



RESOLUTION FAIRWAYS HOA 2023-003
RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR COVENANT
AND RULE ENFORCEMENT

The Directors of Fairways Homeowners Association at Bay Point, Inc., a Florida not-for-profit corporation (the "Association"), held a board meeting on June 19, 2023, at 5:30 pm (CDT) at which a quorum was present, and at which the following resolution was adopted:

WHEREAS the Association's governing documents require adherence with the law and Chapter 720, Florida Statutes provides that an association may adopt reasonable rules and regulations; and

WHEREAS, the Declaration of Covenants and Restrictions for the Fairways are not compliant with Chapter 720.305, Florida Statutes; and

WHEREAS the Board of Directors acting under its authority has promulgated Fairways Homeowners Association at Bay Point policies for Covenant and Rule Enforcement in compliance with statute.

NOW THEREFORE, it is resolved the following policy shall have immediate effect:

POLICIES AND PROCEDURES FOR COVENANT AND RULE ENFORCEMENT

1. **Who may report Violations?** Complaints regarding alleged violations may be reported by Owners and Association representatives.

2. **How Complaints are Filed.** All complaints shall be in writing or via website (<https://www.fairways-hoa.org>) online form and submitted to the Association. The complaining party shall have observed the alleged violation and shall identify themselves, ("Complainant"), the alleged owner in violation ("Owner") by address or lot number, and name if known. The complaint shall contain a statement describing the alleged violation, referencing the specific provisions of the governing documents¹ which are alleged to have been violated, when the violation was observed and any other pertinent information. Non-written complaints or written complaints failing to include any information required by this provision may not be investigated due to insufficient information.

3. **Investigation.** Upon receipt of a complaint by the Association, or its representative(s), will verify the alleged violation, document the issues, and take photographs. Once a violation is confirmed and documented appropriately the Association, or its representative(s) will follow the procedures outlined in this policy. If the information in the complaint is deemed inadequate, or is determined not to be a violation, the complaint may be returned to the Complainant.

¹ FS § 720.303 (8) defines "Governing documents."



4. **Initial contact with the Owner(s).** The Association, or its representative(s), will contact the Owner(s) via phone to notify the owner(s) of the violation, including a description of the violation, the provisions of the governing documents supporting the issue(s) as a violation, and a request to remedy the issue within 30 days (unless otherwise coordinated with the Board). The designee will also notify the owner that the conversation will be followed by an Initial Violation Letter documenting the discussion and the timeframe for correction. If the Association, or its representative, is unable to reach the owner, then notification will be via the initial violation letter.

5. **Initial Violation Letter.** After a violation is communicated to the owner by the Association, or its representative, if able, an Initial Violation Letter shall be sent to the Owner, via regular mail and email, documenting the date of contact (if no contact, denote the attempts to contact dates). The letter will reiterate the description of the violation, the provisions of the governing documents supporting the issue(s) as a violation and that the Owner(s) has 30 days from the date of the initial contact by the manager, or date on this letter, to come into compliance. Additionally, notify the owner(s) that fines and/or suspension of use rights² may be imposed by the Board if the violation(s) are not corrected in the 30 days.

6. **Failure to Correct Violation Letter.** If, after 30 days have elapsed from the date of the first the Association, or its representative's, contact, or date of the Initial Violation Letter, and the Owner has not come into compliance. The Association, or its representative, will issue a Failure to Correct Letter to the Owner via a certified letter (postage and fee charged to homeowner) and email that the violation still exists.

The failure to correct letter will contain the date of initial notice, or date on the Initial Violation Letter, and all the elements listed above for the Initial Violation Letter. The letter will state that the Board is levying a fine of the maximum allowed by law for the violation, per Association policies and an additional (maximum allowed by law) daily for each day of a continuing violation per statute and that the owner(s) right to use common areas and facilities are suspended³ for the failure to comply with the governing documents until 60 days after the Lot comes into compliance. The letter shall contain at least 14 days' notice⁴ to the Owner of the opportunity for a hearing before the Hearing Committee on (the date of scheduled hearing).

7. **Hearing.** At the Hearing Committee meeting, if the homeowner is present, he/she can present their reasons why a fine(s) imposed by the Board should not be imposed. After Owner(s) have sufficiently presented their case and answered any committee questions, the Owner(s) shall leave and allow the committee to make their decision.

The role of the Hearing Committee is limited⁵ to determining whether to confirm or reject the fine or suspension levied by the Board.

² FS § 720.305 (2)(a)

³ FS § 720.305 (2)(b)

⁴ FS § 720.305 (2)(a)

⁵ FS § 720.305 (2)(B)



After the decision is made, the Association, or its representative(s), will notify the homeowner. If the homeowner does not attend the hearing the fine is automatically confirmed.

8. **Notification of Decision.** The decision of the Hearing Committee shall be in writing and provided to the Owner within 21 days of the hearing. If affirmed the Fine Notice will be issued. If denied the Board will convey its intentions to the Owner(s) via letter.

Once a violation occurrence is validated, properly noticed, a hearing conducted and the fine affirmed, the case on that occurrence is closed. However, if the homeowner still has not complied a second violation on the continuing occurrence process may begin again as outlined in; 6. **Failure to Correct Violation Letter** above.

9. **Fine Schedule.** The board's fines are levied effective the day following the hearing decision of the Fining Committee that confirms the Board's action.

a. First violation: \$100.00⁶ due and \$100.00 for each additional day, up to ten days, of a continuing violation payable upon notice of the decision of the fining committee to levy the Board's fine(s). The total fine may not exceed \$1,000.00 for each occurrence.

c. Second and subsequent covenant/rule violation(s): (of same covenant/rule) \$100.00⁷ due and \$100.00 for each day of a continuing violation, from the fining committee's decision to confirm the Board's fine(s). The total fine may not exceed \$1,000.00 for each violation.

a. Third and subsequent covenant/rule violations may continue to be handled in the same manner and/or referred to the Association's chosen attorney to take appropriate legal action.

If, after 90 days from the date of the fine letter, any fee, fine, or other monetary obligation due to the association remains unpaid, the Association shall suspend owners' voting rights⁸.

10. **Waiver of Fines.** The Board may waive all, or any portion, of the fines if, in its sole discretion, such a waiver is appropriate under the circumstances. Additionally, the Board may condition a waiver of the entire fine, or any portion thereof, upon the Owner's Lot coming into and staying in compliance with the governing documents.

11. **Other Enforcement Means.** This enforcement process, fines and fees in no way limits all other enforcement means which are available to the Association through its governing documents and/or Florida law. The use of this process does not preclude the Association from using any other available means of enforcement.

Be it Therefore Resolved that the Board of Directors at a duly called meeting held on June 19, 2023, did pass this Resolution by affirmative vote of all Board members present.

⁶ FS § 720.305 (2)

⁷ FS § 720.305 (2)

⁸ FS § 720.305 (4)



Fairways Homeowners Association at Bay Point, Inc.



By:  _____

Robert A. Fletcher
President