

Ravenna HOA Standards Enforcement

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1. INTRODUCTION

At the time this document was written, it had been nearly 15 years since the first Ravenna subdivision home was sold. Until 2018, the Ravenna HOA Board of Directors, in conjunction with Community Group (the Ravenna management company) had strictly relied upon violation letters and hearings as a means of coaxing homeowners into correcting their violations. As of late, this gentle approach has proven ineffective. Too many cases have occurred where homeowners continue to commit the same grievance continuously, take excessive time and require multiple letters before rectifying the problem or disregard the violation letters altogether. The purpose of this document is to describe the standards enforcement process that has recently been applied and will be applied in the future to preclude this non-compliance. As a start, in 2017, one homeowner has already been fined \$900 for continual non-compliance and is being taken to court twice at their expense to 1) recover the fine and 2) get court ordered compliance.

There will be careful check list inspections in June and again in November of each year. Each home will be assessed against the following items:

- Lawns (green, dense, consistent, grass, weed free, uniform height)
- Siding (Clean and free of mildew)
- Steps (Clean and free of mildew)
- Mail box (Clean and free of mildew)
- Clutter (as seen from roadway and that which is more visible to your neighbors than to yourself)
- Stain free driveways
- Shutters (free of aged/faded appearance)

- Front and Side Doors/Door Jams (free of aged/faded appearance & in good condition)
- Garage Door (free of aged/faded appearance & in good condition)
- Rust free light fixtures
- Vegetation free flower beds
- Removal of vegetation from pavement seams and cracks

These major neighborhood inspections will be supplemented by random neighborhood checks and observations by Community Group and members of Board of Directors and Architecture committee.

There are four categories of violations, each processed a bit differently.

1. Unapproved improvements
2. Lawn Maintenance
3. Repeat Violations
4. Recalcitrant Violations

It is important to note that there is no longer a \$100 fee when submitting an architecture request.

All second violation notices will be accompanied by a picture of the violation to ensure clarification of the violation.

If you have received a violation from Community Group and believe it was unfairly given, contact a Board member or send it to Ravenna hoa@ravennahomeowners.net and seek Board adjudication before the violation suspense.

2. PROCESSING UNAPPROVED MODIFICATION/IMPROVEMENT VIOLATIONS

Not getting approval for a required home improvement is an extremely serious issue, resulting in fines up to \$500 and being directed to reverse the improvement. Home improvements not requiring architecture approval are identified in the Architecture Guidelines. Once an unapproved improvement violation is identified, the Board will summon the homeowner to a hearing, at which time the homeowner can plead their case. Following the Board meeting, the Board of Directors will determine whether to assess a fine, determine the amount of the fine, and decide what course of action the homeowner will be required to take to rectify the situation. If the homeowner elects not to pay the fine and/or correct the situation as directed,

the Board of Directors will pursue court proceedings at the homeowners expense to ensure compliance.

Good to know information regarding home improvements:

1. **When Home Improvement/Modification Request is required** – If there is any doubt whether a Home Improvement/Modification request is required, submit a Home Improvement Request. Without it, informal misunderstandings and confusion can result.
2. **Grandfathering** - No unapproved improvements will ever be grandfathered.
3. **Home Improvement Request** – The Architecture Guidelines contains the Home Improvement Request form and it must be completed per instructions. In the unlikelihood that the homeowner is unable to locate the required home survey, the homeowner must use satellite imagery of the neighborhood or a drawn lot plot to its best advantage to describe the locations and size of the improvement.
4. **Architectural Submittal Fee** - Regardless of the \$100 wording in the Architecture/maintenance guidelines, there is **NO COST** to submitting a home improvement request.
5. **Deck Replacement Approval Required** - Since there is no way for Ravenna subdivision management to know whether a new improvement or a replacement (i.e. decks or concrete/paver replacement) is in progress, architecture committee approval is now required for the replacement of anything that would have required prior approval, to include the replacement of original decks. If the replacement is to be identical to the one it replaces, just take pictures of the old improvement and submit them with the request. No neighbor coordination is required for exact one-for-one replacements.
6. **Architecture Committee Approval** – Unless an exception is granted, any approved improvements must be completed within six months of approval. The homeowner must inform Community Group when the approved project is completed and, as coordinated with the homeowner, allow entrance onto the property by a Board approved inspector to ensure the improvement was in accordance with the approved request.
7. **Architecture Approval Requests** – The Ravenna Architecture Committee is very responsive to improvement/modification requests. You can submit them via email to Terry Mitchell at tmitchell@communitygroup.com or drop them into the HOA ASC mail box located at the intersection of Riviara Place and Ravenna Course. Send a notification to Ravenna hoa@ravennahomeowners.net so the Board knows it is there.
8. **Separate Approval Request for Architectural Guideline Deviations/ Exceptions** – Very rarely, if ever, will a homeowner be granted an exception to the Architectural Guidelines. Furthermore, it is not the Board's or the Architecture Committee's responsibility to ensure a submitted project plan is free of deviations from the Architecture Guidelines. This is the homeowner's responsibility. If an exception/deviation to the Ravenna Architecture/ Maintenance Guidelines is desired, it must be requested in a letter separate, from the standard Architectural Guidelines form, and specifically identified as a request for deviation/exception, and receive separate approval.

9. **Tree Replacements** – No architectural committee approval is required to replace a tree with another tree.

3. PROCESSING LAWN MAINTENANCE VIOLATIONS

Except for established zoysia and Bermuda grass lawns, annual care and feeding of lawns is essential. As one drives through Ravenna, it is quite clear that more than just a few homeowners, with the exception of watering and mowing them, neglect their lawns. Our lawns were initially laid with tall fescue sod and it is the predominant grass for the neighborhood. Unfortunately, tall fescue does not propagate, does age, and dies. The harsh summer conditions we have here in Chesapeake accelerates this process. Therefore, tall fescue lawns need to be overseeded/reseeded to maintain their appearance. Based on soil conditions and weather, some lawns may require up to a complete seeding annually to look good. A guide for maintaining a fescue lawn is included in the appendix.

The standard for lawns is that, from the curb beginning in early June and continuing throughout the lawn's growing season, a lawn:

1. is comprised of grass
2. appears to be dense (such that no ground is seen)
3. be of a uniform green color
4. be of a uniform height and
5. be free of other vegetation (weeds).

Lawns will be inspected by the Board of Directors in mid June and mid October, times when grasses of all types are at their best and weeds are minimal.

[THIS SECTION RESERVED FOR LAWN ENFORCEMENT PROCESS TO BE DETERMINED]

Passing the semi-annual inspections does not absolve homeowners from continuing to maintain their lawns the rest of the year.

The Board plans to post specifics of the beautiful lawns of the neighborhood on the Ravenna home page, such as which lawn service they use, which services they subscribe to, and how long they have had that lawn service. To assist homeowners new to the area, the HOA has also posted a Tall Fescue lawn care guide on the Ravenna web site.

Summary of Lawn Enforcement Process [When Determined]:

4. REPEAT VIOLATIONS

The following process will be used to enforce the standards upon repeat violators for violations such as leaving trash bins in street for extended periods of time, overstaying RVs, or failure to mow lawn as needed. The homeowner in violation will be sent a warning for each of the 1st two violations of the same type. Upon the 3rd repeat violation

within a year, the homeowner will be summoned to a hearing. The Board will decide at that hearing what fine, up to \$50, will be imposed for the third violation. Based upon circumstances, the Board has the option of projecting escalating fines for subsequent repeat violations. If it becomes apparent over time that fines are not a deterrent in ending the repeat violations, a special hearing will be scheduled at which time the homeowner will be warned that the next repeat violation will result in civil litigation at the homeowner's expense. The results of all hearings will be mailed to the homeowner via registered mail.

5. RECALCITRANT VIOLATIONS

Recalcitrant Violations are divided into 3 categories based upon the estimated time required to correct the violation. The process for enforcement for each violation will be the same but with different suspense periods. The process is as follows:

1. Initial Discovery
2. Violation Reporting
3. Data Base Update
4. 1st Violation Letter with suspense
5. Compliance Check
6. 2nd Violation Letter with suspense
7. Compliance Check
8. 3rd Violation Letter (Registered) with suspense and hearing date
9. Compliance Check
10. Hearing
11. Hearing Letter (Registered) with fine schedule, final suspense date and legal ramifications should they comply by suspense)
12. Fines initiated
13. Compliance Check
14. Civil Litigation Proceedings initiated

Components of the Ravenna Homeowners Association Enforcement System For Recalcitrant Violators

Violation Inspections/Reporting – While Community Group/Ravenna Manager is the primary violation inspector, any Ravenna homeowner/renter can report a violation. While it visits more often, Community Group is only required to conduct one inspection monthly. Board and Architecture Committee members can conduct more frequent neighborhood inspections at their discretion. Any violations identified and reported by other than Community Group must be accompanied with a photograph that clearly characterizes the violation. All violations will either be reported to Community Group, with copies to members of the Board. Community Group/Ravenna Manager will serve as a quality control on all reported violations prior to acting on them. Any violations reported by a member of the Board or Architecture Committee and refused by Community Group/Ravenna Manager for action will be adjudicated at the next HOA meeting.

Violation Notices – Community Group/Ravenna Manager is responsible for all homeowner correspondence relating to the enforcement of maintenance standards.

Violation Tracking – Community Group/Ravenna Manager is responsible for tracking all aspects of each violation and sharing that data via E-mail with the members of the Board on a basis decided by the Board.

Suspenses – The period allowed for compliance varies by the Category of violation. At the end of each period, a suspense is established. Generally, the Ravenna Homeowner Assn will follow a 3 strikes you're out policy. The 1st suspense is a warning suspense. A second suspense with a shorter period will follow. Missing the second suspense will result in the establishment of a 3rd pre-hearing suspense. This period for this 3rd suspense is predicated upon the date of the next or subsequent Board meeting/special Hearing. Failure to comply by the 3rd suspense results in the requirement to appear before the Board at the Hearing. At the Hearing, a 4th and final suspense will be set. Failure to meet this suspense will result in the issue being handed over to the lawyers for civil litigation.

Compliance Inspections – Only Community Group/Ravenna Manager, Members of the Board, or Members of the Architecture Committee can conduct Compliance Inspections. They can be conducted any time after the day set as the established suspense for the violation. They can be conducted on a one by one discretionary basis or a neighborhood basis. If the violation remains uncorrected following a compliance check by Members of the Board or Members of the Architecture Committee, the failure will be reported to Community Group together with a photograph characterizing the failure. Based on the Category of the Violation, Community Group will send a letter that reminds the homeowner they remain in violation and either 1) establishes a new suspense, 2) establishes a new suspense and schedules a hearing, or 3) schedules a suspense after which the issue will be turned over the lawyers for processing.

Hearings – Hearings are the primary enforcement mechanism for recalcitrant or repeat violators. Per Virginia law, a minimum of 14 days notice of a scheduled hearing must be given to a homeowner and it must be sent registered mail. It is only after a hearing that fines can be levied. Hearings will be scheduled in conjunction with Board meetings or scheduled independently as required. Every effort will be taken to conduct a compliance check prior to the Hearing in time to enable cancellation of the Hearing should the issue be resolved.

Fines – Fines are determined by the Board at the Hearing. Fines can begin the day following the Hearing. Fines are limited to \$10/day for up to 90 days or \$50 per repeat violation. The decision of the Board will be sent in a registered letter to the homeowner.

Civil Court Proceedings – If a homeowner does not rectify the violation prior to the suspense set at their hearing, it will be presumed the homeowner refutes the authority of the Ravenna Homeowner Assn. The issue will be turned over to lawyers representing the Ravenna Homeowner Assn to pursue in civil court. Per Ravenna governance documentation, all costs incurred by the Association in seeking resolution through the lawyers and through the court system will be paid for by the homeowner in violation. The homeowner will be made aware of this next step in a registered letter sent them following the hearing.

CATEGORY 1 VIOLATION PARAMETERS

Category 1 Recalcitrant violations are any violations that are estimated to require more than a weekend (2 days) to correct. Examples of Category 1 violations are:

- Painting/Repainting
- Staining/Restaining
- Dirt/mildew on siding
- House/Accessories Disrepair
- Concrete Disrepair
- Dead trees/bushes
- Mailbox unpainted/disrepair
- Bad lawn patches/bare spots
- Driveway/house stains
- Dog barking (multiple complaints)
- Unapproved Major Projects

Once reported, Community Group will send a letter establishing a suspense for correction **4 weeks from the date of the letter**. A compliance check will be conducted anytime subsequent to that date. If the compliance check reveals the homeowner non-compliant, Community Group will send a letter establishing a 2nd suspense date, **2 weeks from the date of the letter**. A compliance check will be conducted anytime subsequent to that date. If the 2nd compliance check reveals the homeowner non-compliant, Community Group will send a registered letter establishing a hearing date a minimum of 15 days from the date of the letter with a 3rd suspense being the Thursday prior to the hearing. This enables time to cancel the hearing should the homeowner comply within this period. Fines will begin the day after the hearing and continue until compliance (max of 90 days). The homeowner will be given a 4th suspense **3 weeks from the date of the hearing letter** to comply after which the issue will be handed over to the lawyers for civil litigation at the expense of the homeowner. At a minimum, the homeowner will have been permitted a **minimum of 81 days to correct the issue** before civil litigation begins.

Sample Schedule of Category 1 Enforcement (Discovered 28 July)

Category 1 Enforcement

		Sun	Mon	Tue	Wed	Thu	Fri	Sat	
Aug	3	26	27	28 Discovery & Reporting	29 1st Violation Letter	30	31	1	
	4	2	3	4	5	6	7	8	
	5	9	10	11	12 4 Wks	13	14	15	
	6	16	17	18	19	20	21	22	
	7	23	24	25	26 1st Suspension	27 Compliance Chk	28 2nd Violation Letter	29	
	8	30	31	1	2	3	4 2 Wks	5	
	9	6	7	8	9	10	11 2nd Suspension	12 Compliance Chk	
Sept	10	13	14 3rd Violation Letter/Hearing Notice	15	16	17	18	19	
	11	20	21	22	23	24	25	26	
	12	27	28 15 Day Minimum	29	30	1	2	3	
	13	4	5	6	7	8 3rd Suspension	9 Compliance Chk	10	
Oct	14	11	12	13 Hearing	14 Hearing Ltr Fines Begin	15	16	17	
	15	18	19	20	21	22	23	24	
	16	25	26	27	28 3 Wks	29	30	31	
	17	1	2	3	4 4th Suspension	5 Compliance Chk	6 Civil Litigation	7	8

CATEGORY 2 VIOLATION PARAMETERS

Category 2 Recalcitrant violations are any violations that are estimated to require between 3 hours and a weekend to correct. Examples of Category 2 Violations are:

- Excess weeds in mulch beds
- Excess weeds in flower beds
- Grass too high
- Mildewed/dirty steps/landing/porch
- Lawn not edged
- Vegetation in in pavement/cement seams
- Unapproved Minor Projects

Once reported, Community Group will send a letter establishing a suspense for correction **2 weeks from the date of the letter**. A compliance check will be conducted anytime subsequent to that date. If the compliance check reveals the homeowner non-compliant, Community Group will send a letter establishing a 2nd suspense date, **1 week from the date of the letter**. A compliance check will be conducted anytime subsequent to that date. If the 2nd compliance check reveals the homeowner non-compliant, Community Group will send a registered letter establishing a hearing date a minimum of 15 days from the date of the letter with a 3rd suspense being the Thursday prior to the hearing. This enables time to cancel the hearing should the homeowner comply within this period. Fines will begin the day after the hearing and continue until compliance (max of 90 days). The homeowner will be given a 4th suspense **2 weeks from the date of the hearing letter** to comply after which the issue will be handed over to the lawyers for civil litigation at the expense of the homeowner. At a minimum, the homeowner will have been permitted a **minimum of 53 days to correct the issue** before civil litigation begins.

Sample Schedule of Category 2 Enforcement (Discovered 28 July)

Category 2 Enforcement

		Sun	Mon	Tue	Wed	Thu	Fri	Sat
Aug	3	26	27	28 Discovery & Reporting	29 1st Violation Letter	30	31	1
	4	2	3	4	5 2 Wks ↓	6	7	8
	5	9	10	11	12 1st Suspense	13 Compliance Chk	14 2nd Violation Letter	15
	6	16	17	18	19	20	21 1 Wk ↓	22 2nd Suspense
	7	23	24 3rd Violation Letter/Hearing Notice	25	26	27	28	29
	8	30	31 15 Day Minimum	1	2	3 3rd Suspense	4 Compliance Chk	5
	9	6	7	8 Hearing	9 Hearing Ltr Fines Begin	10	11	12
Sept	10	13	14	15	16 2 Wks ↓	17	18	19
	11	20	21	22	23 4th Suspense	24 Compliance Chk	25 Civil Litigation	26
	12	27	28	29	30	1	2	3
	13	4	5	6	7	8	9	10
Oct	14	11	12	13	14	15	16	17
	15	5	6	7	8	9	10	11
	16	12	13	14	15	16	17	18
	17	19	20	21	22	23	24	25

CATEGORY 3 VIOLATION PARAMETERS

Category 3 Recalcitrant violations are any violations that are estimated to require less than 3 hours to correct. Examples of Category 3 violations are:

- Excess Boat Storage
- Excess RV/camper/trailer storage
- Extended Holiday Decorations
- Unauthorized Signs
- Unauthorized Trash Can Storage
- Unlicensed Vehicle Parking
- Unsightly Lawn/Porch Decorations
- Mowed grass left on paved surfaces
- Garbage/Recycle bins left out
- Garbage/Recycle bins in front of house

Once reported, Community Group will send a letter establishing a suspense for correction **1 week from the date of the letter**. A compliance check will be conducted anytime subsequent to that date. If the compliance check reveals the homeowner non-compliant, Community Group will send a letter establishing a 2nd suspense date, **4 days from the date of the letter**. A compliance check will be conducted anytime subsequent to that date. If the 2nd compliance check reveals the homeowner non-compliant, Community Group will send a registered letter establishing a hearing date a minimum of 15 days from the date of the letter with a 3rd suspense being the Thursday prior to the hearing. This enables time to cancel the hearing should the homeowner comply within this period. Fines will begin the day after the hearing and continue until compliance (max of 90 days). The homeowner will be given a 4th suspense **1 week from the date of the hearing letter** to comply after which the issue will be handed over to the lawyers for civil litigation at the expense of the homeowner. At a minimum, the homeowner will have been permitted a **minimum of 36 days to correct the issue** before civil litigation begins.

Sample Schedule of Category 3 Enforcement (Discovered 28 July)

Category 3 Enforcement

		Sun	Mon	Tue	Wed	Thu	Fri	Sat
Aug	3	26	27	28 Discovery & Reporting	29 1st Violation Letter	30	31	1
	4	2	3	4	5 1st Suspense	6 Compliance Chk	7 2nd Violation Letter	8
	5	9	10	11 2nd Suspense	12 Compliance Chk	13 4 Dys 3rd Violation Letter/Hearing Notice	14	15
	6	16	17	18	19	20 15 Day Minimum	21	22
	7	23	24	25	26	27 3rd Suspense	28 Compliance Chk	29
	8	30	31	1	2	3	4	5
	Sept	9	6	7	8 Hearing	9 Hearing Ltr Fines Begin	10	11
10		13	14	15	16 1 Wk 4th Suspense	17 Compliance Chk	18 Civil Litigation	19
11		20	21	22	23	24	25	26
12		27	28	29	30	1	2	3
Oct	13	4	5	6	7	8	9	10
	14	11	12		1	2	3	4
	15	5	6	7	8	9	10	11
	16	12	13	14	15	16	17	18