

CAPE ROYAL HOMEOWNERS ASSOCIATION

Policy No. 904: COVENANTS COMMITTEE OPERATIONS POLICY

Date Approved: April 16, 2019

Our Mission is to ensure that all homes in Cape Royal maintain the standards that are required of our deed-restricted community and to enforce these standards in a fair and uniform manner. These standards are set out in the HOA Deed of Restrictions and the Declaration of Covenants, which can be found on our website, www.caperoyalhoa.com. Our only goal is to maintain the quality and beauty of our community and protect the home values of all property owners.

Our Process is established to ensure consistent and equal enforcement of our Covenants and to minimize errors and omissions in identifying issues of concern.

1. **Community Wide Review:** The Covenants committee will conduct an inspection of all homes in the community several times a year. A community-wide notice will be sent in advance of the review date(s) to give homeowners an opportunity to conduct their own inspections, remedy anything they believe may require attention, advise the Covenants Committee of any extenuating circumstances or request a consult with the team on the day of the inspection. Reviews will be done by teams comprised of 2-3 committee members, who will be evaluating the conditions of all:
 - Roofs – cleaning periodically required when roof has mold, dirt, mildew or is discolored;
 - Driveways – weeding and surface maintenance (i.e. wash, paint, seal, etc.) periodically required. Cracked driveways must be repaired or replaced when considered a violation;
 - Other –cleaning or painting of exterior house walls, including lanai stem walls and metal cages; and
 - Major landscaping issues – dead trees, overgrown, brown or weedy lawns and gardens which need weeding, trimming. Garden curbing or retaining walls must be kept clean (free of mold, dirt, mildew or discoloration.)

The teams may take photographs of the violation for future reference and will complete a violation report. There is no trespassing on a resident's private property during the inspection process.

2. **Random Periodic Reviews:** Committee members report minor covenants infractions as they occur and include a photograph where possible. Notices of violations will be sent out as outlined below in #3.
3. **When a Violation Occurs:**
 - **First Contact:** An email, where possible, will be sent to the homeowner identifying the problem to be corrected. If no email address is available, the committee correspondent will send a letter to the address on file for the homeowner. Committee members may try to talk with the resident in person or by telephone. The notification will describe the violation and ask the resident to contact the committee by email by a certain stated date to acknowledge receipt of the notice and give their timetable for remediation (if known). A reasonable time frame (no more than 90 days) for remedy will be accepted, and the case will be considered "resolved". ***Being a seasonal or part-time resident is not considered a permissible excuse*** for not correcting an issue in a timely manner.

- **Second Contact:** In the unlikely event that the committee receives no response from the first communication by the date requested, a second notification will automatically be sent.
 - **Third Contact:** If the issue remains unresolved after the established deadline, a final letter for which delivery can be tracked and proven will be sent once again identifying the problem and asking the homeowner to respond to the committee within 7 days. This letter will include information about the formal hearing process.
4. **Repeat Violations:** Violations repeated in a 12-month period may be considered ongoing and unresolved for the purposes of this procedure. The committee will send the homeowner a letter for which delivery can be tracked and proven once again identifying the problem and asking the homeowner to respond to the committee within 7 days. This letter will include information about the formal hearing process.
5. **Request for Hearing:** If all good-faith efforts of the committee are unsuccessful:
- The committee will provide a written report to the HOA Board of Directors detailing its attempts to determine the reason for no response or resolution by the homeowner;
 - The committee will ask the Board to impose a fine and/or other remediation under Article 7: Exterior Maintenance and state the reason for such fine or action; and
 - If the Board approves, the Covenants Committee will send a Notice of Hearing to the homeowner detailing information about the proposed fine and the violation, as well as the date, time and location of the hearing.
6. **Violation Hearing Panels:** A hearing panel shall consist of 3 members out of the pool of 4 volunteers from the community, who do not serve either on the Board of Directors of the HOA or the Covenants committee.
7. **Hearing & Fines (per CRHOA Bylaws and Florida Statutes:** If the Hearing Panel approves the fine:
- Fines will begin accruing the following day; and
 - Failure to appear at the hearing will result in automatic finding for the HOA and fines will begin accruing; and
 - Non-payment of fines will result in accruing interest, a possible lien against the property and potential legal proceedings.