

CAPE ROYAL HOMEOWNERS ASSOCIATION

Policy No. 904: COVENANTS COMMITTEE OPERATIONS POLICY

Date Approved: July 18, 2023

Our Mission is to ensure that all homes in Cape Royal are maintained to the standards that are required of our deed-restricted community and to enforce these standards and Policies contained in our Governing Documents in a fair and uniform manner. Our only goal is to maintain the quality and beauty of our community and protect the home values of all property owners.

These standards are set out in the Declaration of Covenants, which can be found along with our Policies on our website, www.caperoyalhoa.com.

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

1. **Community Wide Review of Homes:** 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, and/or advise the Covenants Committee of any extenuating circumstances or request a consult with the team on the day of the inspection.
 - a) Reviews will be done by teams comprised of 2-3 committee members, who will be evaluating the following conditions of all homes or lots. 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. Inspection Items of Homes:

- a) Roofs – cleaning periodically required when the roof has mold, dirt, mildew or is discolored, all **visible surface** roof material shall be of the same type.
- b) Driveways – weeding and surface maintenance (i.e. wash, paint, seal, etc.) periodically required. Cracked driveways must be repaired or replaced when considered a violation.
- c) Other –cleaning or painting of exterior house walls, including lanai stem walls and metal pool cages.
- d) 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.) Vacant Lots must be kept up according to Article 5.

3. **Random Periodic Reviews of Homes:** Committee members **may** report minor covenants infractions as they occur and include a photograph where possible. These inspections are outside of the community wide review and will include daily issues, outside storage, garbage cans in plain view, trailers, commercial vehicles, and vehicles parked illegally in yards and on common ground as well as general maintenance of the homeowner’s property.

4. **Policies** – To ensure adherence of Members, or Members’ tenants or Guests or both.

5. **When a Violation Occurs:** There will be three contacts attempted except as noted under “Fines imposed without full process” and “Habitual Offender”.

- a) 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 also 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, not to exceed 7 days, to acknowledge receipt of

the notice and give their timetable for remediation (if known). A reasonable time frame for remedy, depending on the violation, will be accepted. Being a seasonal or part-time resident is not considered a permissible excuse for not correcting an issue.

- b) Second Contact: In the unlikely event that the committee receives no response from the first communication by the date requested, a second notification will be sent by email, letter, with a certain stated date, not to exceed 7 days, to acknowledge receipt of the notice and give their timetable for remediation (if known). The same reasonable timeframe applies to this contact as in the First Contact.
 - c) 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 of tracking receipt return. This letter will include information about the formal hearing process.
6. **Fines imposed without full process: The Board shall approve both the violations subject to instant fines and the amount of said fines.** Disputed fines without full process will follow Policy 900 (VIOLATION HEARING PANEL - VIOLATION FINE) procedures.

7. **Habitual offender:** Is a homeowner who has three or more violations in any revolving year period. At this time the violation process changes to the owner only receiving a letter for which delivery can be tracked and proven. This letter will identify the problem and ask the homeowner to respond to the committee within 7 days of tracking receipt return. This letter will include information about the formal hearing process.

NOTE: Habitual offender status will continue for the remainder of the calendar year and the next calendar year. A calendar year will be defined as January 1st – December 31st.

8. **Request for Hearing:** If all good-faith efforts of the committee are unsuccessful:

- a) The committee will provide a written report to the HOA Board of Directors detailing the violation and its attempts to notify the homeowner.
 - b) 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.
 - c) If the Board approves, the Covenants Committee will send a Notice of Hearing by mail that can be tracked and proven to the homeowner detailing information about the violation and the proposed fine, as well as the date, time and location of the hearing.
9. **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.
10. **Hearing & Fines:** 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.