

## PBH HOA Covenant Enforcement Process

Pine Brook Hills is a peaceful, friendly, cohesive community. Its residents value the preservation of the natural environment and appreciate the safe, healthy, and beautiful area in which they live. Homeowners agree to abide by the PBH Covenants by becoming residents in the community. PBH Covenants provide a framework for residents to live together amicably and to identify conditions that create a detriment to the community and/or adjacent properties. Most residents comply with PBH Covenants. However, in a few instances, when compliance is in question the Covenant Enforcement Process may be implemented.

As stated in the PBH Covenants, their purpose is:

“To cultivate a strong, sustainable, vibrant, and attractive community and to enhance the quality of life and well-being of the residents of Pine Brook Hills.”

The covenants state that all PBH property owners and their guests shall comply strictly with the provisions of the 2010 Pine Brook Hills Covenants. The complete set of Covenants can be found [on the HOA website](#) or in the front of the Pine Brook Hills Directory. The following list highlights several significant points related to the Enforcement Process:

- “[The] covenants ... are intended and imposed for the direct, mutual and reciprocal benefit of each and all of the lots . . .
- “No part of the real property [in PBH] shall be occupied or used for other than residential purposes . . .
- “No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plot plan showing the location of the structure have been approved by the ARC . . .
- “The owners of each lot shall at all times maintain [the] lot and the improvements thereon in such condition so that the lot and the improvements thereon are not detrimental to all other lots.
- “. . . an unpermitted detriment is a dangerous, unhealthy ... hazardous [or] unsightly condition
- “The Association shall have the right to inspect the land described and included herein . . . For the purposes of enforcing these covenants.
- “Any aggrieved owner or the Association at the request of an aggrieved owner, shall have an appropriate right of action against owners or occupants of lots for failure to comply with this declaration or the decisions of the Association. ...”

The PBH Covenants provide for the health, safety, welfare, quality of life, and quality of environment that residents have come to expect from their community. The Enforcement Process, while used rarely, helps to maintain property values and protect residents. The process emphasizes working with neighbors in a positive, supportive way to ensure that PBH remains the cohesive, friendly, peaceful place that its residents enjoy.



# Pine Brook Hills HOA

HOA involvement in covenant enforcement is primarily driven by complaints from residents. Complaints should be made to the HOA President. Complaints that are made through other avenues (reports to other HOA board members or committees such as the ARC) will be forwarded to the HOA President.

## ***PROCESS FOR DEALING WITH COMPLAINTS:***

### ***CLASSIFICATION OF COMPLAINT BY HOA PRESIDENT***

- A. Local impact: An issue between a pair of property owners, or a small number of nearby property owners
- B. Broad impact: An issue that affects a large number of property owners or a large area of the community

### ***RESPONSE TO LOCAL-IMPACT COMPLAINT***

- A. Encourage, ensure “neighbor-to-neighbor” resolution
- B. Inform owner of appropriate enforcement agencies (Boulder County Land Use, Boulder County Sheriff, etc.)
- C. Contact violating party
  - 1. Inform party of complaint
  - 2. Obtain initial information re: violation from their perspective
  - 3. Other appropriate action (e.g. sit-down with complainant and violator, etc.)

### ***RESPONSE TO BROAD-IMPACT COMPLAINT***

- A. Determine complaint manager:
  - 1. HOA President may manage the complaint personally, or
  - 2. Delegate to “Enforcement Group” (group of PBH residents designated by HOA President and/or HOA Board)
- B. Investigation (by complaint manager):
  - 1. Gather detailed information from complainant
  - 2. Encourage, ensure “neighbor-to-neighbor” resolution
  - 3. Inform owner of appropriate enforcement agencies (Boulder County Land Use, Boulder County Sheriff, etc.)
  - 4. Contact violating party
    - a. Inform party of complaint
    - b. Obtain initial information re: violation from their perspective
    - c. Arrange for inspection (if helpful)
    - d. Other appropriate action (e.g. sit-down with complainant and violator, etc.)
    - e. Obtain detailed information from violating party
    - f. Conduct inspection
    - g. Obtain input from other neighboring owners / occupants
    - h. Other information gathering as appropriate

C. Initial Determination:

1. Weigh all relevant information
2. Tentative decision
  - a. No action – compose and send recommendation to HOA Board
  - b. Action – compose and send recommendation to HOA Board

***RECOMMENDATION TO HOA BOARD:***

- A. Compose and send recommendation to HOA Board members via email
- B. Request disposition by HOA Board; alternatives are:
  1. Email vote – if unanimous, implement recommended action(s)
  2. If email vote not unanimous, schedule and conduct special meeting of HOA Board to review and decide
  3. Request special meeting of the HOA Board instead of email vote

***DETERMINATION OF THE HOA BOARD:***

- A. Weigh recommendation submitted by HOA President or Enforcement Group
- B. Communicate decision to support recommended action(s); oppose; or request a special HOA Board meeting for additional consideration
  1. If support of recommendation is unanimous, action(s) are implemented
  2. Otherwise, special meeting of HOA Board is scheduled and convened
    - a. Request report of more detailed information from HOA President and/or Enforcement Group
    - b. Review all relevant information
    - c. Recommend and decide re: appearance of complainant and violating party at special HOA Board meeting
    - d. Communicate to complainant and violating party
    - e. Determine re: need for additional information / inspection; obtain / conduct if required
    - f. Conduct special meeting of HOA Board; Board actions can include:
      - No action
      - Appeal to owner / occupant
      - Request to Boulder County Land Use for assistance with enforcement
      - Injunction
      - Other legal action for enforcement
      - Lien of non-compliance on property title