

The Strand Homeowners Association

Policy with Respect to Fines

The Strand Homeowners Association and the Florida Statutes provide for the establishment of rules, regulations, and expectations to govern members of Homeowner associations. The purpose of these rules is to promote and protect a favorable and aesthetically pleasing environment for all residents to enjoy, protect property values for all residents and promote harmony. Each Homeowner upon purchase of their property in The Strand has acknowledge and agreed to abide by these rules. These rules apply to all Homeowners, their guests and a tenant occupying any home within The Strand and it is the Homeowners responsibility to inform their guest and tenants of these rules and regulations and are responsible for their compliance.

To ensure that the aforesaid rules and regulations are enforced, monetary fines have been established. These penalties are intended to guarantee that each owner's expectations regarding the use and enjoyment of their property are maintained and to assist in maintaining the value of each owner's property.

Rules and regulations and policies regarding various aspects of property maintenance and procedures to comply with these requirements have been established. These rules include by are not limited to the following elements of property maintenance and life in The Strand:

1. Parking
2. Garage doors
3. Trash
4. Fences and walls
5. Playground Equipment
6. Hurricane Shutters
7. Leasing
8. Moving in/out trucks trailer
9. Signs
10. Flags and flagpoles
11. Antennas and electronic devise
12. Pets
13. Landscaping and tree trimming
14. Outdoor equipment
15. Air conditioners
16. Golf carts

17. Mailboxes and address markers
18. Maintenance, alterations and painting
19. Holliday decorations

(Please note that this is not a complete list of all the rules and regulations that govern property owners in The Strand. It is instead a summary of some areas where rules and regulations exist that demand compliance by Strand homeowners. The Strand HOA documents, bylaws, rules and regulations should be checked for a complete list of Homeowner requirements.)

COMPLIANCE AND FINING POLICY AUTHORIZATION.

Pursuant to Florida Statute 720.305 and the Declaration of Covenants, Conditions, Restrictions and Easements for The Strand Homeowners' Association, the Board has the power to impose reasonable fines for violations of the Governing Documents and Rules & Regulations.

Article XII, Sections 1 and 2 of the Bylaws provides the power and authority to the Board to levy fines and suspensions against Owners for violations of the Governing Documents:

1. Interpretation of the bylaws/covenants will be made by the Association Board of Directors. The elected board's interpretation shall stand unless legally proven unreasonable.
2. If the owner of a residence and/or lot fails to maintain it as required in this declaration or otherwise shows disregard for the rules and regulations of the Homeowners' Association the following shall occur:
 - a) Owner will receive a written warning stating the nature of the infraction and be given fourteen (14) days to be rectified.
 - b) If the infraction is not rectified to a level of compliance with Association's Governing Documents within the stated amount of time, the owner shall be fined the maximum per day as allowed by law (currently \$100.00), with a maximum of \$2,000.00 per recurring violation, that the infraction is not corrected.
 - c) In addition to the imposition of a fine, after sixty (60) days the Association may take appropriate action to rectify the infraction, with any costs to do so being charged as an individual assessment to the owner in addition to the above fine. Such unpaid individual assessment may become a lien against the lot/residence.

LIENS. 720.305(2) states "A fine of less than \$1,000.00 shall not become a lien against a parcel."

APPLICABILITY: Actions to redress failure or refusal to comply with the provisions and rules can be brought against the Association, a member, a director or officer, any tenant, guest, or invitee occupying a parcel or using the common areas.

FINING. Fines shall not exceed the maximum as allowed by law (currently \$100.00) per violation. For a recurring violation, the fine may be the maximum as allowed by law (currently \$100.00) per day not to exceed \$2,000.00 in the aggregate. The Board shall establish a time frame within which the owner must pay the fine after receiving the Notice of Violation. If the owner fails to pay the fine before the deadline set by the Board, the Association shall send a second notice.

Fines may not be levied against owners who fail to pay their maintenance fees. Delinquent owners are charged late fees and interest as authorized by the Declaration and Bylaws.

FRIENDLY REMINDER LETTER (FRL). The first letter that goes out is a friendly reminder of the rules. This letter gives the owner two weeks (14 days) to comply with the rules or to remedy the violation.

NOTICE OF VIOLATION (NOV). After 14 days from when the FRL was issued, and prior to imposition of any sanction or fine, the Board or its delegate (agent or CAM) sends the owner in violation a written NOV. The NOV shall contain each of the following:

1. Nature of the violation
2. Proposed sanction to be imposed (a fine of the maximum as allowed by law (currently \$100.00) either one time or recurring).
3. Request a Hearing at least fourteen (14) days from the date of the NOV. The NOV shall provide notice to the owner of the date, time and place of a hearing before a committee to approve or disapprove the imposed fine.
4. If approved, the fine shall be levied and will be due within five (5) days after the Association provides written notice to the owner.

RECTIFYING A VIOLATION. If the violation is corrected within 30 days of the NOV, the Board shall suspend the proposed sanction (i.e., waive the fine). This suspension does not waive the right to levy fines for future violations of the same or other provisions and rules. Lenience to waive a fine is not a guarantee. The owner committed the violation and so a fine may still be imposed.

FINE/SUSPENSION COMMITTEE. The Board of Directors may create a Fine/Suspension Committee by proper motion at a duly noticed meeting. The President of the Board shall then appoint the members of the committee. The committee shall be comprised of three, five or seven members who serve at the pleasure of the President. Term lengths shall remain at the discretion of the President. The Fine/Suspension Committee shall be a statutory committee and, therefore, all meetings shall be notified 48 hours in advance and its recorded meeting minutes shall become official records of the Association.

Per F.S. 720.305(2)(b), committee members may not be “officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or an employee. If the committee, by majority vote, does not

approve a proposed fine or suspension, it may not be imposed.” The Covenants Committee serves as the hearing committee. If an owner in receipt of an NOV requests a hearing, the committee holds a meeting to review the violation, listen to the appeal, and vote to levy the fine or not.

HEARING. The Fine/Suspension Committee shall hold a hearing to confirm or reject the fine levied by the Board. The minutes must document that the owner received the NOV. A copy of the NOV will be recorded in the minutes and a statement about the date and means of delivery (i.e., regular US mail or certified at the discretion of the Board). The appearance of the owner in violation at the hearing confirm that the delivery requirement has been satisfied. The minutes shall also document the hearing results to confirm or reject the fine. Written notice of such fine or suspension must be provided by the Association by mail or hand delivery. The payment of the fine is due five (5) days after the written notice has been provided.

APPEAL. If an owner does not agree with the decision of the Fine/Suspension - Committee, that owner may appeal to the Board. The owner must submit the appeal in writing within five (5) calendar days after the hearing. The appeal is submitted to the manager, the President, or the Secretary. If no appeal is received, a fine is imposed. If there is no Fine/Suspension Committee then the board of directors has the final say.

FOLLOW-UP ENFORCEMENT. If the NOV and fining fail to produce the desired result, i.e., the correction of the violation, then the association's Board shall either:

- a. Perform the work to correct the violation and assess all cost associated with the work to the Owner, or

- b. Turn the matter over to the association's attorney for legal action. In such a case, the owner who has broken the rules will be responsible for any legal fees.