

La Costa Valley Master Association

Neighbor-to-Neighbor Dispute Policy

Adopted February 19, 2020

The Association and its hired Management will not automatically become involved in Neighbor-to-Neighbor disputes. The Association's management office will consider acting on a Neighbor complaint against another Neighbor if the neighbor is not in compliance with the CC&R's, Architectural Guidelines and/or Rules and Regulations.

Neighbors should follow at least the first two steps of the guidelines listed on page two of this document before making a complaint to the Association. If you feel that the situation is dangerous or volatile you should notify the police immediately and then the Association's management office.

The complaint filed with the Association's management office must be in writing and include both party's full contact information if possible. Identify the governing documents that are in non-compliance and include pictures. The Association office or Board will not attempt to view into someone's backyard to investigate the issue.

The Association will issue a Courtesy Letter to the offending homeowner stating there is a complaint from their neighbor. The courtesy letter will be mailed within 10 days of receipt of the complaint which will include the pictures and give the homeowner a request to cure the issue. The complainant will be given notice that the letter was sent. The Association is under no obligation to provide updates to the complainant once the courtesy letter is sent. The Board, at its discretion, will determine if the Association moves forward and takes action as outlined in the Rules Enforcement Policy.

The Board may refer both parties to Mediation with the City of Carlsbad.

Members and other residents shall not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other members, residents, guests, occupants, invitees, or directed at management, its agents, its employees, or vendors.

5 Steps for Solving Neighbor Disputes Without Your HOA

Throughout this process, keep in mind that even if you are **right**, and whether or not you end up **winning**, you still have to live near your neighbor.

- 1. Talk to your neighbor.** Sometimes people aren't aware that they're doing something to bother you. A good first step is to schedule a face-to-face meeting to tell them about your concerns. If you can talk it out, you're good to go for the future. Here are a few tips:
 - Assume the other person is unaware of the problem and be open and pleasant when discussing it.
 - Use problem-solving phrases, such as "How do you suggest we approach this?" or "I think I have a solution."
 - Be open minded and willing to listen. There may be mitigating circumstances that you're not aware of.
 - Don't leave the door open. Try to solve the dispute as quickly and calmly as possible.
 - Avoid discussing this with other homeowners unless you strongly believe that they have an issue, too.
 - Consider meeting in a neutral place, such as a coffee shop or The Valley Club.

- 2. Put your complaints on paper.** If your face-to-face meeting didn't yield the desired results or they didn't keep their word, it's time to write down your concerns. Start a log to track the offending activity then identify what type of neighbor dispute you're having, whether it's legal, property-based, noise, or other reason.

Next, look at the HOA's CC&R's, rules or county ordinances to cross-reference your complaint and the community's law. If you find a problem, make a copy of the paper and send both documents to your neighbor with an explanation that you'd like to resolve this dispute without going to the HOA board or other authorities.

- 3. Go to mediation.** This is a less expensive option compared to legal action, and the City of Carlsbad provides a free mediation service.

- 4. Go to the police.** The police can help only in specific circumstances, when your neighbor's actions or behaviors violate local or state ordinances. For example, they can help contain noise after certain hours or an illegally parked vehicle, but they can't do much for a dangerous tree limb.

- 5. Small Claims Court.** By this time, most homeowners would find a way to peacefully co-exist. If your neighbor is still giving you problems, it's time to look at going to small claims court -- even if it's upsetting for both parties.

City of Carlsbad Free Mediation Program

The City of Carlsbad provides a mediation program free to residents. Mediation is a confidential meeting between people who have a disagreement and a trained, neutral mediator who guides a discussion of issues toward a mutually acceptable agreement.

How does a dispute or a case reach mediation?

Cases may be self-referred by any Carlsbad resident who is involved in the dispute by calling [760-434-2868](tel:760-434-2868).

What types of cases are suitable for mediation?

Some of the types of cases referred involve neighbor-to-neighbor issues, animal nuisances and property maintenance disputes.

What are the benefits of mediation?

- It works - the majority of cases reach an agreement
- It's free - to Carlsbad residents
- It's fast - can be scheduled quickly
- It's convenient - located in Carlsbad
- It's confidential - solutions are private and within your control
- It's professional - volunteer mediators are highly trained

When should I consider mediation?

Mediation is always an option if:

- The dispute has been ongoing
- You want to preserve a relationship being affected by conflict
- The dispute is upsetting and affecting your daily life
- You cannot afford the time and cost involved with litigation
- You are thinking about taking your dispute to court
- You would like to speak to the other party so they may hear your concerns
- You would like to resolve the dispute yourself without a third-party judgment

Is mediation confidential?

Mediation is governed by California Evidence Code sections 1115-1128, which provides that statements made during mediation are confidential and inadmissible against another party in any subsequent non-criminal proceeding. Further the mediators do not report back to any courts on the content of the mediation, nor are they available to testify as to what was said during mediation. Confidentiality allows people to express themselves without fear that their words will be used against them later.