

COLUMBIA ASSOCIATION/VILLAGE COVENANT ENFORCEMENT PROCESS

A. VILLAGE

1. Covenant advisor receives a complaint regarding possible covenant violations at a given property.
2. Complaint form is completed by covenant advisor.
3. Covenant advisor makes site visit within 1 – 14 days following receipt of complaint to check for covenant violations.
4. If violations are found, the covenant advisor sends a sequence of at least 2 and may send 3 letters notifying property owner of violations.
 - a. First letter is sent within 1 - 14 days of verifying complaint, requesting that violations be corrected by a certain date.
 - b. If the owner does not contact the covenant advisor or fails to correct the violations, a second letter is sent after the deadline stated in first letter.
 - c. If there's still no response, a third letter may be sent after the deadline stated in the second letter.

At any time in this process, the property owner may contact the covenant advisor to discuss covenant issues and work out arrangements. Covenant advisors also will provide contact information about potential sources of financial and other assistance.

5. If process detailed in item 4 does not resolve the matter, the covenant advisor, within 10 –15 days of deadline stated in last letter, asks the Village Board to issue a 15-day notice to the property owner to correct violations. Property owner again has opportunity to speak with covenant advisor and/or village board members.
6. If property owner fails to respond to 15-day notice or to correct violations, Village Board reviews matter and votes whether to approve submission of the case to the Columbia Association's ("CA") Architectural Resource Committee ("ARC").

B. ARC

1. Given the timing of the steps in the process noted above, Village

submission to the ARC usually occurs within three months to one year of receipt of the original complaint.

2. The ARC meets the first Monday of each month. The members of the ARC consist of two village covenant advisors (which villages are represented rotate on a set schedule), CA's Division Director of Community Services, a director from CA's Open Space Management division, and an at-large Columbia resident. Cases are submitted at the next regularly scheduled ARC meeting following a Village Board's approval of submission. Photographs are a part of the submission. In addition, prior to the ARC meeting, ARC members visit and inspect each property on the agenda. The ARC then discusses each case and votes whether to accept it for referral to CA President, who then decides whether to take the action recommended by the ARC.
3. The request from the Village to the ARC may ask that CA (a) take legal action against the property owner, (b) "flag" the lot file so that there is a record that the property has covenant violations, (c) "flag" the CA membership file if the property owner is a CA member to deny access to CA facilities until the covenant violations are corrected, (d) place the property under the abandoned/vacant house policy if applicable (pursuant to which CA will mow the lawn and/or perform other very basic maintenance on the exterior of the property and bill the property owner), or some combination of the above.
4. CA's President approves or disapproves the requested action(s) within approximately one week of receipt of the ARC's recommendation.

C. ACTION BY CA

1. Warning Letter

CA Legal Department sends letter advising property owner (s)he has 15 days to respond before CA and the village take legal action.

2. Flagging of lot file

CA assessment file is flagged to note covenant violation. (Property owner informed of this in letter.)

3. Flagging of membership file

If property owner has a Sport & Fitness Membership, that

membership file is flagged, and member is denied access to all CA facilities and is instructed to contact village in regard to covenant violation. Denial of access notification is sent to member/property owner advising they have a 30-day window to correct covenant violations prior to membership termination.

4. Dialogue between CA, property owner and village covenant advisor.

In some cases, property owner contacts CA legal department in response to above letters. Covenant enforcement process is explained to property owner, as well as need to resolve issues with village covenant advisor. Plan may then be developed between advisor and owner.

5. Pre-litigation preparation

If steps 1-4 above do not result in resolution of covenant violations, CA legal department then compiles necessary information to file suit, including related correspondence, certified copy of property deeds, and certified copy of village deed. CA legal department sends a second warning letter advising property owner that litigation is imminent and offering a final opportunity to resolve matter prior to litigation.

D. MAINTENANCE APPROVED UNDER VACANT/ABANDONED HOUSE POLICY

1. If a property is vacant/abandoned, Village Board may request in writing that CA Open Space Management clean up the property (e.g., correct lawn maintenance violations, board up unsecured entry points, etc.).
2. Open Space performs maintenance within 15 days of request to perform work.
 1. A maintenance invoice is recorded for payment.
 4. A property lien may be imposed under the Maryland Contract Lien Act.

E. CIRCUIT COURT FOR HOWARD COUNTY

Any given covenant violation case will include some of the following steps.

For example, all cases require the filing of a complaint (step 1), but a case will not include a trial (step 12) if a Motion for Summary Judgment (step 8) is granted.

1. Complaint filed.
2. Clerk issues summons upon filing of Complaint.
3. Service of Process (60 days).
4. Answer to Complaint, Cross Claims, Counter Claim (30 days).
5. Preliminary Motions.
6. Amendment of Pleadings.
Made anytime prior to 15 days before trial.
7. Discovery Methods include:
 - a. Depositions
 - b. Interrogatories
 - c. Production of Documents
 - d. Request for Admissions.
8. Motion For Summary Judgment.
 - a. May be filed at any time.
 - b. A judgment is entered if there is no genuine dispute as to any material fact and the party in whose favor the judgment is entered is entitled to a judgment as a matter of law.
9. Dismissal.
 1. Continuance.
 2. Pre-trial Conference.
 3. Trial.
 - a. By jury.
Selection of jury.
 - b. Bench Trial
 4. Judgment.

May include award of attorney's fees.

5. Appeal (30 days)

If the property owner contacts CA during this process (prior to judgment being awarded), and is willing to commit to a timeline for correction of the violations, a Motion to enter a Consent Order may be filed with the Court. As part of the Consent Order agreement, CA will usually offer to waive filing for attorney's fees if the property owner complies with the mutually agreed-upon deadline for correction of the violations.

F. CONTEMPT OF COURT

If court enters a judgment requiring property owner to correct violations and property owner does not comply within time allowed by court, CA may move for contempt. Court may enter contempt findings imposing fines for failure to comply with order or may issue arrest warrant.