

# Stoneybrook Process for Fining and Handling Violations

February 22, 2024

## Purpose:

This document provides the steps for handling violations and fines for Stoneybrook at Venice. The Board and the Hearing Committee deal with two different types of violations. The first applies to property. Most of our processes and documents are written around this type of violation. The second type of violation applies to behavioral issues and events.

## Property:

A property violation is noted. A compliance letter is sent out giving the homeowner 30 days to cure the problem. A second 30-day letter may be sent out. The second letter must be sent by certified and regular mail. If the owner fails to cure the problem, the Board may levy a fine. The owner then has the opportunity to appeal to the Hearing Committee. The Hearing Committee can either confirm the fine or reject it. State law dictates that there are only those two options. The Hearing Committee cannot modify the Board's fine.

## Event/Behavior:

The second type of violation applies to behavior. A violation occurs. A compliance letter is sent notifying the owner of the property where the person resides or is a guest, that the behavior is not allowed according to our governing documents. If the same violation occurs again within 6 months the offender becomes a repeat offender. The second letter must be sent by certified and regular mail and the board may levy a fine. Once the fine is levied, the owner would get a letter informing them of the right to a hearing before the Hearing Committee. The Hearing Committee can only confirm or reject the fine.

## Accommodation:

If the homeowner cannot cure the violation before the due date, they may request reasonable accommodation specifying a date the violation will be cured.

## Timing of the Fine:

The fine can start at any time after the Board of Directors levies the fine. However, the timeframe for the total fine should conclude before the Hearing Committee meets.

The fine will commence one week after the Board of Director's Meeting when the fine was levied. That will typically be the Wednesday after the Board Meeting.

The Hearing Committee meets the fourth or first week of the month. The Committee will review the fines levied by the Board for the month before the last Board meeting. This will ensure the maximum number of days has passed between the start of the fine and the Hearing Committee meeting so the entire fine can be addressed.

**Suspension of Use Rights:**

When the board levies the fine, a motion may be made to homeowner’s use rights to the amenities will be suspended until the violation has been cured or the fine has been paid.

The suspension should start after the Hearing Committee determines to uphold or dismiss the suspension.

**Right to a Hearing:**

With either type of violation, no less than 14 days after the Board levies the fine, a letter is sent by certified mail to the Owner and the alleged violator (if not the same person) that gives them an opportunity to a hearing to respond to the alleged violation(s), present evidence and provide written and verbal argument on all pertinent issues, as well as to review, challenge and respond to any material considered by the Hearing Committee.

Letters must also go to the alleged violator if that is a different person from the owner.

If the Hearing Committee rejects the fine and the violation is repeated, the entire process must be started again.

**Tenants:**

If a property is being rented and the tenant will be affected by the Hearing Committee’s decision, the Hearing Committee notice must be sent to the tenant as well as the homeowner. If use rights will be turned off for that property, the tenant has the right to address the Hearing Committee. The HOA cannot penalize the tenant for issues with the landlord without giving the tenant the right to be heard.

**Notification:**

As per the Master Declaration, all Hearing Committee notices must be sent by certified mail.

**The Process Flow:**

