

Covenant Violations and Enforcement Policy

- 1. Policy Accountable Owner:** Board BOD
- 2. Policy Name:** Covenant Violations Policy
- 3. Purpose of policy:**
 - a. To amend and restate the current Covenant Enforcement Policy and Fines Procedure; To eliminate the imposition of fines for covenant violations; and to comply with the requirements of the Colorado Common Interest Ownership Act, as amended.
- 4. Policy details**
 - a. Determination of violations**
 - i. Throughout the year, Board members, property owners, residents, staff, and ARC members may report violations. Such complaints must be in writing via email, letter, or on a Covenants Violation Report form in the Foundation office.
 - ii. Upon receipt of a written complaint, staff will visit the site to verify the violation. Anonymous complaints will not be accepted.
 - b. Resolution of public safety violations**
 - i. With respect to any violation of the Declaration, Bylaws, Covenants, or other governing documents of the Foundation that the Foundation reasonably determines threatens the public safety or health, the Foundation shall provide the Owner written notice, in English and in any language that the Owner has indicated a preference for correspondence and notices pursuant to Section 4.d. below, of the violation informing the Owner that the Owner has seventy-two hours to cure the violation or the Foundation may pursue all available legal remedies, including injunctive relief in either the small claims court, county court, or district court.
 - ii. If, after an inspection of the Lot, the Foundation determines that the Owner has not cured the violation within seventy-two hours after receiving the notice, the Foundation may take legal action against the Owner for the violation.
 - c. Resolution of other violations**
 - i. If the Foundation reasonably determines that an Owner has committed a violation of the Declaration, Bylaws, Covenants, or other governing documents of the Foundation, other than a violation that threatens the public safety or health, the Foundation shall, through certified mail, return receipt requested, provide the Owner written notice, in English and in any language that the Owner has indicated a preference for correspondence and notices pursuant to Section 4.d. below, of the violation informing the Owner that the Owner has thirty days to cure the violation or the Foundation, after conducting an inspection and determining that the Owner has not cured the violation, may pursue all available legal remedies.
 - ii. The Foundation shall grant Owners two consecutive thirty-day periods to cure a violation, by following the notice procedure set forth in subparagraph (i) above, before the Foundation will take legal action against the Owner for the violation.
 - iii. If the Owner cures the violation within the period to cure afforded the Owner, the Owner may notify the Foundation of the cure and, if the Owner sends

visual evidence that the violation has been cured with the notice, the violation is deemed cured on the date that the Owner sends the notice. If the Owner's notice does not include visual evidence that the violation has been cured, the Foundation will inspect the Lot as soon as practicable to determine if the violation has been cured.

- iv. If the Foundation does not receive notice from the Owner that the violation has been cured, the Foundation shall inspect the Lot within seven days after the expiration of the thirty-day cure period to determine if the violation has been cured. If, after the inspection and whether or not the Foundation received notice from the Owner that the violation was cured, the Foundation determines that the violation has not been cured:
 1. A second thirty-day period to cure commences with the notice set forth in subsection c.i. above, if only one thirty-day period to cure has elapsed; or
 2. The Foundation may take legal action pursuant to this Section if two thirty-day periods to cure have elapsed, including seeking injunctive relief in the small claims court, county court, or district court.

d. Notices

- i. Owners may notify the Foundation if the Owner prefers that notices and correspondence from the Foundation be made in a language other than English by written notice to the Foundation by certified mail, return receipt requested, mailed to Genesee Foundation, 24425 West Carrant Drive, Golden, Colorado 80401. In the event such notice has been provided from the Owner to the Foundation, all written communications to the Owner pursuant to this Policy shall be in the preferred language and English.
 - ii. Owners may identify another person to serve as the designated contact for the Owner by providing the Foundation written notice of the name, mailing address, and email address of the designated contact by certified mail, return receipt requested to the address set forth in d.i. above. If a designated contact is identified, all written communications to the Owner pursuant to this Policy shall be sent to the designated contact and the Owner.
- e. The Foundation may, in its discretion, employ any and all additional reasonable means and efforts authorized or permitted by its governing documents and applicable law to secure resolution of covenant violations.
 - f. In the event the notice and any additional efforts set forth above do not result in resolution of the covenant violation, the Foundation may seek resolution through any and all available legal remedies, including the assessment of costs and reasonable attorney fees against the responsible Owner.

Policy Approval:

- **Approved By: Board of Directors**
- **Supersedes: Covenant/ARC Violations Policy June 26, 2019**
- **Approval Date: August 3, 2022**
- **Review Date: 2 years**