

Eastwood Community

BOARD MEMBERS VERSION ONLY



Compliance and Fines Manual February 2018

Contents

Page

Introduction and compliance approach

3

Non-compliance process and procedures

3

Compliance reporting and monitoring

4

Appendix

A) Full set of compliance letters

6

D) Letter sent to Home Owners explaining procedures

11

1. Introduction

This Manual has been created to give the Board and Fines Committee, comprehensive details on the procedures and process involved with managing and handling violations in Eastwood. The Eastwood compliance procedure and process we follow to comply with the Florida Statutes and the Governing Documents. This permits the Board to process warnings and propose fines if matters such as driveways/sidewalks are not cleaned, exterior alterations, collection of debris, etc.

2. The Compliance Approach

The compliance system is simple, open and fair.

The process involves regular checks of the community by the Community Association Manager to ensure homes are in compliance with the Eastwood Governing Documents and Florida Statutes. The Community Association Manager then oversees a procedure and process that involves sending a series of letters and emails (all letters are contained in appendix A) to the Home Owners main postal address and email address.

At every stage of the compliance process, the objective is always to resolve the violation and problem with the Home Owner as soon as possible.

The Board will receive compliance reports at Board meetings, upon request of the Board or simply viewing them in the Caliber software.

If any case reaches the point at which the Board levies a fine, then the Fines Committee becomes involved. The Fines Committee shall consist of at least three Home Owners who are not who are not officers, directors, or employees of Eastwood, or the spouse, parent, child, brother, or sister of an officer, director, or employee. The following is an extract from Florida Statutes on this point:

Section 720.305(2)(b), Florida Statutes:

A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' notice to the parcel owner and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee...If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

3. Non-Compliance Process and Procedures

Regular inspections of Eastwood are made by Community Association Manager and his/her team.

Friendly Reminder - If a violation or problem is identified, a letter (and email) is sent to the Home Owners Mailing address as a gentle reminder that there is a violation and problem that needs to be addressed within 30 days. Every opportunity is given to the Home Owner to rectify the situation within the 30 days. This usually resolves any issues.

2. Second Notice - If there is no response within 30 days, a second letter (and email) is sent confirming that action needs to be taken within 14 days and again offering help and support but also stating that if not completed within the 14 days provided, the Home Owner will be fined or have rights suspended. The notice will state the date, time and place of the Board meeting at which the Board will consider the fine(s) against the

Home Owner and suspension of the Home Owner's use rights, and that the file will be to Eastwood's legal counsel for enforcement action.

3. Fine Implementation –

- a. Should the Home Owner fail to respond to the Second Notice within 14 days, the Board shall decide whether to impose a fine at a duly noticed board meeting. Should the Board approve a fine or fines(s), Eastwood shall provide the violating Home Owners with a Notice of Imposition of Fine and Hearing ("Fining Notice") with the nature, description and location of the violation, as applicable, reference to the relevant governing document provisions, the fines proposed, and the date, time, and location of the hearing in front of the Fines Committee, which shall be scheduled for a date at least fourteen (14) days from the date of the Fining Notice. Additionally, the Fining Notice shall advise the Home Owner, the violation has been turned over to Eastwood's legal counsel for enforcement.
- b. The role of the Fines Committee is limited to determining whether to confirm or reject the fine proposed by the Board. The Fines Committee may not alter the fine proposed by the Board.
- c. The violation(s) shall be presented to the Fines Committee at a hearing at which time the violating Home Owner shall have an opportunity to present defenses and reasons why a fine or fine(s) should not be imposed.
- d. If the Fines Committee, by a majority vote, does not approve a proposed fine(s), it may not be imposed. If the Fines Committee, by a majority vote, approves the proposed fine(s), Eastwood shall provide the violating Home Owner with a Notice of Imposed Fine, with a description of the fine(s) approved by the Fines Committee. The Home Owner who the fine has been levied against shall pay the amount of the imposed fine(s) within thirty (30) days from the date of the Notice of Imposed Fine. Should the lot owner fail to pay the fine, the Board shall be entitled to levy the fine(s) as a Special Assessment and proceed with collections in accordance with the Governing Documents and Florida law.

This is always going to be the last resort. Any fines that are levied and paid go back into Eastwood's funds; there is no income line for this within the budget as the objective is always to resolve the problem and maintain the quality standard of the community.

The lengthy process allows a noncompliant owner every opportunity to remedy the violation before the matter is escalated. Our main objective is to protect the majority of Home Owners from the minority that then impact property values.

Note - The key words are 'no response'. We want every Home Owner facing difficulty to work with the Community Association Manager so help and support can be given to resolve the violation and problem. The Community Association Manager can only do this if Home Owners respond to the notices and come to an arrangement with Eastwood to resolve the violation and problem. A Home Owner who does not respond to a notice or cure the violation will be subject to the enforcement procedures and process set forth in this Manual.

Important Note

At each stage (after the first letter has been sent) of the compliance process and before a letter is sent, a check will be made to ensure that the matter identified has not been resolved. This is particularly important at the point when a matter is about to be passed to the Fines Committee.

Any issues raised by a Home Owner where a 'hold status of more than 60 days' is placed on moving a case to the next stage or if a Home Owner requests further discussion, must be conducted between a Board Member and the Community Association Manager. This is to ensure we have a consistent and fair approach with all Home Owners.

DRC/ARB

The other key part of remaining in compliance is the role of the Design Review Committee (DRC)/Architectural Review Board (ARB). This group will review any change that a Home Owner wants to make to the exterior of their property. They will help and assist wherever possible and have a simple form available for completion whenever work is to be undertaken on a home. They ultimately decide what work can go ahead.

4. Compliance Reporting and Monitoring

Reporting

Extreme Management control a system that automatically generates letters. A monthly analysis is then produced. Appendix B.

In addition, Extreme can provide a summary information sheet that details the different types of cases and a month on month case movement. Appendix C.