



NEIGHBOR-TO-NEIGHBOR DISPUTE RESOLUTION POLICY VILLAGE RACQUET CLUB ASSOCIATION

September 2019

This “Neighbor to Neighbor” Dispute Resolution Policy” (“Policy”) has been proposed by the Board of Directors (“Board”) of the Village Racquet Club Association (“Association”). It establishes a prerequisite to the Association’s involvement in isolated “Neighbor to Neighbor Disputes.” This Policy has been proposed pursuant to the Board’s rule-making powers set forth in Civil Code § 4340, et. seq.

DEFINITIONS

1. **“Neighbor-to-Neighbor Dispute”** means a dispute or complaint lodged by one resident or Owner against another resident or owner which, in the Boards’ discretion, does not impact the Association or its membership more broadly.
2. **ADR”** means Alternative Dispute Resolution as defined in Civil Code § 5925.
3. **“Written Certification”** means a letter signed by the disputing parties, certifying that one party requested the other party to submit the dispute to ADR and, either ADR was completed or the other party refused to submit the dispute to ADR.

POLICY TERMS

1. When a dispute/complaint is brought to the Board regarding interpretation of rights under, or enforcement of, the Association’s governing documents, the Board shall, at its next scheduled meeting, discuss the complaint/dispute and make a reasonable business judgement decision as to whether it constitutes a Neighbor-to-Neighbor Dispute. The Board may consult with the Association’s legal counsel in making its decision.
2. If the Board finds that the complaint/dispute constitutes a Neighbor-to-Neighbor Dispute, it shall notify the complaining/disputing parties of its decision.
3. The parties to the Neighbor-to-Neighbor Dispute shall then be required to use their best efforts to submit their dispute to ADR prior to seeking the Association’s involvement in the matter. For ADR, this may be accomplished by the complaining party serving the other (responding) party with a “Request for Resolution” in accordance with Civil Code § 5935.
4. Upon receiving Written Certification evidencing that the parties first attempted to resolve Neighbor-to-Neighbor Dispute through ADR, the Board shall determine: (a) whether a violation of the governing documents exists which requires Association action, (b) whether Association enforcement is required under the circumstances and, if so, (c) the action to be taken by the Association in accordance with its enforcement policies and procedures.