

# King's Deer Homeowners Association Covenant & Rule Enforcement

## **\*\*Summary and Highlights\*\***

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### **Covenant Enforcement – Background**

One of the frequent questions posed to the Board concerns Covenant Enforcement. As many of you might imagine, this is a complex topic that is likely to provoke diverse opinions and emotions. While any community requires rules to maintain property values and ensure it remains a desirable place to live, our Board of Directors has always strived to balance practical enforcement with the best interests of the residents—and it relies heavily on the “good neighbor” intentions of all members.

**Vehicle Parking.** Despite approval from the majority of King’s Deer members who voted in 2019 to relax the parking covenants, there were not enough votes cast to change the covenants. (Less than half of the owners voted in the election.) Then, in 2021-2022, an owners’ initiative by petition to change the vehicle-parking covenants was widely supported but never submitted to the board for validation. Subsequently, the Board adopted a compromise position regarding the enforcement of the vehicle parking covenant. Commercial vehicles, RVs, ATVs, trailers, boats, etc., are only permitted short-term parking during use and in accordance with the applicable policy. To avoid undue hardship on multi-car families throughout the community, one or two passenger vehicles parked outside generally will not result in a notification from the HOA; however, multiple vehicles (three or more) consistently parked outside may prompt a reminder notice being sent to the owner.

**Enforcement misconceptions.** We have sought legal counsel from our HOA attorney on this matter. There is often confusion surrounding the concept of selective enforcement. By definition, selective enforcement is the discriminatory and unfair application of HOA rules only against certain owners. It involves knowingly and purposely enforcing a particular rule on one owner (or group of owners) while not enforcing the same rule on another. For example, if two neighbors leave and store their trash bins outside for weeks, selective enforcement would involve notifying only one of the owners that they are in violation. Our Board does not intentionally engage in selective enforcement.

Another misconception is that the board/HOA must enforce all covenants and rules. The board can elect not to enforce certain rules (e.g. passenger vehicles being parked outside), which does not preclude them from deciding later to enforce that same rule (with proper notification). Owners retain the right to enforce covenants and rules themselves through legal means or contact with public safety officials (e.g. Police, Fire, El Paso County Public Health, etc.)

**Enforcement Reporting.** Covenant enforcement is reported in the minutes of the monthly HOA Board meetings. Reporting of covenant infractions should be directed to the HOA office at [admin@kingsdeer.org](mailto:admin@kingsdeer.org). All covenants are available on the King’s Deer website library. For convenience, we have summarized the key points of the Covenant Enforcement Policy below. As always, the Board appreciates your continued support and welcomes any additional comments or questions.

# King's Deer Homeowners Association Covenant & Rule Enforcement Policy

## **\*\*Summary and Highlights\*\***

**Effective Date:** January 16, 2024

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**Note:** *This reader-friendly summary is provided for the convenience of HOA members. For complete details, please refer to the official policy found with the governance documents at [www.Kingsdeer.org](http://www.Kingsdeer.org). In the event any language in this summary conflicts with the official policy, the official policy will prevail.*

### **1. Purpose**

This policy helps ensure that all homeowners follow the community rules to keep King's Deer a great place to live. The Board of Directors created this policy to provide a fair and clear process for handling rule violations. The following is a summary of the policy's key provisions:

### **2. How Violations Are Handled**

If a homeowner is found violating a community rule, the Association follows this process:

- **Complaint Submission:** Any homeowner can report a violation by sending an email or letter to the Association. Complaints can also come from board members or community managers. Verbal or anonymous complaints may not be accepted. The Association makes every effort to maintain the confidentiality of the homeowners reporting or involved in the complaint.
- **Notification:** If a violation is reported, the Association will send a written notice to the homeowner, explaining the issue, possible fines, and how to resolve it. The Association may send a courtesy email before mailing the official written notice.
- **Request for a Hearing:** If the homeowner wants to dispute the violation or fine, they must request a hearing within 14 days. If they don't, they give up their right to challenge it.
- **Hearing Details:** If a hearing is requested, the homeowner will receive a notice with the date, time, and location. The hearing will be fair, and those with a personal or financial stake in the decision will step aside.
- **Hearing Procedure:** The hearing will begin with an explanation of the rules and process. The homeowner and any witnesses can present their case, and the decision will be based on the facts.
- **Decision & Fine Assessment:** After the hearing, a decision will be made and communicated in writing. If fines apply, they will be outlined in the decision.

### **3. Fine Structure**

The Association uses a fine system to encourage compliance with community rules. Some violations may result in an immediate fine, especially if they impact health or safety. The Board may also increase fines if needed to ensure compliance.

#### **Common Violations & Fines:**

- **Trash bins, debris visible from the street for extended periods** – \$50 per occurrence
- **Equipment stored outside** (ATVs, lawnmowers, etc.) – \$50 per week
- **Landscaping not maintained** (weeds, dead trees, etc.) – \$250 initially, then \$50 per week
- **Improper parking** (boats, trailers, commercial vehicles, etc.) – \$100 per week

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- **RV parked longer than allowed** – \$100 per week
- **Damage to HOA property** – Cost of repairs
- **Architectural approval violations** – minimum \$100 for minor changes, \$500 for structures
- **Dogs off-leash outside owner's property** – \$50 for first occurrence
- **Unapproved dumpster/storage container** – \$50 per week
- **Snow fence up outside approved season** – \$50 per week
- **Unauthorized signage** - \$50 per week
- **Noise/nuisance issues** (barking dogs, excessive lighting, ATVs, etc.) – \$50 per occurrence
- **Lot not mowed by deadline** – Set by mowing policy
- **Unpaid HOA assessments** – Late charges and interest apply per Collection Policy
- **Water meter violations** – Set by Water Meter Reading Policy

#### **4. Other Important Rules**

- **Homeowners are responsible for violations caused by family members, guests, contractors, and tenants.**
- **Legal action may be taken without prior warnings if necessary.**
- **Enforcement costs may be added to a homeowner's account (e.g., translation fees).**
- **The Board may issue official notices of violations with the county clerk and recorder.**
- **Failure to enforce a rule in one situation does not mean it won't be enforced later.**

This policy ensures that King's Deer remains a beautiful, well-maintained community. Homeowners are encouraged to be good neighbors by following the rules to avoid penalties and keep the neighborhood enjoyable for everyone.