

**RESOLUTION OF THE BOARD OF DIRECTORS OF
South Shores Community Association
Governing Document Enforcement Workflow & Fine Policy**

BE IT RESOLVED that at a duly noticed and conducted meeting of the Board of Directors of the South Shores Community Association, held on the 10/18/2022, at which quorum was present, the following resolution was adopted:

WHEREAS, The Association shall have the power to do any lawful act that may be authorized, required or permitted to be done by the Association under this Declaration, the Articles, the Bylaws and to do and perform any act that may be necessary or proper for or incidental to the exercise of any of the express powers of the Association.

WHEREAS, the Executive Board has the ability to create rules and regulations of the Association without the vote of the membership;

WHEREAS, the Association's Declaration of Covenants, Conditions and Restrictions for South Shores Community Association recorded April 13, 1989 as document number 3152-89 outlines use restrictions pertaining to enforcement; The Executive Board hereby adopts the following **Governing Document Enforcement Workflow & Fine Policy** as follows:

Violation Enforcement Workflow

All homeowners of the South Shores Community Association signed and received a copy of the Governing Documents. Every homeowner and resident is required to abide by these Governing Documents. The responsibility of the Board of Directors is to enforce the articles of these documents to, among other things, maintain the integrity and property values of the Community.

Upon noticing a violation of the CC&R's/Governing Documents, by the Management Company, Board of Directors or a Homeowner, a Courtesy Notice of Alleged Violation will be sent to the address of record for the homeowner as well as the address of the home itself stating the alleged violation. Included with this letter will be a Homeowner Response Form to be completed and returned to the Management Company.

The homeowner will be given 10 days, from the date of notification, to correct the violation and return the Homeowner Response Form. If the violation is corrected and the form is returned promptly, no further action will be required. A record of the letter, response and correction will be kept on file.

If the violation has not been corrected within the 10 days allowed, a Formal Violation notice is sent to the address of record for the homeowner as well as the address of the home itself. This notice will also include a Homeowner Response Form to complete and return to the Management Company. This notice will allow a final 15-day period to correct the violation.

If the violation has not been corrected within 10 days from the date of the Formal notification, a Notice of Hearing will be sent disclosing the fine amount. A Hearing before the Board will be scheduled for not less than 10 days from the date of notification. The homeowner will be given the opportunity to appear before the Board to discuss the violation and/or show cause why a fine should not be imposed.

After deliberation, if the Board's decision is to impose a fine and/or any fee reimbursement, per NRS 116.31031(7) the homeowner will be given 14 days after issuance of the decision to correct the violation and pay any outstanding fines (or fees if applicable). If the violation is not corrected within 14 days or any longer period that may be established by the Executive Board following the Hearing, the violation will be considered to be an ongoing violation and the fine will be continuing and be imposed for every 7-day period thereafter until the violation is corrected.

Habitual Violations

If, after a Hearing, the same violation of the CC&R's/Governing Documents is repeated within 30 days, the violation will be considered to be a Habitual/Repeat Violation. A Subsequent Notice of Hearing will be sent. A Hearing before the Board will be scheduled for not less than 10 days from the date of notification. The homeowner will be given the opportunity to appear before the Board to discuss the violation and/or show cause why a fine should not be imposed. After deliberation, if the Board's decision is to impose a fine and/or any fee reimbursement, per NRS 116.31031(7) the homeowner will be given 14 days after issuance of the decision to correct the violation and pay any outstanding fines (or fees if applicable). If the Board deems this violation as habitual, the violation will remain on hold for further inspections and will be automatically called to hearing upon each subsequent occurrence of the same violation. If the violation is not corrected within 14 days following the Hearing, the violation will be considered an ongoing violation and the fine will be continuing and be **imposed for every 7-day period thereafter until the violation is corrected**. A letter of determination reflecting this procedure will be issued to the homeowner at the time of the Board's decision and at any subsequent violation.

Fines

NRS 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents; limitations; procedural requirements; continuing violations; collection of past due fines; statement of balance owed. If a violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard. The amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed \$100 for each violation or a total amount of \$1,000, whichever is less. Any past due fine must not bear interest but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine. Fines/fees are considered past due after 60 days of the initial fine or when a balance of \$1,500.00 or more has been reached. Accounts in the amount of \$1,500.00 or more than 60 days past due will automatically go to collections and subject to a lien. Payment plans are accepted for fines prior to the collection process. Requests must be submitted in writing for Board review prior to the 60-day timeframe in which the fines go to collections. No fees such as hard costs/liens or other charges imposed to collect the fines owed will be waived.

Complaints/Reporting of a Violation

All complaints must be sent in writing to the management company for documentation and Board review. Per NRS116.31031 4b. a photo of the violation of the must accompany the violation when reasonable.

The Board will confirm that the violation is valid. If the violation is not visible from common areas or the street, an appointment will be made with the complainant to allow the Board to witness and confirm the violation. If the violation cannot be confirmed, the Board may not be able to proceed with the violation. Once the violation is confirmed, the notification process will begin.

Confidentiality

It is industry standard that all violations are considered confidential. Should a violation go to hearing or litigation, the confidentiality may no longer be valid at that time depending on the circumstances.

Health Safety and Welfare Violations

NRS 116.31031(1) If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the Executive Board in accordance with the governing documents. Any violation deemed to be a Health, Safety and Welfare violation will be automatically called to a hearing. The Board shall have the authority to sanction, fines, loss of privileges, and start the abatement process. Unpaid Health, Safety and Welfare fines are foreclosable. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by

the executive board in accordance with the governing documents, but the amount of the fine must not exceed \$100 for each violation or a total amount of \$1,000, whichever is less. The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

Violation Fine Schedule

Please see your copy of the CC&Rs for the full verbiage for each section listed below:

CC&R Provision	Section Description	Potential Fine
Section 1.01	Additional Declaration	\$50
Section 1.02	Apartment Area	\$50
Section 1.03	Architectural Committee	\$50
Section 1.04	Architectural Committee Rules	\$50
Section 1.05	Articles	\$50
Section 1.06	Assessment, Capital Improvement	\$50
Section 1.07	Assessment, Common	\$50
Section 1.08	Assessment, Reconstruction	\$50
Section 1.09	Assessment, Special	\$50
Section 1.10	Association Property	\$50
Section 1.11	Beneficiary	\$50
Section 1.12	Board	\$50
Section 1.13	Bylaws	\$50
Section 1.14	Close of Escrow	\$50
Section 1.15	Commercial Area	\$50
Section 1.16	Commercial Lot	\$50
Section 1.17	Common Area	\$50
Section 1.18	common Expenses	\$50
Section 1.19	Condominium	\$50
Section 1.20	Condominium Project	\$50
Section 1.21	Declarant	\$50
Section 1.22	Delegate	\$50
Section 1.23	Delegate District	\$50
Section 1.24	Family	\$50
Section 1.25	First Subdivision	\$50
Section 1.26	Improvement	\$50
Section 1.27	Lot	\$50
Section 1.28	Maintenance Funds	\$50
Section 1.29	Manager	\$50
Section 1.30	Master Association	\$50
Section 1.31	Master Declaration	\$50
Section 1.32	Member	\$50
Section 1.33	Mortgage	\$50
Section 1.34	Mortgagee	\$50
Section 1.35	Notice and Hearing	\$50
Section 1.36	Owner	
Section 1.37	Participating Building	\$50
Section 1.38	Person	\$50
Section 1.39	Phase of Development	\$50
Enforcement Workflow	Habitual Violations	\$50
May Vary	Any other Violation not listed that may go against the Governing Documents	Up to \$100

Super Priority abatement process

NRS 116.310312, allows an association to enter the grounds of a unit to maintain the property or abate a nuisance existing on the exterior of the unit. NRS 116.310312 specifically provides for the association's expenses to be a lien on the unit and provides that the lien is prior to the first security interest. NRS 116.3102(1)(j) was amended to allow these expenses to be part of the lien described in NRS 116.3116(1). And NRS 116.3116(2) was amended to allow these expenses to be included in the association's super priority lien. The HOA should follow the violation process. When the violation escalates to the hearing stage, you will need to get your Attorney involved to send the abatement hearing notice and to guide you on how to proceed moving forward.

Squatter abatement process

All homeowners are responsible for maintaining their property at all times. Abandoning your home or leaving it unattended leaves the property vulnerable and susceptible to potential Squatters. In Nevada, squatting is prohibited by NRS 205.0817, Nevada's law against unlawful occupancy. It is commonly charged along with housebreaking ([NRS 205.0813](#)) or [unlawful reentry \(NRS 205.082\)](#), although forcible or unlawful entry is not required. The HOA should report the possible squatting issue to Clark County Public Response Division at https://www.clarkcountynv.gov/residents/fixit_clark_county.php or 702-455-4191. The HOA should follow the violation process. When the violation escalates to the hearing stage, you will need to get your Attorney involved to guide you on how to proceed moving forward.

Short Term Rental Violation Process

Per the Las Vegas, Nevada Municipal Code Chapter 6.75 Short Term Rentals, no person shall engage in the business of operating a hotel, motel, residence hotel/motel, or other establishment that rents or holds out for rent rooms or other temporary accommodations on a daily basis or for a period of thirty days or less, with or without meals included in the rental rate, without first obtaining and thereafter maintaining a valid unexpired license pursuant to this Chapter.

Should any violations arise with a short-term rental, it will be reported to Las Vegas Code Enforcement at Short-Term Residential Rental Complaint Hotline 702-229-3500. The Homeowner's Association will follow the violation process per the Association's enforcement policy.

Lease Agreement Process

If your governing documents allow for lease tracking and enforcement, the HOA should enforce the policies as written. Violations should be enforced per your violation policy. When the violation escalates to the hearing stage, you will need to get your Attorney involved to guide you on how to proceed moving forward.

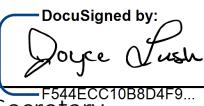
For any violation that is not cured by the normal violation procedures, you may seek legal counsel for possible further action which may include but not limited to Mediation, abatement, Sheriffs Sale or a Receivership Process.

This Governing Document Enforcement Workflow & Fine Policy supersedes any prior enforcement workflows or fine policies. Upon any subsequent changes to NRS or laws that conflict with this policy, the laws or NRS shall supersede this policy.

IN WITNESS WHEREOF, the said Board of Directors has caused this Resolution and Policy to be signed by its President and Secretary, October 18, 2022.

South Shores Community Association.

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By: 
President
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DocuSigned by:
By: 
Secretary
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