

Policy No. 900: VIOLATION-HEARING PANEL - VIOLATION FINE

Date Approved: 4/16/2019

SCOPE

To provide guidelines for Cape Royal community home/lot owners, renters or guest or both (Resident) to appear before a violation hearing panel to dispute violation fine(s) levied by the Cape Royal Home Owners Association for violations of the Governing Documents and Rules and Regulations.

POLICY

The Cape Royal Home Owners Association Board will be the governing body to establish and regulate Fines to Residents whom have neglected to maintain their properties in accordance with the Association's Governing Documents and Rules and Regulations.

GUIDELINES

Responsibility – Board of Directors

- 1) To interview and select four (4) permanent home owners within the community who volunteer to serve on a three (3) member panel: 3 panel members and 1 alternate. Panel Member may not be serving as Directors or Officers, employees of the Association, or be the spouse, parent, child, brother or sister of an Officer, Director or employee.
- 2) To set the monetary fine and violation stages for each occurrence or approve entry onto the property Amended and Restated Declaration of Covenants, Conditions and Restrictions Royal-Tee Homeowners Association, Inc. as originally recorded at Instrument No. 2015000052751, and as may have been subsequently amended, in the Public Records of Lee County, Florida.
- 3) Fines shall be in amounts deemed necessary by the Board to deter future violations, but in no event shall exceed the maximum amount allowed by law. The fine for a continuing violation shall not exceed amounts \$100 per day for each day the violation continues but not to exceed \$2,500.

Responsibility – Covenants Committee

- 1) To prepare a right to dispute the violation notice to the resident by mailing a letter for which delivery can be tracked and proven detailing the following:

- a) The hearing date, time, and location not less than fourteen (14) days from notification.
- b) The specific violation; the provision of Florida Statute 720, the Associations Governing Documents or the rules violation alleged to have happened.
- c) Abbreviated statement of facts giving rise to the alleged violation.
- d) The total Violation Fine; action under Article 7 referenced above; and /or possible suspension of Common Areas or facilities rights.

VIOLATION FINE

Responsibility – Finance Committee

- 1) Upon the Hearing Panel's notification to the Finance Committee that the resident's appeal has been denied, the Finance Committee will instruct the HOA accountant to begin tracking the number of days from the hearing date the resident is in violation.
- 2) The HOA account will then at each month ending process and mail to the resident an invoice to the number of days and the Violation Fine amount through each month ending - Violation Fine as defined above **Responsibility - HOA Board, Section 3.**
- 3) Thereafter, each month ending, the Finance Committee will issue a Violation Fine invoice until notified by the Covenants Committee the Residents' violation has been cured
- 4) The aggregate Violation Fine against the original Resident violation will not exceed \$2,500.00 (not including interest earned as designated by Law, on each past-due Violation Fine)..
- 5) If the resident fails to cure the violation and the violation fine has reached the maximum amount allowed under the Florida Statute, \$2,500.00, the Finance Committee will then proceed to collect the violation fine (Policy #101 – Accounts Receivable Collection).