



Laurel Lakes Association, Inc. (HOA)

Community ARC Violation Notice, Hearing Appeals & Fines Policy

Note: Amended April 26, 2018 (see Amendment for Details)

Effective; April 18, 2018

To help preserve and enhance property values the “Declaration of Covenants, Conditions, and Restrictions for Laurel Lakes” (CC&Rs), and “Laurel Lakes Association Rules and Regulations” (Rules) as developed under guidance of the “Master Declaration of the Laurel Lakes Association” (as amended from time to time) were adopted by the Laurel Lakes Association, Inc (LLA), representing the interests of the Homeowners in Laurel Lakes. In accordance with requirements of those two documents, the Board of Directors of the Laurel Lakes Homeowners Association (BOD), establishes the following policy for Violation Notices and Fines (Notices) to encourage compliance with the CC&Rs and Rules, subject to adoption by the Board at a regularly scheduled BOA Meeting. Enforcement of any violation of the CC&Rs or Rules or imposition of fines and other specified actions shall be performed by the BOD acting on behalf of the LLA.

The Laurel Lakes Association, Inc., Board of Directors, has at their Board of Directors meeting on this date: 04-18-2018 adopted the following:

General Process:

The Violation Notices are meant to define actions to be taken in response to violations by a homeowner, their tenants or agents, of the CC&Rs and General Membership Rules. The first violation of the CC&Rs or Rules shall take the form of a written Notice sent through the US Postal Service (USPS) to the official address on record. This notice shall include the allowed cure time for the violation as specified by the LLA or state law. This notice shall identify the Name of the Owner, Owner’s address and address of violation (if owner is not then residing at the property specified), date violation was identified, referenced CC&R or Rule which has been violated, remedial information to assist in curing the violation, and pictures when available or when necessary.

Any subsequent violation notices **of the same CC&R or General Membership Rule** occurring within six (6) months, after remediations were made by the same Homeowner, shall incur fines and/or suspensions based on the Declarations which can be levied/imposed and that do not have to follow the below stated fines guidelines. **If this type of violation is imposed on an Owner/Renter it must be heard by the Fines/ Suspension Appeal Hearing Committee, first, before implementing and enforcing the fine or suspension.** These fines and/or suspension may be imposed, but not limited to violation issues such as Vehicle Parking, Lake Issues such as Fishing, Boating, Common Property Trespassing or Abuse, Safety/Health Violations, and repeated violations within six months.. Any injunctions and levies may be moved directly to



Legal Counsel, by decision of the BOD, after a violation notice of this sort has occurred. Again, as a reminder, a maximum fine may be imposed up to \$2500.00 plus any associated attorney fees, collection fees, interest or operational fees for the Associations time and costs to process these violations. (Declarations – Section 8.01.05 (Amended))

“Fine Policy” to be levied against homeowners for any infractions to the CC&Rs or any policy rule for the Laurel Lakes Association HOA pursuant to the CC&R’s and the ARC Standard Document.

The **Fine Policy** is as follows:

Notices:

1st Violation Notice (30 day) – No Fine, see Details below

2nd Violation Notice (60 day) - \$50.00 Fine, see details below

3rd Violation Notice (90 day) - \$100.00 Fine, see details below

4th Violation and Final Notice (120 day) - \$100 + 25.00 /day Fine (Total \$850.00/30days), up to \$2,500.00 Fine + Legal Action in addition to any service fees, legal fees and interest with is allowable by Florida Statues.

Appeal Process: (Amended April 26, 2019 see below)

All Owners receiving an initial Violation Notice have the right to an appeal process and to Appeal any fines which have been assessed concerning the violation. Appeals must be made within 14 days after the mailing date of a violation notice and submitted in writing or email using the proper Response Form attached with each letter, to the Property Management Company, ARC Committee or Board before the date of the mailing for the second notice.

Once the appeal for fines is received, in writing with an owner signature, the Board and/or Property Manager will request that the ARC Appeal Hearing Committee be convened if the Appeal. According to the Florida Statute HOA 720 the Appeal Hearing Committee can only make a final decision on the fines which are being imposed and not on the decision of the actual ARC Committee or Board determining the violation.

NOTE: If the Appeal is based on ARC Standards only, then the ARC Committee will perform a second review, but fines may continue to increase until the cure is completed and accepted by the ARC Committee.

Once an Appeal is received, the violation is placed in "Suspension" concerning the fine and a hearing date will be set concerning the fine or additional fines imposed by the ARC Committee and/or BOD. This decision, after discussion of the ARC Appeal Hearing Committee review, becomes final and **cannot be changed** by the Board and becomes part of the records. An Officer of the Association may sit on the Committee but only as a Facilitator and not as a voting member.



If an Owner still disagrees with the decision of the ARC Appeals Hearing Committee the next request must be forwarded to the Legal Counsel of the Association for resolution, if resolution is not agreed upon then a decision for Mediation must be made and if that mediation does not reach a conclusion satisfactory to all parties the final step in resolution shall be to Litigation, with the BOD retaining the right to imposition of possible liens on homes of owners if litigation by the Appellant is unsuccessful.

Notices Policy:

1st Violation Notice (30 days): – After a review of a property by the Board approved representative which may be the ARC Committee / Board Member or the Property Management Company and/or all three depending on the type of violation, and a failure to the Architectural (ARC) Standards has been identified, the 1st Violation Notice will be mailed (USPS) to the owner of the identified property. Upon receipt of the notice, the owner has until the deadline date to comply and cure the violation(s) addressed. Failure to cure a violation within the time specified in the Notice shall incur a fine and a second Violation Notice.

2nd Violation Notice (60 days): When no cure has been achieved by the owner at the end period of the 1st Violation Notice, a 2nd Violation Notice will be issued and sent through USPS and Certified Mail with Receipt Requested. This 2nd Violation Notice will present a fine of \$50. If no cure has been put in place by the owner and meeting the approval of the Board / Committee or Property Management Company by the deadline date identified in the notice a third Violation Notice will be issued. The 3rd Violation Notices will result in a fine of \$100.00.

3rd Violation Notice (90 days):

A 3rd Violation Notice will be sent to the owner if the property still has not been brought up the ARC Standards or meet the resolution stated in the violation. This 3rd Violation Notice will be sent by USPS and Certified Mail with Receipt Requested at the end of the 2nd Violation Notice deadline date. A 3rd Violation Notice, on the same set of violation(s), results in a fine of \$100. At the end of this third notice, a period of 90-days has been completed, allowing an owner to bring their property into compliance to the Laurel Lakes Association, Inc. Declarations and CC&R's.

4th and Final Violation Notice (120 days):

If no cure has been achieved by the deadline date, which is identified in the 3rd Violation Notice, then the owner will receive a 4th and Final Violation Notice and will be fined the initial \$100.00 + \$25.00/day for 30 days amounting to \$850.00. If an owner still has not made the proper remediation to their property, by the last day of this notice they may be fined up to \$2,500.00.



This is in addition to any interest, attorney fees, collection fees or other administrative supportive fees which are allowable by the Laurel Lakes Association Declarations and permissible by Florida State Law.

This Notice will be hand delivered (sent) using U.S. Mail and Certified Mail with Receipt Requested. The Legal Counsel for Laurel Lakes Association, Inc. will be notified to begin legal action. Any Legal and Collection Fees, as well as any interest or penalties, are the sole responsibility of the owner to pay. Failure to pay these fines and fees may result in a property lien, as per the Association Covenants, Section 8.02 as amended.

Amendment Date: April 26, 2019

Amendment

Violation Notice Policy for Fines and Suspension

FINES / SUSPENSION APPEAL HEARING COMMITTEE

In conjunction with the current CC&R & “ARC Violation Notice and Appeal, Hearing and Fines Policy”, dated and approved by the Laurel Lakes Board of Directors (BOD) at the BOD MEETING (04/17/2019). The BOD has created and voted on a new committee under the requirements of Florida Statute HOA 720 – **Section 720. 305 - Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights**. This statute became effective in July of 2018 with specific requirements. The Board had already introduced the intent of this requirement in the ARC Violation Notice Policy under the Appeal Section, which is posted on our website, and was emailed to the Membership last year.

This Committee will be known as **FINES/SUSPENSION APPEALS HEARING COMMITTEE** (aka “**Fines Appeal Hearing Committee**”). This is a “**Permanent**” **Committee to the HOA and as such requires at least three owners to be seated on the committee throughout the corporate year.**

Florida Statute:

*Section 720.305 (2)(b) – “A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days’ notice to the parcel owner and, if applicable, any occupant, licensee, or invitee of the parcel owner, **sought to be fined or suspended and an opportunity for a hearing before a committee** of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the proposed fine or suspension levied by the*



board is approved by the committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.”

Revised APPEAL SECTION – ARC & CC&R APPEALS, FINES & SUSPENSION HEARING Policy:

“All Owners receiving an initial Violation Notice have the right to an appeal process and to appeal any fines which have been assessed concerning the violation. Appeals must be made within 14 days after the mailing date of a violation notice and submitted in writing or email using the proper Arc Notice Response Form attached with each letter, to the Property Management Company, ARC Committee or Board before the date of the mailing for the second notice.

Once the appeal for fines is received, in writing with an owner signature, the Board and/or Property Manager will request that the Fines Appeal Hearing Committee be convened if the Appeal. According to the Florida Statute HOA 720 the Fines Appeal Hearing Committee can only make a final decision on the fines which are being imposed and not on the decision of the ARC Committee or Board determining the violation.

NOTE: If the Appeal is based on ARC Standards only, then the ARC Committee and/or BOD will perform a second review based on the violation and cure, but fines may continue to increase until the cure is completed and accepted by the ARC Committee.

*Once an Appeal of the Fines/Suspension is received, the violation is placed in "Suspension" concerning the fine and a hearing date will be set concerning the fine or additional fines imposed by the ARC Committee and/or BOD. This decision, after discussion of the ARC Appeal Hearing Committee review, becomes final and **cannot be changed** by the BOD and becomes part of the records. An Officer of the Association may sit on the Fines Appeal Hearing Committee but only as a Facilitator and not as a voting member.*

If an Owner still disagrees with the decision of the ARC Appeals Hearing Committee the next request must be forwarded to the Legal Counsel of the Association for resolution, if resolution is not agreed upon then a decision for Mediation must be made and if that mediation does not reach a conclusion satisfactory to all parties the final step in resolution shall be Litigation, with the BOD retaining right to imposition of possible liens on homes of owners if litigation by the Appellant is unsuccessful .”

Committee Charge:

Modification has been made to our current Violation Notice Appeal Process, since “Fines & Suspensions” was not clarified in our Appeal Section before the final July Florida Statute was imposed. Even though the Appeal Section addressed a hearing for the cure and fines, the “Suspension” was not clearly addressed in the Current Violation Policy (04-17-2018). Suspension of owners/renters to vote and use the COMMON PROPERTIES is clearly addressed



in our Declarations under Section 3.7 OWNERS EASEMENTS (c) (g) – which allows the Master Association to suspend owners, guests, renters voting rights and common property usage rights for a period of no more that 60-days or what is allowable under Florida Law. Which is automatically linked to any additional CC&R which is created, including the Violation Notice Policy and may take precedence under our current governances concerning this issue on appeals.

Based on the current state law, our Covenants would still govern since it is not in conflict concerning “Suspensions” as defined in HOA 720.305. The Fines/Suspension Appeals Hearing Committee will be charged to either approve/deny the “fines and/or suspensions” **only if a request for a hearing is submitted by Appellant** in writing and be offered (providing an **“opportunity for a hearing”**) by the HOA through the Committee, as highlighted in the Florida Statute above.

Based on this Florida Statute, this FINES/SUSPENSION APPEALS HEARING COMMITTEE (Fines Appeal Hearing Committee) is to convene only if an Owner questions, in writing and requests a hearing to the Property Management Company of the Association or to a BOD Member, to have the fine or suspension reviewed by their peers (Fines Appeal Hearing Committee - in “Good Standing”). Within this Statute, it does not address the ARC Committee and/or BOD violation and the required cure for violations. It does not give authority to the Fines Appeal Hearing Committee to change the fine or suspension except to agree to invoke or dismiss the fine or suspension. The Fines Appeal Hearing Committee is not charged with changing the violation or cure as defined by the ARC Committee (A separate BOD Approved Committee). In accordance with the Florida Statute and based on our current policy, the ARC Committee and BOD have the final say on the violation and cure, including invoking a cure requirement and imposing the current fines for each notice and accruing these fines and penalties until such time as the recipient of the violation notice requests a hearing concerning the fines.

The Term Seats of appointment to this committee are to be a minimum of three owners and run consecutive to the corporate annual year of the Laurel lakes Association, Inc. (HOA).

Fines/Suspension Appeal Hearing Committee Decisions:

FINES:

- 1) Accept the FINE Decision and 14-day notice of the HOA Decision (YES/APPROVED VOTE - the Owner is required to pay a fine(s) accrued with all penalties approved by the State of Florida. A letter must be sent and the payment by the owner is due 5 days after the date of the Committee Meeting.)
- 2) Rescind the HOA Decision for the fine(s) (NO/NO FINE VOTE)

"SUSPENSION" of Owner Rights based on the Declarations

- 1.) Accept the Decision by the BOD to Suspend the voting rights and/or Common Property usage rights as defined in the Laurel Lakes Declarations under Section 3.7



(YES/APPROVED VOTE - the Owner stays Suspended until the reason for the suspension is either resolved or a specific time period is met.)

2. Rescind the Suspension of the Owner (NO VOTE - the Owner is released of Suspension)

A decision rendered by the Fines/Suspension Appeal Hearing Committee are final. The cure must still be completed by the owner and in accordance to the ARC Standards or Covenants.

HOA BOARD of Directors