

Violation Letters

Notifying residents that they are in violation of an association rule is one of the necessary evils of community association management and administration. Different residents will respond to your notification with differing levels of intensity. Some will be eager to comply, others will delay compliance as long as possible, and other will resist indefinitely.

When problems arise, start with simple personal contact. Particularly in small communities, a phone call or a knock on the door with a friendly reminder and an appeal for compliance may be all that's needed. Personal contact promotes a sense of community and fosters cooperation among residents who will see managers and board members as caring rather than enforcers.

However, there will be some residents who do not respond to this initial contact. That's why it is good to have two or three progressively stronger violation letters that begin by giving residents an opportunity to comply at the lowest level of notice. These basic form letters can be easily personalized.

The first letter should be a friendly, polite letter explaining the violation. It's important to be positive and allow the resident the benefit of the doubt. Explain that rule violations affect property values for the whole community and that the board has a responsibility to preserve those values. Remember, your goals are to make residents aware of the rule, get them to comply with it, and let them know what happens if they don't.

If a second letter becomes necessary, state the alleged violation, cite the document where the rule can be found, and clearly delineate what the resident has to do to comply, when this has to happen, the procedures for due process, and the consequences of noncompliance. The tone should be professional and firm. Be sure to include the name and number of someone the resident can call.

A third letter is generally some type of final notice to the resident that the matter is being turned over to the association attorney or a collection agency.

When you draft your violation letters, remember to strive for non-confrontational phrases like:

- "We realize there are always two sides to a question, and we are eager to hear from you."
- "If you feel the rule in question shouldn't be applied in this particular case, please advise us in writing so we may consider your opinion."
- "We have been notified of a possible misunderstanding."
- "Our rules do not allow for this practice. If you believe that we should reconsider this rule, please let us know in writing. At this time, however, we are bound to respect the rule as written."

Also remember there is also a place for positive correspondence and thank-you notes should be sent to residents who correct violations.

(From pages 12—13 of Communications for Community Associations; by Debra H. Lewin; Community Associations Press, 2001.)

Sample Violation Letter:

_____ **HOMEOWNERS ASSOCIATION**
(Mailing address for association)
(Telephone and fax numbers)

Date: _____

Dear _____:

This letter is being written at the direction of the Board of Directors of the _____ Homeowners Association. As a member you are obligated to abide by certain predetermined Rules and Regulations as found in the association's Governing Documents.

We regret to advise you that the following item identified below is not in compliance with the requirements of the _____ Homeowners Association's Documents.

Inspection Date: _____

Violation: _____

Action Needed: _____

Required Compliance Date: _____

We request that you be in compliance with the Homeowners Association's Documents so that no further action is necessary.

Your cooperation in completing the item noted above would be appreciated by your association and your neighbors and will help maintain an aesthetically pleasing community, which in turn keeps real estate values high.

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,

_____ HOMEOWNERS ASSOCIATION

_____, Board President