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# POLICIES AND PROCEDURES OF THE SHADOWS COMMUNITY HOMEOWNERS' ASSOCIATION (SCHA)

(Current as of May 2024)

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## I. INTRODUCTION AND PURPOSE

The policies and procedures presented herein serve as an accompaniment to the *Declaration of Covenants, Conditions, and Restrictions for the Shadows Lake Subdivision* (hereafter referred to as "*Restrictions*") in order to assist the Shadows Community Homeowners' Association (hereafter referred to as "SCHA") with facilitating business and enforcing the regulations and restrictions of the subdivision. The SCHA acts on behalf of the common interest of all neighborhood property owners primarily to ensure the protection, maintenance, and enhancement of the value of the Shadows subdivision properties.

The purpose of this document includes, but is not limited to:

- Establishing such procedures and rules as are reasonably necessary to implement the rules and *Restrictions*;
- Enforcing by legal means the provisions of the *Restrictions* (all filings);
- Imposing fines or penalties for repeated violations of restrictions/rules;
- Taking action against anything done on a lot that is or may become a nuisance or safety hazard; and
- Securing removal of any structure or item any of the Shadows common areas.

## II. DEFINITIONS

A. **Fine:** A sum of money assessed for violation of a restriction/rule.

B. **SCHA Property Manager:** Contracted management company that assists with neighborhood funds, maintenance, projects, communications with home/property owners, etc.

C. **Violation:** Infringement of the restrictions/rules.

D. **Violator:** A person or home/property owner who breaks or fails to comply with a restriction/rule.

## III. ARCHITECTURAL CONTROL COMMITTEE (ACC) PROCEDURES

In regard to Architectural Control of the *Restrictions*, no building, fence, wall or other structure shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration thereon be made until the plans and

specifications showing the nature, kind, shape, heights, materials, and location of the same shall have been submitted to and recommended for approval in writing by the ACC, with final approval given by the SCHA Board.

A. Homeowners asking for approval of a home/property improvement or change are required to submit a *Request for Home Improvement Approval* form to the SCHA Board for consideration.

1. The form must include the homeowner's contact information, the nature and description of the requested change/improvement, the location of the proposed change/improvement, the proposed materials to be used, the dimensions (if applicable), and proposed project start and end dates.
2. The homeowner agrees project will not commence until they are notified of approval by the Board.

**NOTE:** The city or parish may require building permits or inspections for various residential projects. These requirements are the sole responsibility of the homeowner if the project moves forward. Approval by the SCHA Board does not supplant any city/parish permitting, approvals, or inspections required for construction projects.

Homeowners should inquire with city/parish government about such residential permitting requirements. Call 225 389-3226 or visit their website for more information ([Residential | Baton Rouge, LA \(brla.gov\)](http://Residential|BatonRouge,LA.brla.gov)).

B. The completed form can be mailed to the address provided or submitted electronically to the main SCHA email address. In addition to the form, a copy of the lot survey or drawing and other design drawings with measurements (if applicable) should be included to help determine the scope of the requested change/improvement. The homeowner can attach any additional documentation indicating the size and placement of improvement in relation to the property dimensions to the form submission.

1. Submissions for the ACC will be forwarded by the Board president or designee to all ACC members.
2. The ACC will be responsible for reviewing the request to determine if the property change/improvement meets the requirements set forth in the neighborhood *Restrictions*.
3. Requests must be reviewed in a timely manner taking into consideration the proposed construction start date indicated on the form.
4. An ACC member may contact the homeowner after receiving the request if further information is needed or to set up an on-site visit, if needed.

- a. If a site visit is warranted, one SCHA Board member shall accompany the ACC member(s) to review the plan for property improvement with the homeowner.
- B. The ACC will review and recommend approval/denial to the SCHA Board for a final decision.
1. The approval/denial recommendation will include two (2) signatures of ACC members.
  2. If a denial is recommended, an explanation will be provided in writing.
- C. The SCHA Board will review the form, accompanying documentation, and the recommendation(s) of the ACC in order to make a final determination. In most cases, a decision will be reached within thirty (30) days of receipt of the form from the homeowner.
1. After the Board determines if the request has been approved/denied, the Board president or designee will sign the form.
  2. If the request is denied, an explanation will be provided in writing.
  3. The SCHA will provide a copy of the form with signatures to the homeowner.
  4. A copy of the approved form will be archived with Board documentation.
- D. If the homeowner has not received a final determination within thirty (30) days of form submission, the homeowner can request a meeting with the Board president or designee.

### **III. PROCESSING THE NOTICE OF A VIOLATION**

- A. The SCHA Property Manager is responsible for processing the notice of a possible violation. The following information should be included in writing to the property owner(s) or association member(s), if applicable:
1. The regulation or restriction in question;
  2. The location (and/or date and time) of the alleged violation;
  3. A short and plain statement of the facts of the restriction violation or incident;  
and
  4. A remedy or next steps recommendation(s) for the issue.
- B. Failure of the property owner or association member to enact the remedy or make progress on next steps may result in a fine (as described in Section IV.C. Fines) or legal action.

**IV. ENFORCEMENT OF RESTRICTION/RULE VIOLATIONS**

Section VII General Provisions, (A) and (F) Enforcement of the *Restrictions* authorize the SCHA to enforce its the provisions. As such, the following procedures will be utilized to enforce the *Restrictions* and rules in cases of restriction/rule violations, repetitious violations, or major violations.

**A. Initial Warning Letter.** If the home/property owner is identified as having a restriction/rule violation, an initial warning letter shall be sent to the violator. The letter will include the timeframe for home/property owner to come into compliance, submit a written dispute and/or request a hearing.

1. The foregoing procedure will not be used, however, in the event the violation is determined by the Board to be repetitious as defined in Section IV.D. of this policy, or a major violation as defined in Section IV. E. of this policy. In these instances, the procedure outlined in those relevant sections shall be followed.

**B. Continuous Violation after Initial Warning Letter**

1. If the alleged violator does not come into compliance within the allotted timeframe of the initial warning letter, this will be considered a second or subsequent violation.
2. A second and subsequent letter(s) shall then be sent to the violator, providing notice of a fine.
3. The foregoing procedure will not be used, however, in the event the violation is determined by the Board to be a repetitious violation as defined in Section IV.D. of this policy, or a major violation as defined in Section IV.E. of this policy. In these instances, the procedure outlined in those relevant sections shall be followed.

**C. Fine Schedule.** The following fine schedule has been adopted for all minor and repetitious recurring restriction/rule violations:

<b>First Violation</b> (of same restriction or rule)	<b>Second Violation</b> (of same restriction or rule)	<b>Third Violation</b> (of same restriction or rule)	<b>Fourth &amp; Subsequent Violations</b> (of same restriction or rule)
Warning Letter	\$75.00 fine	\$75.00 fine	\$75.00 fine

**NOTE:** Fourth and subsequent restriction/rule violations may be turned over to the Association's attorney to take appropriate legal action.

D. **Repetitious Violations.** Repetitious violations are defined as a series of identical or substantially similar individual violations that occur repeatedly or continuously in a willful and knowing manner.

1. Each individual violation shall be separated by a period of no less than one (1) day, nor more than ninety (90) days, and the result of which is a pattern of violations of the same covenant restriction/rule.
2. In the event of such repetitious violation, in the discretion of the Board, each instance of noncompliance may constitute a separate violation, and the Board shall not be required to provide a period of ten (10) days from each violation for the alleged violator to come into compliance.
3. A warning letter shall be sent for the first violation in the series.
4. After the initial warning letter, the Board may cause violation notices to be sent for each violation in the series stating the amount of the fine to be imposed (pursuant to the Fine Schedule in Section IV.C.) and giving notice and an opportunity for a hearing.
5. The Board shall individually consider each violation for which a hearing is requested, but is permitted to combine each violation for which a hearing is requested to be heard at one hearing.

E. **Major Violations.** Major Violations are defined as any violation which has occurred that is considered serious in nature, may or may not affect the structural integrity and physical safety of the property, and in some cases cannot be reversed or corrected.

1. The following are considered major violations:
  - a. Initiating renovations without prior approval from the SCHA Board and Architectural Control Committee when approval is required. [Fine: \$100 - \$500 depending on the scope of the work done prior to approval]
  - b. Damage, theft, or vandalism to SCHA property and/or records. [Fine: \$100 + cost to repair or replace.]
  - c. Inappropriate activity in common areas (nudity, sexual activity, illegal drug use). [Fine: \$50 + cost of cleaning, if necessary]
2. In the event a major violation is observed or reported, a fine amount determined at the discretion of the Board may be assessed to the home/property owner.
3. Notice shall be given in writing to the home/property owner stating the nature of the violations, the amount of the fine to be imposed, action required to be taken (if any), and the opportunity for a hearing.
4. No warnings shall be given for major violations.

5. Fines are not inclusive of any other costs or fees incurred by the SCHA as a result of the violation. The SCHA reserves the right to pass on such costs and fees to the violating home/property owner.
  6. Subsequent major restriction/rule violations may be turned over to the SCHA attorney to take appropriate legal action.
- F. **Notice of Hearing.** If a hearing is requested by the alleged violator, the Board shall serve a written notice of the hearing to all parties involved at least ten (10) days prior to the hearing date. The hearing shall be held within thirty (30) days from the date the written request is received by the violator.
- G. **Hearing.** At the beginning of each hearing, the presiding officer shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Each party or designated representative may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. After all testimony and other evidence has been presented at a hearing, the Board shall, within a reasonable time, not to exceed fourteen (14) days, render its written findings and decision.
- H. **Failure to Timely Request Hearing.** If the alleged violator fails to request a hearing within ten (10) days of any letter, or fails to appear at any hearing, the Board may decide with respect to the alleged violation based on the complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing.
- I. **Notification of Decision.** If a hearing is requested and held, the decision of the Board shall be in writing and provided to the violator within fourteen (14) days of the hearing.
- J. **Waiver of Fines.** The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the violator coming into and staying in compliance with the *Restrictions* or rules as detailed in the Policies and Procedures document.
- K. **Other Enforcement Means.** The fine schedule and enforcement process are adopted in addition to all other enforcement means which are available to SCHA through its *Restrictions* or rules as detailed in the Policies and Procedures document. The use of this process does not preclude the SCHA from using any other enforcement means.

## V. CHANGES TO POLICIES/PROCEDURES

The SCHA Board has the authority to revise these policies and procedures in order to implement and enforce the regulations and rules as presented in the *Restrictions (all filings)*

Prior to implementation of **major revisions** to this document, the Board shall give members at least 30 days written notice of the intended change by ordinary mail. The Board president may supplement such notice by referencing proposed revisions posted on the SCHA website ([Shadows Community Homeowners Association \(shadowshoa.com\)](http://Shadows Community Homeowners Association (shadowshoa.com))).

Technical changes will not require a notice to homeowners.

**V. HISTORY:**

Adopted: 05/21/2024

Effective: 06/01/2024

**VI. RELATED REFERENCES**

*Declaration of Covenants, Conditions, and Restrictions for the Shadows Lake Subdivision (all filings)*

*Request for Home Improvement Approval (form)*