



CC&R Enforcement Procedures

In 2014, The Idaho Legislature adopted Senate Bill 1310 which placed limits on fines issued by property owners' associations. The law, which became Idaho Code Section 55-115, placed fining requirements on associations.

Under the new regulation many associations, including Hidden Springs, lost the ability to impose fines for violations of an association's CC&Rs unless the authority to impose the fine was clearly set forth in the CC&Rs.

Because the authority to impose a fine must be contained in the CC&Rs, the HSTA board could not adopt fines through a resolution or some other act short of a full scale amendment to the recorded CC&Rs.

Losing this ability has made it difficult to enforce CC&Rs in the neighborhood. In pursuit of a solution, HSTA consulted with a property attorney for legal guidance. Going forward, the CC&R process will be enforced as follows:

- The HSTA will conduct inspections of the property.
- Instances of non-compliance will be documented and logged.
- A **level one Covenant Infraction** will be delivered to the property or sent via regular mail or email. Staff may attempt a follow-up phone call or email if such contact information is up-to-date with the HSTA.
- The homeowner will have seven (7) calendar days to correct the situation or contact the HSTA office to arrange for an acceptable timeframe and plan to remedy the violation.
- If no attempt at correction is made within the seven (7) day period, the matter will be turned over to an attorney who will issue a **second Covenant Infraction notice**. Pursuant to the documents that govern the HSTA, the homeowner's account will be charged \$150 for the attorney fees associated with the second notice.
- If a homeowner refuses to comply after the second notice, the HSTA and board may take legal action to force compliance. Again, pursuant to our governing documents, all legal fees associated with this action (as well as any other damages incurred as a result of a homeowner's failure to comply) will be assessed to the homeowner.

Please note: once (7) day period is over and there is no attempt at correction or outreach to the HSTA office, the attorney is notified, the process will be set in motion. There will be no reversal of fees.