

**WESTVIEW ESTATES HOMEOWNERS ASSOCIATION
EXECUTIVE BOARD RESOLUTION C-13**

(Harassment and Intimidation - Noxious Activity)

WHEREAS, Article XI, Section 5 of the Association's Bylaws and ORS 94.630 empower the Executive Board to adopt administrative rules, policies, and regulations governing the enforcement of the Association's Covenants, Conditions and Restrictions ("CC&Rs"), and to adopt regulations governing potential fines and assessments for violations thereof; and

WHEREAS, Section 2.10 of the CC&Rs entitled "Noxious Activity" prohibits noxious or offensive activity on property within this subdivision, and prohibits anything from being done or maintained thereon that may be or may be reasonably expected to become, an annoyance or nuisance to the neighborhood, or detract from its value as a desirable residential district; and

WHEREAS, homeowners, residents, and members of the Association have a right to quiet enjoyment of their home and the right to live peacefully within the Association community without being harassed or interfered with by others; and

WHEREAS, the Executive Board has determined that some members or residents of the Association have engaged in activities for the purpose of harassing or intimidating other members or residents of the Association, particularly based on discrimination against protected classes. The Executive Board considers such behavior to be a noxious activity under Section 2.10 of the CC&Rs; and

WHEREAS, the Association is required to abide by United States Department of Housing and Urban Development ("HUD"), Federal Housing Administration ("FHA"), and Oregon Fair Housing laws regarding harassment and the protected classes (both mutually and exclusively); and

WHEREAS, the Executive Board has determined it necessary for the protection of owners, residents, members, guests, and agents and employees of the Association to adopt rules to more clearly define noxious activity that involves harassing or intimidating behavior;

BE IT RESOLVED BY THE EXECUTIVE BOARD:

- A. The following are among the noxious or offensive activities involving harassment and intimidation subject to the CC&Rs prohibition:
- (1) Harassment and intimidation directed towards a neighboring owner, resident, member, or guest, or an agent or employee of the Association based on or due to the recipient's race, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, military status, marital or family status, or other protected class.
 - (2) Harassment and intimidation directed towards a neighboring owner, resident, member, or guest, or an agent or employee of the Association that is pervasive, severe, or otherwise unwanted or not welcome by the recipient, whether or not a protected class is involved.
 - (3) Examples of "harassment and intimidation" include, but are not limited to, verbal, physical, or written threats, intimidation, slurs, profane language, physical violence, following or stalking, property destruction or defacement, coercion, or retaliation against the recipient for reporting the harassment and intimidation.
 - (4) For the purposes of this Resolution, "neighbor" or "neighboring" is defined as an owner, resident, member, or guest within the Association who does not reside with the person perpetrating the harassing and intimidating behavior.
 - (5) "Protected Class" encompasses race, national origin, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, military status, marital or family status, and any other protected class as defined by HUD, FHA, and Oregon Fair Housing laws.
 - (6) "Recipient" is the person on the receiving end of the harassment or intimidation.
- B. The following actions must be taken by the recipient of the harassment and intimidation:
- (1) The Board must be put on notice of the behavior in order to take action under this Resolution. The recipient must notify the Executive Board in

writing of the name(s) of the harasser(s), date and approximate time of the occurrence, and an explanation of the occurrence.

- C. Violations of this Resolution shall be a Class D violation, and the violating Member shall be subject to the corresponding fine as set forth in this Resolution C-13 (Harassment and Intimidation - Noxious Activity), and Resolution C-1 (Administration of CC&R's and Fines). The alleged violator will be provided a notice and an opportunity for a hearing as set forth in Resolution C-1 before a fine is imposed.
- D. Class D violations shall be defined as violations occurring under Resolution C-13 (Harassment and Intimidation - Noxious Activity).
- E. For a Class D violation, the Executive Board may impose a fine of \$100 to \$250 per occurrence at the Executive Board's discretion, depending on the severity of the violation. Repeat offenders will be subject to fines up to \$500 per occurrence at the Executive Board's discretion.
- F. Due to the seriousness of the violations described in this Resolution, the Class D fine schedule defined in Resolution C-13 shall immediately go into effect once Resolution C-13 is adopted and distributed to all Members, and remain in effect whether or not Resolution C-1 (Administration of CC&R's and Fines) is successfully amended to include the Class D fine schedule by a simple majority of the voting members under Article XI, Section 5 of the Bylaws.
- G. A copy of this Resolution shall be distributed to all Members.

Michael J. Gray
President

Sept 7, 2022
Date

Maureen D. Painter
Secretary

Sept 7, 2022
Date