

Homeowners' Association Fine Policy: Notice and Hearing Process

Purpose:

The purpose of this policy is to establish a clear and structured process for notifying homeowners of violations, providing opportunities to cure the violation, and enforcing fines when necessary. The process is designed to ensure that homeowners are treated fairly and given ample opportunity to correct any violations before fines are imposed or hearings are scheduled.

1. General Provisions

- **Authority:** This policy is based on the governing documents of the Homeowners' Association (HOA) and Florida Statutes Chapter 720.
 - **Scope:** This policy applies to all homeowners, tenants, and residents within the community for violations of the community's governing documents.
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2. Violation and Notification Process

Homeowners who are in violation of the community's rules and regulations will receive a series of notices with clear instructions on how to cure the violation. If the violation is not cured, fines will be imposed, and the matter will be set for a hearing.

3. First Notice: Warning and Opportunity to Cure

- **Purpose:** To inform the homeowner of the violation and provide the opportunity to correct it without penalty.
 - **Content of the First Notice:**
 - A description of the violation.
 - The specific rule or regulation that has been violated.
 - The date by which the violation must be corrected.
 - A warning that further action will be taken if the violation is not cured.
 - **Timeline:** The homeowner must correct the violation within **15 days** of receiving the First Notice. If the violation is corrected within this period, no fine will be imposed.
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4. Second Notice: Final Notice to Cure

- **Purpose:** To remind the homeowner that the violation has not been corrected and provide one final opportunity to resolve the issue before fines are imposed.
- **Content of the Second Notice:**

- A reminder of the original violation and the first notice.
 - A new deadline for correcting the violation (within **10 days** from the date of the notice).
 - A statement indicating that if the violation is not corrected by the deadline, a fine will be imposed, and the matter will be set for a hearing.
 - **Timeline:** The homeowner must correct the violation within **10 days** of receiving the Second Notice. If the violation is not corrected, the HOA may proceed with the next steps.
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5. Third Notice: Notice of Continued Violation and Imposition of Fine

- **Purpose:** To inform the homeowner that the violation persists, and that the HOA is prepared to impose a fine.
 - **Content of the Third Notice:**
 - A description of the violation and a reference to the first and second notices.
 - A statement that the violation remains unresolved and that a fine will be requested.
 - A notice that the matter will be scheduled for a hearing before the HOA Board of Directors or Fine Committee.
 - The date, time, and location of the scheduled hearing.
 - The amount of the fine that will be requested, in accordance with the Fine Policy.
 - **Timeline:** The homeowner must attend the hearing and may present evidence to dispute the violation. Failure to attend the hearing may result in the imposition of the fine.
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6. Final Notice: Hearing Notice and Request for Fine

- **Purpose:** To serve as a final notice before a hearing takes place, requesting the fine and formally scheduling the hearing.
 - **Content of the Final Notice:**
 - A statement that the violation has not been cured after the first, second, and third notices.
 - A notice that the matter will be heard by the HOA Board or Fine Committee, and the fine will be requested.
 - Information about the date, time, and location of the hearing where the homeowner can dispute the fine or offer a resolution.
 - **Timeline:** The homeowner must attend the hearing to present their case. The hearing will be held within **30 days** of the Final Notice being sent. If the homeowner does not attend, the fine will be imposed and further action may be taken.
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7. Hearing and Fine Imposition

- **Hearing Process:**
 - The homeowner will have the opportunity to present their case at the hearing.
 - The Fine Committee will review the evidence and make a decision.
 - If the fine is upheld, the homeowner will be informed in writing, and payment of the fine will be due within **30 days** from the date of the decision.
 - **Failure to Attend Hearing:** If the homeowner fails to attend the hearing, the fine will be imposed as requested, and the matter may be forwarded to collections or legal action if the fine is not paid.
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8. Enforcement of Fines

- **Payment of Fines:**
 - Fines must be paid within **30 days** from the hearing decision or imposition notice.
 - If the fine is not paid within the required time, the HOA may take further enforcement action, including suspending community privileges or placing a lien on the homeowner's property.
 - **Legal Action:** If fines remain unpaid, the HOA may initiate legal proceedings to recover the fine amount.
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9. Consistency and Fairness

- The HOA is committed to enforcing this Fine Policy fairly and consistently. All homeowners will be given a reasonable opportunity to cure violations before fines are imposed. Notices will be delivered in accordance with the HOA's communication methods and timelines.
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10. Amendments

- This Fine Policy may be amended from time to time by the HOA Board of Directors in accordance with the governing documents. Homeowners will be notified of any changes, and the amended policy will be enforced upon adoption.
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Adopted by the Board of Directors on _____.

Homeowners' Association Name: Community Name: Woods Landing Homeowners Association

Board President:

Board Secretary: