

DISPUTE RESOLUTION POLICY NEIGHBOR TO NEIGHBOR & PROHIBITED HARASSMENT

OASIS VILLA RESORT HOMEOWNERS ASSOCIATION

This Neighbor-to-Neighbor & Prohibited Harassment Dispute Resolution Policy (“**Policy**”) is presented to the Board of Directors (“**Board**”) for the Oasis Villa Resort Homeowners Association (“**Association**”). Nothing herein is intended to be construed as an attempt to relieve the Association or the Board from any of its duties under the Association’s Declaration of Covenants, Conditions and Restrictions (“**Declaration**”), any other Governing Documents or applicable law. This Policy only establishes a prerequisite to Association involvement in certain limited “Neighbor- to-Neighbor Disputes”, as defined, and further establishes a policy and procedure for reporting, investigating, and informal resolution of Prohibited Harassment Disputes, as defined.

DEFINITIONS

1. “**Neighbor-to-Neighbor Dispute**” shall mean a dispute or complaint(s) lodged by one (1) or more Unit Owners against another Unit Owner which, in the Board’s sole discretion, does not impact the Association or its membership more broadly.
2. “**Prohibited Harassment Dispute**” shall mean a claim of housing discrimination based upon a person’s membership in a Protected Class. Harassment may include unwelcome conduct that is sufficiently severe or pervasive as to interfere with the use or enjoyment of a dwelling, the terms, conditions or privileges related to sale or rental, or the provision or enjoyment of services or facilities.
3. “**IDR**” shall mean the interactive, Internal Dispute Resolution process defined in Civil Code sections 5915.
4. “**ADR**” shall mean Alternative Dispute Resolution; specifically, mediation or arbitration as defined in California Civil Code section 5925.

POLICY TERMS-NEIGHBOR TO NEIGHBOR DISPUTES

1. In the event of an alleged violation(s) of the Association’s Governing Documents that cannot be viewed during an inspection of the Association (e.g., noise, animals, etc.), the complaining Unit Owner shall submit a Violation of Governing Documents Report form (“**Report**”) to the Association’s management company (“**Management**”). The Report is included with this Policy as Exhibit “A.”
2. Before the Board will review any alleged violation(s) of the Association’s Governing Documents, as described in paragraph one (1), the Board must receive a completed, signed Report from one (1) Unit Owner. Upon receipt of the Report, the complaint shall automatically be deemed a Neighbor-to-Neighbor-to-Neighbor Dispute. Management shall investigate the circumstances of the Report, including such factors as the nature, context, severity, scope frequency, duration, location and relationships of the persons involved. A written management report shall be submitted to the Board of Directors.
3. Following the investigation, the Board of Directors may elect to offer IDR to the affected parties, issue a cease and desist letter, issue fines and/or suspension of membership privileges

after notice and hearing. Any determination by the Board shall be in writing and communicated to the complaining party.

4. If IDR is offered, the Board shall, in compliance with CC §5915(b)(3), designate a director to meet and confer with unit owner/(s).
5. A written invitation will be extended to other involved party to participate in a meeting to discuss the alleged dispute complained of in the Reports.
6. An agreed upon resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by all parties, including the board designee. A written agreement reached under this section, and signed by all parties, binds the parties and is judicially enforceable.
7. The parties to the Neighbor-to-Neighbor Dispute are encouraged to use their best efforts to use the IDR process in resolving the dispute. However, ADR may be accomplished by the complaining parties serving the other (responding) party(ies) with a Request for Resolution in accordance with California Civil Code section 5935.

POLICY TERMS-PROHIBITED HARASSMENT DISPUTES

1. Statement of Policy. Members and other residents shall not engage in any abusive or harassing behavior, either verbal or physical, or any other form of intimidation or aggression directed at other members, residents, guests, occupants, invitees, or directed at management, its agents, its employees, or vendors.
2. Procedure to Report. Any member, resident or occupant of a dwelling may report a claim of Prohibited Harassment to the Association's Board of Directors by completing and submitting a Violation of Governing Document Report ("**Report**") included with this Policy as Exhibit "A".
3. Policy for Investigating. Upon receipt of a completed and signed Report alleging Prohibited Harassment, the Board of Directors shall investigate the circumstances of the Report, including such factors as the nature, context, severity, scope, frequency, duration, location and relationships of the persons involved. The Board of Directors shall also evaluate the power, responsibility, and authority of the Association to correct the alleged harassment under the Governing Documents, by contracts, or applicable law.
4. Potential Actions Related to Findings. Depending upon the findings of the Board of Directors, the Association may elect to offer IDR to the affected parties, issue a cease and desist letter, issue fines and/or suspension of membership privileges after notice and hearing, discipline or terminate vendors or employees, or undertake further legal action. Any determination by the Board shall be in writing and communicated to the complaining party.

THIS POLICY SHALL BE INAPPLICABLE TO ANY COMPLAINTS OTHER THAN NEIGHBOR TO NEIGHBOR OR PROHIBITED HARASSMENT DISPUTES

EXHIBIT "A"

(Violation of Governing Documents Report Form)

VIOLATION OF GOVERNING DOCUMENT(S) REPORT (NEIGHBOR TO NEIGHBOR OR PROHIBITED HARASSMENT)

Upon receipt of this completed and signed Report form, the Board of Directors (“Board”) for Oasis Villa Resort Homeowners Association (“Association”) will review an alleged violation(s) defined as either a (1) Neighbor to Neighbor Dispute, or (2) Prohibited Harassment in accordance with the Association’s Dispute Resolution Policy for disputes of that nature and kind.

Please be as specific as possible to allow the Board to expedite the process in a timely manner. All alleged violations will be evaluated to ensure they are considered an infraction as defined by the Association’s legal documents.

REPORT FILED BY:

Name: _____

Address: _____

Phone: _____ **Email:** _____

Date: _____ **Signature:** _____

VIOLATION INFORMATION:

Name(s) (Alleged Violator): _____

Address: _____

Phone (If Known): _____ **Email (If Known):** _____

Description of alleged violation: _____

(If additional space is needed, please use reverse side of form.)

Dates and times alleged violation occurs? _____

How often does the alleged violation occur? _____

EXHIBIT “B”

(Request for Resolution Form)

REQUEST FOR RESOLUTION

THIS REQUEST FOR RESOLUTION is being made pursuant to California Civil Code section 5935. Copies of the applicable California Civil Code sections are attached pursuant to California Civil Code section 5915. _____ (“Claimant”) hereby requests that the dispute identified below (“Dispute”) be submitted to Internal Dispute Resolution (“IDR”).

NAME AND ADDRESS OF CLAIMANT:

NAME AND ADDRESS OF RESPONDENT:

BRIEF DESCRIPTION OF DISPUTE:

(Use reverse side of this form if more space is necessary.)

Signature of Claimant

Date

The undersigned Respondent hereby:

ACCEPTS

REJECTS

the foregoing Request for Resolution to submit the above-referenced Dispute to IDR.

RESPOND BY RETURNING THIS COMPLETED AND EXECUTED REQUEST FOR RESOLUTION TO CLAIM