



CC&R Enforcement Procedures

Following the 2014 Homeowner's Association legislation, the Idaho Legislature recently adopted Senate Bill 703 which went into effect July 1, 2022, as Idaho Code § 55-3201 et seq. This legislation further outlines allowed conduct by Homeowner's Association and how it relates to CC&R enforcement, violations, due process, notice requirements, limitations on fines, and subsequent attorney's fees.

The Association's CC&R Enforcement Procedure has been updated in accordance with the new Idaho Code § 55-3201 et seq.

Association CC&R Process Per New Legislation

- The HSTA will conduct inspections of the property.
- Instances of non-compliance will be documented and logged.
- A **Courtesy Reminder** will be delivered to the property address and/or any other address at which a homeowner has requested notice, 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 Association. 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.
- A **Level One Covenant Infraction** Notice will be delivered to the property or sent via regular mail or email. 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 second seven (7) day period, a written notice will be sent to the homeowner, 30 days prior by certified mail, requesting attendance at a Town Council meeting to discuss the issue. At the meeting, the Town Council will vote to refer the matter to the HOA attorney who will issue a **Second Covenant Infraction Notice**. Pursuant to the documents that govern the Association, the homeowner's account will be charged \$350 for the attorney and administrative fees associated with the second Notice. Once the attorney is notified, the process will be set in motion. There will be no reversal of fees.
- If a homeowner refuses to comply after the second Notice, the Town Council may take legal action to force compliance. Again, pursuant to the Association's 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.

This process supersedes all other Hidden Springs CC&R processes effective January 30, 2024

Updated due to Legal Fee Increase January 2024