

STONEWOOD TOWERS PROCEDURE NO. 28

**Subject: Remedies for Association Documents and House Rules Violations**

**Background:**

The Stonewood Towers Condominium Association has the authority to establish reasonable rules and regulations governing:

- (1) The use of apartment units,
- (2) The use of the common elements within the condominium,
- (3) The enforcement of the provisions of the Declaration of Condominium, the Articles of Incorporation, and the By-laws of the Corporation.

Florida Statute 718.303 gives the association the ability to levy a reasonable fine and/or suspension for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or rules of the association.

The Board of Directors are continually inveighed upon to "do something" about those few residents who habitually do not obey the simple rules published in the Condominium Documents and the House Rules which the vast majority of the residents faithfully abide by.

This procedure describes the process to be followed to encourage compliance with the published policies and procedures and house rules of the association.

**Procedure:**

1. All Residents of Stonewood Towers are encouraged to review and be knowledgeable of the Documents and House Rules by which we all have agreed to be governed and to bring observed violations to the attention of the Board of Directors.
2. The Secretary of the board shall be responsible for maintaining records of reported violations of the association's documents and House Rules.
3. Upon board receipt of a formal complaint of a rule violation, the board shall determine the validity of the complaint. If valid, the board shall send a letter, certified return receipt, to the owner and resident violator (if other than the owner) of the reported infraction citing the specific rule that was violated. The letter shall also state they have ten (10) days to comply and remedy the situation. A copy of this letter shall be filed in the office records. The formal complaint must be in writing, either by letter or email. The complainant must be identified in the letter or email.
4. If the board determines there is a second same rule violation by the resident or their guest, the Board shall send a second letter, certified return receipt, to the owner and resident (if other than the owner) explaining the rule infraction and advise they have ten (10) days to comply and

remedy the situation. If it is determined the infraction still has not been remedied, the resident's violation will be put on the agenda for the next regular board meeting for determination of whether to levy a fine and/or suspension. A copy of this letter shall be filed in the office records.

5. A report of the two same rule infractions shall then be placed on the agenda for the next regular Board meeting. At that time the Board shall review the reported violations and determine whether a fine and/or suspension should be levied.

- (a) If a fine is levied, it shall be assessed at \$100.00 per violation, but shall not exceed \$1,000.00 in the aggregate for continuing violations. A fine may not become a lien against a unit.

- (b) If a suspension is levied, a reasonable period of time shall be specified for the suspension.

6. A fine and/or suspension shall not be imposed unless the board first provides at least fourteen (14) days written notice (via certified return receipt) and an opportunity to appear before an independent Hearing Committee to the unit owner and, if applicable, its occupant, licensee, or invitee.

This committee shall consist of at least three (3) unit owners appointed by the board, none of whom are officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director or employee. The committee shall be convened within fourteen (14) days from the date of owner and resident receipt of this written notice.

In this written notice of board determination, the board shall also advise by virtue of the association's documents, it may pursue legal action to remedy this situation.

7. At the Hearing Committee, the accused must be allowed the opportunity to state their case and challenge the evidence against them. The committee must then decide whether or not to approve "by majority vote" that the fine or suspension be imposed. If the proposed fine or suspension is approved by the committee, the fine payment is due five (5) days after the date of the committee meeting at which the fine is approved. The Association must then provide written notice of the fine or suspension by mail (certified return receipt) or hand deliver to the unit owner, and if applicable, to any tenant, licensee, or invitee of the unit owner. If the committee does not approve the fine or suspension, the matter is closed. (See Flow Chart Below)

8. If a unit owner is more than 90 days delinquent in paying their fine, the association may suspend the right of the unit owner (and if applicable, the unit's occupant, licensee, or invitee) to use the common elements, common facilities, or any other association property.

If the delinquent amount is \$1,000 and the unit owner is more than 90 days delinquent in paying their fine, the association may also suspend the voting rights of a unit or member until the fine is paid in full. Proof of such monetary obligation must be provided to the unit owner or member thirty (30) days before such suspension can take effect.

The notice and compliance requirements stipulated in paragraph 6 above do not apply to the suspensions imposed by this paragraph.

All suspensions imposed by this paragraph must be approved at a properly noticed board meeting. Upon approval, the association must notify the unit owner and, if applicable, the unit's occupant, licensee, or invitee by mail, via certified return receipt, or hand delivery.

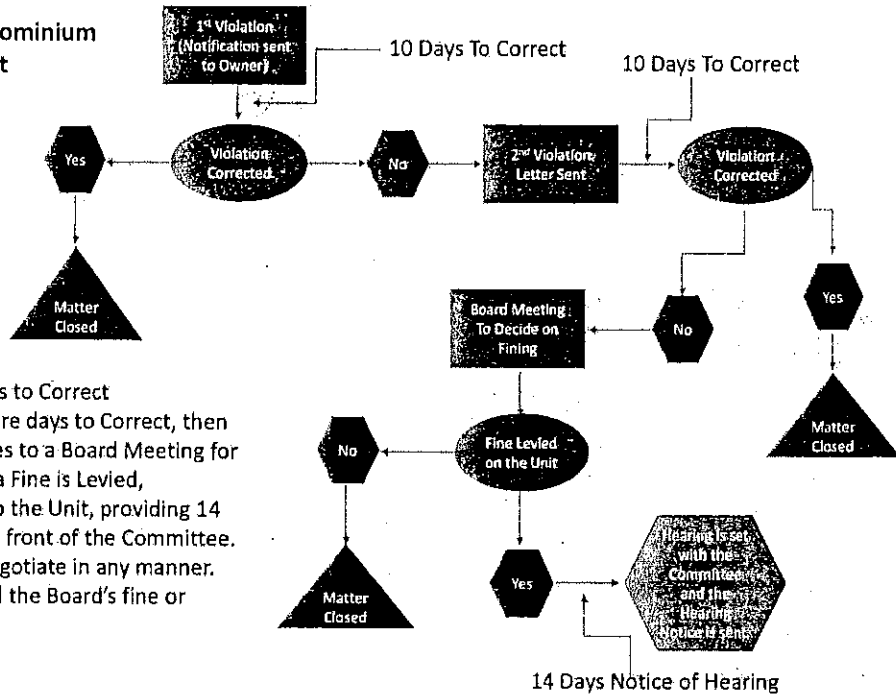
9. If the opportunity to appear before the Hearing Committee is waived or the individual(s) fails to appear for the scheduled committee meeting, then it shall be assumed the individual(s) implicitly accepts the board's determination to fine and/or suspend. Therefore the board's determination to levy a fine and/or suspension will be imposed without further owner or resident recourse.

FOR THE BOARD OF ADMINISTRATION

Cathryn Powers  
Board Secretary

PROCEDURE 28 - FLOWCHART

Stonewood Towers Condominium  
House Rules Enforcement  
Flowchart



**Key Notes:**

- 1<sup>st</sup> Notice provides 10 days to Correct
- 2<sup>nd</sup> Notice provides 10 more days to Correct, then If not Corrected, the case goes to a Board Meeting for Possible Levying of a Fine. If a Fine is Levied,
- A Hearing Notice is sent to the Unit, providing 14 Days Notice of the Hearing in front of the Committee.
- The Committee cannot negotiate in any manner. They either motion to uphold the Board's fine or toss it out.