

Covenants Compliance Committee

OVERVIEW

Prior to placing a fine on an HOA member's account for failure to comply with any provision of the association's declaration, bylaws, or reasonable rules and regulations, a committee is required to review the violation per [Florida Statute 720.305](#).

REQUIREMENTS

- Committee must be comprised of three owners in good standing.
- Committee members cannot be board-of-directors, ARC members, or the spouse or family member of a director or ARC member.
- Committee members must be named and approved at an open meeting of the board of directors.

FINING POLICY

- HOA and management identify a violation and work to resolve it with owner.
- Notice of violation is sent to the owner and tenant (if mailing address is different from the parcel) via USPS.
- Prior to fining, owner and tenant (if applicable) must be given a 14-day written notice of an opportunity to appear before the Covenants Compliance Committee.
- Time and date of the hearing will be at the convenience of the committee.
- The hearing is the owner's opportunity to present their defense for not remedying a violation.
- Fines are set by the Board of Directors per FL Statutes at a maximum of \$100 per violation per day until the violation is resolved not to exceed 10 days for a maximum of \$1000.
- The committee will make a decision to **confirm** or **reject** a violation for fining based on a majority decision with or without the owner's attendance.

RESPONSIBILITIES

- Committee members will familiarize themselves with the association's [Bylaws](#), [Declaration of Covenants and Restrictions](#), and [Rules and Regulations](#).
- The committee does not identify initial violations or issue violation notices.
- The committee must remain impartial.
- Committee members must at all times be respectful to each other and those in attendance at the hearing.

- Meeting minutes are part of the HOA records, but information is often sensitive in nature. Committee members must exercise discretion and respect towards all information obtained through fining hearings.
- Each owner appearing before the committee is limited to a specific length of time to address the committee. This time will be granted by the committee chair at the beginning of the hearing.
- The role of the committee is limited to a decision of **confirm** or **reject** regarding the validity of a violation as described by governing documents. Mediation and resolution is not the duty of the committee and cannot be part of deliberations.
- The committee is not required to provide an owner a decision during their hearing. Deliberations and voting may take place after the scheduled hearings and then reported directly to management.
- Committee members serve at the discretion of the board-of-directors and may be replaced or dismissed at any time.

HEARING DUTIES

- **Prior to a hearing**, committee members will be emailed a list of owners with corresponding violations and parcel addresses who have been notified to appear before the Covenants Compliance Committee. All available documentation of a violation will be provided to the committee.
- **Day of hearing:**
 - The Compliance Committee meeting will call itself to order at least 10 minutes prior to the first owner's hearing time.
 - Committee members will choose a chair amongst themselves to preside over the hearing and to communicate decisions to management and/or board-of-directors.
 - Minutes will be taken by a committee member. A template will be provided.
 - If more than one owner has been notified to appear, the committee will allow each owner to present their facts and defense at their designated time per notice.
 - Each committee member has the right but not the obligation to ask questions regarding a violation.
 - Each owner will be thanked for their attendance and advised that property management will notify them of the committee's decision.
 - After the last scheduled hearing, the committee will deliberate and vote to **confirm** or **reject** each violation.
 - Committee may adjourn after decisions have been reached on all violations scheduled for that date.
 - Committee chair will email the property manager the meeting minutes including decisions on all violations.