⁴The compliance process is defined in the Compliance Process section of this document.

⁵The accounting system is described in the [TBD] Policy.

SPECIFIC COMPLIANCE VIOLATIONS

Purpose:

This document is a list of specific violations derived from the WEHA Declaration of Covenants, Conditions and Restrictions (CC&Rs).

Authority:

As a supplement to the WEHA Compliance Policy, the violations listed in this document fall under the authority of the WEHA Compliance Policy.

Specific Violations:

The CC&Rs refer to four categories of general violations (see Violations in the Compliance Policy). These categories are listed below along with the specific violations that are derived from them.

1. **unreasonably** interferes with the rights this Declaration gives other Owners
2. **detracts** from the value of the Properties
3. **untidy** or **unsightly** condition
 - *Seasonal decorations must be removed within 2 weeks of the holiday, weather permitting.*
 - *The exterior of each home including paint, siding, roofs, gutters, fences, and hardscape must be maintained to a reasonable^a standard (e.g. fences may not contain any broken or missing slats).*
 - *Trash containers^b must not be any closer to the street than the closest edge of each home.*
 - *Waste containers^c must not be put out on the street any sooner than one day (24 hours) before pickup and returned from the street no later than one day (24 hours) past pick up.*
 - *Motor vehicles, recreational vehicles, boats or trailers must not be parked on any homeowner's lawn.*
 - *Waste, rubbish and unused equipment must not be visible from the street.*
4. landscaping which is not **properly** maintained
 - *Homeowner's lawn and landscaping must be manicured and maintained to a reasonable^d standard.*

History:

Adopted on May 14, 2020

Interpretations:

^a "Reasonable": paint is not peeling; surfaces are clear of moss, mold, and buildup of particulate matter; fences are upright with no broken or missing slats; hardscape (driveways, sidewalks, terraces, patios) are not missing pieces, and are not broken into pieces due to excessive cracking and/or underground

protrusions

^b *“Trash Containers”: collection bins for garbage, recycling, and compost*

^c *“Waste Containers”: collection bins for garbage, recycling, and compost*

^d *“Reasonable”: lawn appears to be mowed regularly; weeds appear to be removed from lawn and garden regularly; bushes and trees along sidewalks are trimmed according to city specifications*

COMPLIANCE PROCESS

Purpose:

The purpose of this process is to enforce the Covenants, Conditions, and Restrictions (CC&Rs) of the Woodfield Estates Homeowners' Association (WEHA).

Every homeowner in Woodfield Estates agrees to the CC&Rs simply by owning a lot in Woodfield Estates.

This process is intended to provide:

1. **NEIGHBORHOOD INVOLVEMENT** in identifying CC&Rs violations, where each homeowner has the opportunity to anonymously report their concerns to the WEHA Board,
2. **CONSISTENCY** in the assessment of CC&Rs fines and penalties,
3. **TRANSPARENCY** into CC&Rs enforcement actions, and
4. **NEIGHBORHOOD OVERSIGHT** of CC&Rs enforcement.

Authority:

This compliance process as adopted by the WEHA Board of directors to address the WEHA Compliance Policy, falls under the authority of the WEHA Compliance Policy.

Implementation:

1. **REPORTING**

Homeowners report compliance issues to the Board by:

- a. getting a *Comment Form*¹ from the Board or a WEHA representative via:
 - i. email / text,
 - ii. one of the neighborhood kiosks,
 - iii. Facebook,
 - iv. mail, or
 - v. direct contact with a Board member or WEHA representative,
- b. filling out the compliance section of the *Comment Form*, and
- c. delivering the *Comment Form* to the Board or a WEHA representative by:
 - i. sending email with the scanned *Comment Form* attached,
 - ii. mailing the *Comment Form*, or
 - iii. delivering the *Comment Form* in person.

2. REVIEW

The Board reviews *Comment Form* by the second Wednesday of each month and takes the following actions:

- a. records the complaint in the WEHA Compliance Tracking System², and
- b. determines the next step, which is either:
 - i. closing the issue without further action, or
 - ii. sending a warning letter.

3. WARNING

Compliance warnings are sent out by the 15th of each month with the following information:

- a. a description of the issue,
- b. the remedy for the issue, and
- c. the time allotted for completion of the remedy.

4. FINES AND FEES

The following steps are taken when compliance issues remain unresolved:

- a. Compliance fines are sent out on the 1st of each month.
- b. Second notices, including late fees, are sent out one month after compliance fines.
- c. Third notices, including late fees, are sent out one month after second notices.

5. LEGAL ACTION

In the case where a homeowner is unresponsive to the Board notices, the Board has the following actions available to collect outstanding balances (which may include related attorney fees):

- a. placing a lien on the property,
- b. turning the debt on the property over to a collection agency (which may result in additional collection charges being assessed by the collection agency), or
- c. filing a suit in small claims court, which could lead to one of the following:
 - i. foreclosure of the property, or
 - ii. garnished wages

6. APPEALS

The homeowner has a right to appeal a decision made by the Board. The appeal process does not stop or postpone the compliance process. Fines and fees will accrue if not paid by the stated date. To avoid additional fines or fees, the homeowner must pay the fines and fees as they become due. If the appeal ends in favor of the homeowner, related fines and fees that have been collected since initiation of the appeal will be returned to the homeowner.

The steps of the appeal process are as follows:

- a. The homeowner delivers a written request for an appeal to the Board or a WEHA representative by:
 - i. emailing the appeal request,
 - ii. mailing the appeal request, or

-
- iii. delivering the appeal request in person.
 - b. The Board has 1 week to respond to the appeal request with a proposed date to meet with the homeowner. This date must be within 1 month of receipt of the appeal request. The homeowner may negotiate a later date.
 - c. Appeals related to the homeowner's property should occur at the homeowner's property where both the owner and the Board, or their representative, may inspect the property together.
 - d. After the meeting, the Board will deliberate on the information provided by the homeowner and prepare a response.
 - e. The homeowner will receive a written response within 1 week of the meeting. Any money to be returned to the homeowner will accompany the written response.

History:

Adopted September 11, 2019

References:

¹All forms, including form letters, are found in the Forms section of the business records.

²The compliance tracking system is described in the [TBD] Policy.

COMPLIANCE FINES AND FEES

Purpose:

This document is a list of fine amounts to be assessed as described within the WEHA Compliance Policy.

Authority:

As a supplement to the WEHA Compliance Policy, the violations listed in this document fall under the authority of the WEHA Compliance Policy.

Assessments:

- There are no fines or fees assessed for compliance warnings.
- There is a \$20 fine assessed for each compliance violation.
- There is a \$35 fee assessed for each compliance second notice.
- There is a \$50 fee assessed for each compliance third notice.

History:

Adopted on May 14, 2020