

NEW LANDSCAPING ENFORCEMENT PROCEDURE

Effective January 1, 2010

A small number of homeowners in Rose Bay continually fail to maintain their lawns and landscaping to the Rose Bay standards. The few homeowners that allow this to happen hurts everyone's property values and forces the Homeowner Association (HOA) to spend unnecessary HOA funds to enforce the landscaping rules.

The Architectural Review Board (ARB) of Rose Bay has determined that to maintain a lawn to Rose Bay standards, a homeowner must water as much as water restrictions will allow and apply fertilizer and bug control several times a year and keep lawns cut no less than three and one-half (3 ½) inches. Bare spots must be filled in with new sod and trees and bushes must be trimmed several times a year. Dead plants and flowers should be removed.

There is a small number of homeowners that continually neglect their lawns until the HOA sends them at least two letters and threatens to levy a fine on them before they will do anything. This spoils the curb appeal and property values of all the homes close by. The HOA will cut grass and trim trees and bushes at foreclosed homes and attempt to collect these fees when property is taken over by bank.

Due to the number of phone calls and letters received from Rose Bay homeowner's pertaining to the neglected lawns and landscaping in the neighborhood, the HOA is going to adopt a quicker procedure to resolve these issues. Now a homeowner in violation will receive a letter and be given 30 days to cure the landscape violation, unless due to a hardship they cannot. If there is a hardship preventing them from rectifying the landscaping violation, they must send a letter to the Community Association Manager (CAM) defining the hardship and give a firm date when the violation will be completely rectified? The CAM will share this information with the Board of Directors and ARB, who will make the final decision to grant the homeowner the additional time. **ONLY ONE EXTENSION WILL BE GRANTED** per violation. After 30 days if the CAM does not receive a letter requesting an extension, a ten dollar a day fine will be levied on the homeowner after a 14 day notice is sent to the homeowner by regular and certified mail. The fine will continue and accrue daily until the violation is completely rectified. The homeowner can appeal to the fining committee if they feel the fine is unjust or their extension was denied. The fining committee will have the final word on this matter after they review all the facts. The fine will continue until it reaches one thousand dollars then the violation will be turned over to the HOA attorney to collect the fine and to enforce the covenants through mediation and litigation. In addition to the collection of the fine, the HOA will attempt to collect all reasonable legal and court fees from the homeowner in violation to enforce the landscaping rules.

Rose Bay Board of Directors and Rose Bay Architectural Review Board