

Fines:

The purpose of fines is to encourage compliance with the CC&Rs. Because nightly rentals are very lucrative, the fines should be adequate to return violators to compliance.

The fine for violation of Section 6.1 “Short-Term Rentals” of the CC&Rs, as amended, is \$500 per day.

Enforcement:

Notice of Violation

The board will provide a written warning (“Warning”) (via email to the address on file) to the homeowner of a violation. The owner has 72 hours to cure the violation before fines are levied.

The warning shall:

1. describe the violation,
2. state that the owner has violated Section 6.1 “Short-Term Rentals” of the CC&Rs, as amended,
3. state that the board may, in accordance with the provisions of the law, assess fines against the owner and suspend membership rights if a continuous violation is not cured or if the owner commits similar violations within one year after the day on which the board gives the owner the Warning or assesses a fine against the owner,
4. state that the owner must cure the violation within 72 hours after the day the owner is given the Warning, and
5. state the amount of the fine that will be assessed if the violation is not cured within 72 hours after the day the owner is given the Warning or if the owner commits similar violations within one year after the day on which the board gives the owner the Warning.

To cure the violation

The owner must cease and desist the violations and provide a written, signed attestation to the board of the following:

1. All advertisements of the rental have been removed in all forms, including but not limited to internet sites, social media and print advertisements.
2. All existing nightly rental reservations have been canceled.
3. The owner agrees to observe all rules related to rentals in the future.

Alternatively, the owner must prove that they qualify for an exemption as provided by the HCOA CC&Rs.

Initial Fine

A fine may be assessed against an owner if: (1) within one year after the day on which the board gives the owner a Warning, the owner commits another violation of the same rule or provision identified in the Warning; or (2) for a continuous violation, the owner does not cure the violation within 72 hours.

Subsequent Fines for Same Violation

After a fine is assessed against an owner, the board may, without further warning, assess an additional fine against the owner each time the owner: (1) commits another violation of the same rule or provision within one year after the day the board assesses a fine, or (2) allows a violation to continue for 10 days or longer after the day the board assesses a fine.

Notice of Fine

Each time a fine is assessed, notice of the fine shall be sent to the owner describing the violation and stating the rule or provision of the Association governing documents that the owner has violated.

Late Payment of Fines

A fine accrues interest and late fees in the same manner as assessment payments as provided in the CC&Rs. The board may file a lien on properties for overdue payment.

Adopted by the Board of Trustees August, 2022