

Motion for Feb Board: “Enforcement”

With the detailed explanation attached below, given that our current Policy on Covenant and Rules Enforcement does not represent or reflect the requirements and process described in CO statute, that we amend to make it so.

1) Board sends notice of violation

2) 30 days to cure and hearing

3) Board determination decision of warning, fine up to \$500 or other
Define “cure” and “curing” as the action that will fix or undo the harm brought to the community. Where a specific violation cannot be cured or undone, it is deemed not cured.

HB22-1137 Statute

Violation Notice

Requirement to cure

Hearing

Board Decision

Warning if cured or

Fine if not cured or not curable

Board determines cure
requirement to fix or undo.
harm

Fine of up to \$500 possible for
either not cured or not curable.

HB22-1137 Statute

Gov Office Proposed

Damage to common area or lakes?

Fine up to \$500

All night party/ disturbance?

Fine up to \$500.

BEMA Policy

Initial Warning Letter

Come into compliance

Hearing

Board Decision

No fine if in compliance

Fine if not in compliance

Compliance is merely the ceasing
of violation

No fine possible if it does not
continue

BEMA Policy

Altitude Advised

No fine/ pass if you stop doing it

No fine/ pass if you stop doing it

Altitude advised that these are “behavioral violations” and that if violators change their behavior they are in compliance and no fine is possible. This misrepresents the statute and has no basis. “Behavioral Violation” does not exist in CO statutes.

Altitude also advised that the Board cannot define the requirement for curring a violation. This is also contrary to the 1137 statute. If you bring harm to the community, the Board determines what action, if any, is most appropriate to undo that harm.

Fulfilling duty and in the best interest of our community, the Governance Officer raised issue with the questionable Altitude advice above and rather than engage toward resolution or to suggest a second opinion, Altitude sent a letter of termination.