

THE GLENSHIRE/DEVONSHIRE RESIDENTS' ASSOCIATION, INC.
Government Code §12956.1

If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Notice. After January 1, 2022, a Restrictive Covenant Modification form with procedural information for appropriate processing with the Nevada County Clerk- Recorder may be found at the following link:

<https://www.mynevadacounty.com/3438/Restrictive-Covenant-Modification-Form>

Resolution of the Board of Directors
Health or Safety Violations – Written Findings Pursuant to Civil Code § 5850(d)

The following resolution was adopted by the Board of Directors of The Glenshire/Devonshire Residents' Association, Inc. at a duly noticed open session Board meeting held on September 24, 2025.

WHEREAS, Civil Code § 5850(d), as amended effective July 1, 2025, limits fines for violations of the governing documents to \$100 per violation unless the Board makes a written finding, in an open meeting, that the violation may result in an adverse health or safety impact on the common area or another member's property.

WHEREAS, the Board of Directors ("Board") wishes to ensure continued enforcement of its governing documents while complying with this new statutory requirement.

NOW, THEREFORE, IT IS RESOLVED that the Board hereby adopts the following findings and procedures:

A. Definition of Health or Safety Violation. A health or safety violation refers to any condition, action, or omission by a member, resident, or their guest that the Board, in its reasonable discretion, determines a significant risk to:

- (1) The physical well-being, safety, or health of individuals; or
- (2) The structural or environmental integrity of the common area or facilities; or
- (3) The property of another member.

Such violations may include, but are not limited to, any of the following:

- **Dangerous Pet Behavior.** Pet-related violations involving bites, aggressive behavior, or repeated off-leash incidents in violation of safety rules.
- **Traffic/Vehicle Hazards.** Traffic and vehicle violations involving reckless driving, failure to yield, speeding, or other conduct creating a hazard to residents, pedestrians, or property.
- **Emergency Access Obstruction.** Obstruction of emergency access, including parking or storage that blocks fire lanes, hydrants, evacuation routes, or other areas designated for emergency vehicles or personnel.
- **Unsafe/Unauthorized Construction.** Unauthorized construction or modifications that compromise building integrity, violate applicable rules or codes, or result in unstable or unsafe structures.
- **Hazardous Materials.** Storage or disposal of hazardous materials, including flammable, combustible, or toxic substances in violation of applicable law or community standards.
- **Hazardous Property Conditions.** Neglected property conditions that create fire hazards, attract vermin, or contribute to the spread of mold, mildew, or other health-related concerns.
- **Failure to Maintain Defensible Space.** Failure to maintain landscaping or vegetation in required fuel modification zones or defensible space areas, where such failure increases wildfire risk to common area or neighboring properties.
- **Violent Conduct.** Egregious or criminal acts, including physical altercations, property destruction, or behavior threatening bodily harm or property damage.
- **Dangerous Nuisance/Harassment.** Nuisance or harassment violations involving conduct that pose a danger to others or significantly disturbs the peaceful enjoyment of the community.

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- **Code/Regulatory Violations.** Conditions or conduct that violate building, fire, or health and safety codes, where such violations are substantiated by notices or determinations from public agencies or licensed professionals, and which also violate the Association's governing documents and pose a material health or safety risk within the community.
- **Glass Containers.** Bringing glass containers to the swimming pool area which can result in injuries to individuals.
- **Other Health/Safety Risks.** Any other violation, condition, or conduct that the Board, in its reasonable discretion, determines poses a material risk to the health or safety of individuals, the structural integrity of common area facilities, or the property of others, based on the criteria set forth in this Resolution.

B. Incorporation of Fine Schedule. The Board hereby incorporates by reference the current Schedule of Monetary Penalties, including all violations identified therein that may be subject to monetary penalties exceeding \$100 if found to constitute health or safety violations under this Resolution.

C. Required Board Finding for Individual Enforcement. Before imposing a monetary penalty greater than \$100 for any violation, the Board shall:

- (1) Review the violation in an executive session Board meeting.
- (2) Determine whether the specific violation meets the criteria set forth in this Resolution.
- (3) Make a written finding in the meeting minutes specifying the adverse health or safety impact that justifies the higher fine amount.

D. Reservation of Discretion. Nothing in this Resolution shall prevent the Board from making a separate or supplemental written finding in a future open meeting that a specific violation not listed herein also constitutes a health or safety violation under Civil Code § 5850(d).

E. Non-Retroactivity. This Resolution applies only to fines imposed on or after July 1, 2025. Any fines or penalties levied prior to that date remain valid and enforceable under the law as it existed at the time of imposition.

CERTIFICATION

The undersigned certifies that the foregoing resolution was duly adopted by the Board of Directors on the date indicated above and remains in full force and effect.

Dated: 9/29/ 2025

By: _____

Anna Gahn-Nilsson
[Print Secretary's Name]

The Glenshire/Devonshire Residents' Association, Inc.
Schedule of Fines and Enforcement Procedures

1. Purpose and Authority. This Schedule of Fines and Enforcement Procedures ("Rules") is adopted by the Board of Directors pursuant to the Association's governing documents and Civil Code sections 5850 *et seq.* Its purpose is to encourage compliance through fair and consistent enforcement and to establish a lawful process for disciplinary actions.

2. Notice and Hearing Requirements. Before any fine or disciplinary action is imposed, the Owner shall be provided notice and an opportunity to be heard by the Board of Directors, consistent with Civil Code section 5855, including:

- (a) Written notice of the alleged violation at least ten (10) days before the hearing.
- (b) A hearing before the Board (or a committee appointed by the Board) in executive session, unless the Owner requests otherwise.
- (c) An opportunity for the Owner to attend and address the Board.
- (d) Written notice of the Board's decision within fourteen (14) days after the hearing.
- (e) A right to request internal dispute resolution if the Owner disagrees with the outcome.

3. Right to Cure Before Hearing. The Board shall not impose discipline under either of the following circumstances:

- (a) The Owner cures the violation to the Board's satisfaction before the hearing; or
- (b) The Board may not impose discipline if the violation is not reasonably cured before the hearing and the Owner provides satisfactory written documentation to the Association of a good faith financial commitment to correct the violation within a reasonable time.

A financial commitment to cure may include, but is not limited to, a signed contract, invoice, deposit receipt, or other written proof that the Owner has retained a qualified service provider to complete the required work.

4. Fine Schedule. Except as provided in Section 5, the maximum fine that may be imposed for any violation is one hundred dollars (\$100) per violation. Fines may only be imposed after notice and hearing, and only for violations that are separate and distinct in nature.

Each fine must be based on a new and separate violation. A single, ongoing condition may not be fined more than once unless a new and distinct act or omission occurs. Repeated violations of the same type on different dates (such as separate noise disturbances or unauthorized parking incidents) may be subject to additional fines, provided that each occurrence constitutes a separate and distinct event.

5. Health or Safety Violations; Exception to Fine Cap. In the Board's discretion, a fine up to \$5,000 per violation may be imposed only if both of the following conditions are met:

- (a) The violation may result in an adverse health or safety impact to the common area or another member's property.

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(b) The Board makes a written finding specifying the nature of the health or safety impact in a board meeting open to the members.

6. Reimbursement Assessments. In addition to disciplinary fines, the Board may impose an Special Individual Assessment to recover actual costs caused by a violation, including but not limited to:

- (a) Repair of damage to the common area; or
- (b) Administrative or legal expenses incurred to enforce compliance; or
- (c) Costs to remedy the violation or bring the property into compliance.

7. Suspension of Privileges. Following notice and hearing, the Board may suspend the Owner's right to use common area recreational facilities, as permitted by law and the governing documents.

8. Non-Exclusive Remedies. These enforcement measures do not limit the Association's right to pursue other legal or equitable remedies, including internal dispute resolution or injunctive relief.

9. No Late Fees or Interest for Fines. Pursuant to Civil Code section 5850(e), the Association shall not charge any late fee, interest, or finance charge on unpaid fines.

10. Member Access to Fine Schedule. A copy of the current Schedule of Fines and any applicable supplement shall be included in the annual policy statement and made available to any member upon request.

CERTIFICATE OF APPROVAL

The undersigned declares that they are the duly elected Secretary of the Association, and that the foregoing Rules were approved by the required vote of the Directors following member comments at the Board meeting held on November 14, 2025. The Rules remain in full force and effect.

Dated: November 14, 2025

By: _____

Carol Freeman, Secretary