

PROCEDURES FOR ENFORCING THE TERMS OF THE
DECLARATION OF RESTRICTIONS WHEN ALLEGED VIOLATION
(EXCEPT DELINQUENT ASSESSMENTS)

Introduction

Homeowners in Bay Village are entitled to submit a complaint to the Bay Village Homeowner's Association Board (specifically the Architectural Committee) if another homeowner is violating the Association's governing documents (Declaration of Restrictions recorded in Book 2342 beginning at page 248 of the official Records of the Santa Cruz County Recorder's Office ("Declaration of Restrictions") and Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions recorded in Book 3979 beginning at page 478 of the official Records of the Santa Cruz County Recorder's office (CC&R's).

The three types of violations that can be reported to Bay Village Homeowner's Association Board are suspected age violations (residents who do not satisfy age restrictions), architectural violations, and unauthorized use of home and/or yard. All complaints must be in writing on the complaint form available from the Bay Village Homeowner's Association. To view this form, go to the "Forms" page and click on the "download PDF document" under "Bay Village Homeowners Association Complaint Form"

Bay Village is a Senior Community. Per the CC&R's only individuals that meet the criteria specified in California Civil Code Section 51.3 may reside in a home in Bay Village. In general, it is a violation of Federal and California law to discriminate in housing based on age. The exception under Federal and California law are communities that qualify as Senior Communities. Under Federal and California law, to be allowed to continue its status as a Senior Community, each resident in every home in Bay Village, **with certain specific and limited exceptions**, must be at least 55 years of age. The ability of Senior Communities to discriminate in residency based on age is allowed, because the Federal and California governments have recognized the unique needs of its Senior Citizens. In order to continue to discriminate based on age, both Federal and California law require that Homeowner Associations in Senior Communities verify the age of occupants every two years and take enforcement action when a complaint is submitted asserting that occupant(s) do not meet the age criteria specified by Federal and California for Senior Communities. In short, that Senior Communities are allowed to discriminate based on age is a privilege, which is subject to certain restrictions that both the Federal and State governments monitor closely.

Bay Village requires that certain architectural changes must be approved by the Architectural Committee before being made. (See Architectural Change Approval Procedure.) Certain changes are prohibited including, a structure more than one story in height.

Bay Village prohibits certain uses including: tents, shacks, trailers, garages or other outbuilding being used as a residence; no wells; no farm animals; no commercial

businesses being conducted from a home.

Step One - Receipt of Complaint

When the Bay Village Homeowners Association Board receives a complaint, the Architectural Committee may contact the homeowner informally and/or in writing. If warranted, the Architectural Committee of the Bay Village Homeowners Association Board will request that the Attorney for the Association send a letter notifying the homeowner that a complaint has been received. If it is an age violation complaint, the homeowner will be sent the “Form to be Completed by Each Occupant (Permanent or Temporary)” (“Form”) and asked to state the age of each occupant on that Form. When it is an architectural or use violation, the letter will notify the homeowner of the nature of the complaint and ask the homeowner to cure the violation within 30 days.

Step Two – Notice of Violation and Invitation to Informal Dispute Resolution

When it is an age complaint, the Bay Village Homeowners Association Board will request that the Association Attorney send a Notice of Violation, when the homeowner does not return the Form completed with information for each occupant (permanent or temporary) or when the information in a returned Form indicates that one or more individuals is occupying the residence in violation the CC&R’s. When it is an architectural or use complaint, and the homeowner has not cured the violation, the Architectural Committee of the Bay Village Homeowners Association Board will request that the Association’s Attorney send a Notice of Violation.

Whether an age, architectural or use complaint, this Notice of Violation will invite the homeowner to contact the Bay Village Homeowners Association Board and request a meeting with two members of the Committee. That request must be made within 15 days of the Notice of Violation. The homeowner can request that a neutral third party be involved, through a local dispute resolution program

Step Three – Invitation to Alternative Dispute Resolution

If the homeowner: 1) does not respond to the Notice of Violation and does not cure the violation, 2) meets with two members of the Committee but no resolution is reached, or 3) meets with two Committee members and reaches a resolution, but does not perform as agreed in the resolution, the Architectural Committee of the Bay Village Homeowners Association Board will request that the Association Attorney send a Request for Resolution pursuant to California Civil Code Section 5925 *et. seq.* The Request for Resolution is for either mediation or arbitration. The homeowner must respond within 30 days of receipt by contacting the Bay Village Homeowners Association at P.O. Box 986, Watsonville, CA 95077-0986 or the Request will be deemed rejected.

Step Four – Filing Lawsuit

If the homeowner: 1) rejects the Request for Resolution and does not cure the violation within 30 days of the receipt of the Request; 2) the homeowner participates in mediation or arbitration, but no resolution is reached; or 3) the homeowner participates in mediation or arbitration and a resolution is reached, but the homeowner does not perform as agreed in the resolution, the Bay Village Homeowners Association Board may vote to file a complaint against the homeowner with the Santa Cruz County Superior Court.