

# Towns at Lakeside Homeowners Association, Inc

## Violation Policy and Procedure

### POLICY

In accordance with Florida Statutes, Chapter 720 and the Declarations, Architectural Controls and Rules and Regulations of The Towns at Lakeside HOA Inc., the Board of Directors (**the Board**) of The Towns at Lakeside Homeowners Association (**the Association**) adopts the Violation Policy and Procedure contained herein superseding and replacing the existing "Schedule for Correction of Violations" approved March 25, 2008 for the imposition of fines and other measures to compel Members of the HOA (**Members**), tenants, guests and invitees to comply with the governing documents and rules of The Towns at Lakeside Homeowners Association.

- 1. Notification of Violation:** There shall be a registered letter sent by the Management Company (no receipt required) to the Member and tenant (if applicable) **OWNERS WILL BE HELD RESPONSIBLE FOR THE ACTIONS OF THEIR TENANTS & GUESTS.**
- 2. First Notice of Violation Letter:** The first letter shall inform the Member of the violation, the corrective action required and the **Violation Correction Period** and due date to correct the violation to the satisfaction of the Board. Included in the violation letter will be instructions for notifying the Management Company of the correction of the violation (**Notice of Compliance**). The **First Notification of Violation** letter is included at the end of this document.
- 3. Second Notice of Violation Letter:** If the **Notice of Compliance** is not postmarked to the Management Company by the compliance due date of the **First Notice of Violation Letter** either the Board or Management Company representative shall visually confirm that the violation has not been corrected. A **Second Notice of Violation Letter** shall be sent via registered mail (no receipt required). The second letter shall inform the owner that they have failed to comply and per Florida statute 720.305(2), the **Fine Committee** shall convene no less than 14 days from the date of the letter and the date, time and place to determine the levy of a fine. Included in the violation letter will be instructions for notifying the Management Company of the correction of the violation (**Notice of Compliance**) and instructions for the Member to either appear before the **Fine Committee** to appeal or provide documentation in advance. The second violation letter will also state that the **Fine Committee** can consider a fine of up to \$100 dollars per day payable to the HOA and additional fines up to a maximum of \$1000. The **Second Notification of Violation** letter is included at the end of this document. Any **Notice of Compliance** must be postmarked before the Fine Committee meeting date.
- 4. Violation Correction Period** The Board shall have the ability to determine the amount of time allowed to correct a violation between one and 30 days based on the nature and severity of the violation.
- 5. Violation Fine Amounts:** The Board shall recommend to the **Fine Committee** a fine in the amount of \$100 for each violation. If the **Fine Committee** rules to assess a fine, failure to comply and non payment by the due date shall result in an additional fine assessment for every subsequent **Fine Payment Period** up to a maximum of \$1000.
- 6. Fine Payment Period:** Assessed fines shall be due in the Management Company office no more than 10 days after the date of the **Notice of Decision**. The due date will be included in the **Notice of Decision**. Payments will be considered late if postmarked after the due date and an additional fine will be imposed in the same amount for each subsequent **Fine Payment Period**.
- 7. Notice of Compliance:** Upon correction of a violation, the Member shall send a **Notice of Compliance** form to the Management Company. When extenuating circumstances prevent the

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Member from correcting a violation within the **Violation Correction Period**, the Member can request an extension on **Notice of Compliance** form. The Board reserves the right to deny the extension. This form must be postmarked by the **Violation Correction Period** due date. A **Notice of Compliance** form is included in this document.

8. **Creation of the Fine Committee:** The Board shall appoint at least three (3) Members of the Association to serve as members of the **Fine Committee** to determine the assessment of any fines for violations. Any meeting of the **Fine Committee** must be an odd number of members in order to avoid deadlocked decisions. The Board shall appoint one member of the Committee to serve as Chairperson. The members of the **Fine Committee** may not be the following individuals: officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director or employee. The Board reserves the right to remove a member of the Committee or to recuse a Committee member from reviewing a violation if the Board deems there is a conflict of interest. In such cases an alternate shall be appointed by the Board for this review. Unless removed by the Board, the term of membership on the Committee shall be for one year from the date of appointment.
10. **Powers and Duties of the Fine Committee:**
  - a. **Meeting:** The **Fine Committee** shall meet, as required, at a time and place determined by the chairperson of the Committee. In order to conduct committee business, a quorum of at least three (3) members must be present. Members will be notified a minimum of fourteen days prior to a **Fine Committee** meeting by USPS and will be allowed to submit arguments either in person at the meeting or via e-mail or USPS to the **Fine Committee** Chairperson in advance.
  - b. **Review of Recommended Fines and Violations:** At each meeting of the **Fine Committee**, all Second Notice of Violation associated violations and the Member's position (if any) will be reviewed along with corresponding Declarations, Architectural Controls and Rules and Regulations before making a decision to assess a fine. The **Fine Committee** shall provide written notice to all involved Members (including those who do not attend the meeting), the Board President and the Management Company regarding whether a fine is assessed or not (“**Notice of Decision**”).
  - c. **Notice of Decision:** The **Fine Committee** shall notify the involved Member of the Committee's decision. In the case of a decision to levy a fine, the **Notice of Decision** shall state the fine amount, the due date and that an additional fine amount will be incurred if a **Notice of Compliance** is not received within the **Violation Correction Period** due date as stated in the **First Violation Letter**. The **Notice of Decision** will state that the Homeowners Association will pursue it's legal remedies, including bringing a lawsuit to collect the fine(s) and compel the Member to correct the violation. Accumulated fines of \$1000 may result in a lien against the Member's property. A **Notice of Decision** form is included in this document.
11. **Failure to Comply and/or Pay Monetary Fines:**
  - a) If a member is more than 90 days delinquent in paying a monetary obligation due to the association, the association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the monetary obligation is paid in full. This subsection does not apply to that portion of common areas used to provide access or utility services to the parcel. Suspension does not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.
  - b) The Association may suspend the voting rights of a parcel or member for the nonpayment of any monetary obligation due to the association that is more than 90 days delinquent. A voting interest or right allocated to a parcel or member which has been suspended by the association may not be counted towards the total number of voting interests for any purpose, including, but not limited to,

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the number of voting interests necessary to constitute a quorum, the number of voting interests required to conduct an election, or the number of voting interests required to approve an action pursuant to the governing documents. The suspension ends upon full payment of all obligations currently due or overdue to the association.

c) All suspensions imposed must be approved at a properly noticed board meeting. Upon approval, the association must notify the parcel owner and, if applicable, the parcel's occupant, licensee, or invitee by mail or hand delivery.

### **12. Dispute Resolution:**

If specific performance or injunctive relief is required, the Board may opt to initiate a legal proceeding as prescribed by Florida Statute Chapter 720.311. The procedure first requires submittal of the complaint to mediation. If a dispute (complaint) cannot be resolved by mediation, then a civil suit in Sarasota County, Florida may be filed by either party.

## **PROCEDURE**

**1.** Upon Board identification of a violation by any means, the Board President or any other Board Member can determine the **Violation Correction Period** based on the nature and severity of the violation and direct the Management Company to send a **First Notice of Violation** letter to the Member.

**2.** If a **Notice of Compliance** is not received by the **Violation Correction Period** due date, the Management Company shall contact the **Fine Committee** Chairperson who will determine the time and place to convene the Committee no less than 14 days from the date of the letter. The **Second Letter of Violation** shall contain this time and place and will be sent by the Management Company to the Member. The Management Company will also notify the Board President by e-mail of the pending meeting.

**3.** After the **Fine Committee** has met, the **Notice of Decision** shall be provided to the Member, the Board President and the Management Company either in person, e-mail or USPS.

**4.** The Management Company shall keep all records for each violation and notify the Board of the status at each regularly scheduled Board meeting. When 90 days has elapsed from the due date without payment of assessed fine(s) and/or receipt of a **Notice of Compliance**, the Board at the next regularly scheduled Board meeting, shall vote to impose suspensions of the Member's rights to use common areas and facilities.

**5.** Upon notification of accumulated fines in the amount of \$1000, the Board, at a regularly scheduled Board meeting, may direct the Management Company to pursue legal action against the Member.

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**First Notice of Violation**

Date  
Member Name  
Address

**Re: Violation Notification**

Dear (Member's Name),

This letter is to inform you of non compliance with the Declarations, Architectural Controls and Rules and Regulations of The Towns at Lakeside HOA Inc. Section xx, Pg (state regulation etc) The Board finds that you have (explain violation).

It is your responsibility to correct the violation by (explain corrective action required) by (Date).

A Notice of Compliance form has been included to indicate you have corrected this violation and must be postmarked to the management company by the violation due date. Please be advised that non compliance could result in sanctions that include fines and/or suspension of common areas and facility privileges.

You will find a copy of the current Declarations, Architectural Controls and Rules and Regulations of The Towns at Lakeside HOA Inc. at [www.townsatlakesidehoa.com](http://www.townsatlakesidehoa.com). If you have any questions, please contact me.

Sincerely,  
Account Manager

Enclosure: Notice of Compliance

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**Notice of Compliance**

Date: \_\_\_\_\_

Member Name & Street Address: \_\_\_\_\_

I have corrected the violation \_\_ (State Violation) \_\_\_\_\_

The date of the correction was \_\_\_\_\_

I intend to correct the violation however due to \_\_\_\_\_

I cannot correct the violation by the required date but will have the violation corrected by \_\_\_\_\_

Member Signature \_\_\_\_\_

Return to (Management Company Address)

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**Second Notice of Violation**

**IMPORTANT NOTICE**

Date \_\_\_\_\_

Member Name

Address

**RE: URGENT – Second Notice of Violation**

Dear Member(s),

This letter is to again inform you that you are violation of the Declarations, Architectural Controls and Rules and Regulations of The Towns at Lakeside HOA Inc. Section xx, Pg. You have been previously notified and have failed to remedy this violation: (state violation and required action) or notified the HOA in writing of the reason why you are unable to comply.

Therefore, under Florida Statute 720.305(2), the Association must enforce the provisions of the Association Declarations, Articles, Bylaws and Rules and Regulations as promulgated. A Member is subject to a fine of up to \$100.00 per day and/or privilege suspension when the Member fails to remedy the violation after notice.

The Fine Committee will meet on \_\_ (date) \_\_ at \_\_ (location) \_\_, to consider the Board's fine recommendation. At that time you will have the right to appear in person or designate an appointee to provide argument as to why you should not be fined. You may also provide written argument to the Fine Committee Chairperson C/O (Management Company Address) or by e-mail to (Management Company E-Mail Address) prior to the Fine Committee meeting.

Assessed fines can accumulate up to a maximum of \$1000 for non payment and non-compliance as well as suspension of the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the monetary obligation is paid in full and the violation has been corrected.

If you choose to comply prior to the Fine Committee meeting date, the enclosed Notice of Compliance form must be postmarked prior to the meeting date.

A Notice of Decision by the Fine Committee shall be provided you either in person, via USPS or e-mail.

Sincerely,

Account Manager

Enclosure: Notice of Compliance

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**Notice of Fine Committee Decision**

Member Name  
Address

Re: Notice of Decision

The Fine Committee of the Towns at Lakeside Homeowners Association, Inc on \_\_\_\_ (Date) \_\_\_\_ ruled:

- For the assessment of a \_\_\_\_ (Fine Amount) \_\_\_\_ fine payable to the Towns at Lakeside Plantation HOA and postmarked by \_\_\_\_ (Due Date) \_\_\_\_ to (Account Manager, Management Company Address). Failure to pay the Fine Amount and the receipt of the Notice of Compliance postmarked by the due date by (Management Company) will result in an additional fine of \_\_\_\_ (Fine Amount) \_\_\_\_ for every subsequent \_\_\_\_ (Number) \_\_\_\_ days you are in arrears up to a maximum of \$1000.00.
  
- For no assessment of a fine at this time. The Board retains the ability to pursue other legal enforcement.

If a member is more than 90 days delinquent in paying a monetary obligation due to the Homeowners Association, the Board may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the monetary obligation is paid in full.

The Homeowners Association may suspend the voting rights of a parcel or member for the nonpayment of any monetary obligation due to the Homeowners Association that is more than 90 days delinquent.

**Cumulative fines of \$1000.00 will be turned over to the Homeowners Association's legal counsel for further enforcement action and could result in a lien against your property or civil action.**

Sincerely,

Account Manager

Enclosure: Notice of Compliance

**APPROVED BY THE BOARD OF DIRECTORS ON JANUARY 13, 2014**