

Residential Property Maintenance Policy and Procedure

Policy

It is the policy of BSWCIA to uphold and conform to Association by-laws and/or covenants related to the upkeep, maintenance, improvement, replacement and construction of residential property. This will be achieved by, and including, responding to owner and resident comments, and physical observations.

Procedure

Whenever property conditions are not in compliance with current or future revisions of Association by-laws and/or covenants, BSWCIA will take the necessary steps to cause the deficiencies be brought into compliance through one or more of the following:

1. A letter, signed by the BSWCIA Manager, or Board member if a vacancy exists, will be mailed to the owner, or resident if the property is currently rented, describing the condition(s) requiring correction. The owner/resident will be directed to correct the deficiency(ies) within ten (10) business days from the date of the letter. For minor, first time corrections, an unsigned postcard type notification may be substituted at the discretion of the BSWCIA Manager.
2. When the initial letter or postcard type notification does not yield results within the time limit, and the condition(s) persist, a second letter, signed by the Board president, or his or her designee, will be sent. This letter will reference the date of the first letter, describe the condition(s) to be corrected and direct that compliance must be made within ten (10) business days from the date of this second letter in order to avoid more serious Association action.

If a health, safety or welfare issue is reasonably evidenced, such as chemical storage or potential critter infestation due to overgrown shrubs or lawns, the Code Compliance section of the City of San Antonio may be contacted for assistance and dual corrective action support. Follow-up with Code Compliance will be attempted to learn and record their assessment and action taken.

Note: In the event an owner or resident responds in writing to either the first or second letter and discloses an extenuating circumstance exists to delay compliance, such as vacation, military service, illness, disability or contractor scheduling for larger projects (e.g. fence replacement or driveway repairs, etc.), extensions may be granted consistent with the delay reason.

3. Failure to correct the condition(s) after expiration of time limits disclosed within the preceding letters, and failure to provide a written response disclosing extenuating circumstances, will cause a certified letter, return receipt, to be mailed to the owner and/or resident. A duplicate, first class, letter will also be sent to the addressee(s). This letter will recite the dates of the prior letters, the condition(s) requiring correction, and the notifications required by the Texas Property Code, as it exists or may be amended. This final BSWCIA letter will be signed by the BSWCIA president, or his or her designee, and require correction within thirty (30) days from the date of the letter.

If not sooner accomplished, pictures of the nonconforming condition(s) should be taken for recording and potential evidentiary value.

4. If the aforementioned have been unsuccessful in achieving owner or resident corrective action, legal assistance will be sought to cause a demand letter be prepared and mailed by the Association attorney. Accompanying this attorney request will be copies of all prior letters, written responses from the owner or resident as appropriate, and any and all pictures taken.

Coordination with the Association attorney will be maintained by the BSWCIA Manager to determine status and progress, if any, and further legal action recommended by the attorney. Upon receiving a recommendation for further legal action, the Board of Directors will be informed and concur prior to initiation. Board concurrence will not be necessary for non-judicial actions, such as liens.