

Homeowners Association (HOA) Violation Resolution Process

Homeowner Responsibility and Governing Documents

When purchasing a home in any Homeowners Association (HOA), individuals agree to comply with the association's governing documents and guidelines. This commitment is an inherent part of becoming a title holder within the community.

Purpose of Violation Procedures

The Patios of Chestnut Creek Homeowners Association is dedicated to resolving violations cooperatively, ensuring that required maintenance and improvements are completed, and maintaining the community's appearance. The association's intention is not to generate revenue through fines, as this is unnecessary. However, should a homeowner fail to resolve a violation, there are established procedures in place to enforce compliance.

Common Violations and Initial Response

Most violations pertain to the Architectural Review Board (ARB) or the Grounds Committee for requirements and limitations. The process begins with the homeowner being notified that their property is out of compliance with a specific community rule or standard. The Patios makes several attempts to resolve the matter directly with the homeowner. This may include in-person discussions (when the homeowner is available and willing), multiple written notifications (second and third notices), and email communications between the ARB or Grounds Committee and the homeowner.

Escalation to Board Review

If the violation remains unresolved after these efforts, the Board of Directors reviews all related documentation at either a regular or specially called meeting. The board determines whether to dismiss the issue or proceed to the fining stage as required by Florida law. The homeowner receives advance notice that the matter will be discussed at the meeting and is given the opportunity to address the board. Other attendees are not permitted to participate in this discussion. The homeowner may also choose not to speak. Following this, the board votes on whether to impose a fine. If a fine is approved, the issue advances to the Compliance Fining Committee (CFC).

Compliance Fining Committee Process

The Compliance Fining Committee has a single responsibility: to either approve or reject the board's decision to fine. The hearing proceeds regardless of the homeowner's attendance. If the committee rejects the

board's decision, the matter is concluded with no further action. If the committee concurs, the Board of Directors enacts the fine. Both the homeowner and the board are notified of the committee's decision within seven days by mail, email, or in person.

Legal Requirements and Statutory Compliance

The establishment and procedures of the Compliance Fining Committee are mandated by changes in the 2024 and 2025 State Statutes. Although these procedures will be formally added to the association governing documents during the next revision, all HOAs are currently required to follow them. The statutes specify all relevant time restrictions and limitations. For clarity and accuracy, the relevant section of this law is reproduced in the following section, and homeowners are encouraged to review it, as the association will adhere strictly to its provisions. Summarizing or restating the law could cause confusion or misunderstanding.

2024 Florida Statutes (Including 2025C)

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.

(2) An association may levy reasonable fines for violations of the declaration, association bylaws, or reasonable rules of the association. A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court.

(a) An association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. This paragraph

does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice of the parcel owner's right to a hearing to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, to any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended. Such hearing must be held within 90 days after issuance of the notice 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. The committee may hold the hearing by telephone or other electronic means. The notice must include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the hearing date, location, and access information if held by telephone or other electronic means. A parcel owner has the right to attend a hearing by telephone or other electronic means.

(c) If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

(d) Within 7 days after the hearing, the committee shall provide written notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, of the committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, licensee, or invitee of the parcel owner may cure the violation, if applicable, or fulfill a suspension, or the date by which a fine must be paid.

(e) If a violation has been cured before the hearing or in the manner specified in the written notice required in paragraph (b) or paragraph (d), a fine or suspension may not be imposed.

(f) If a violation is not cured and the proposed fine or suspension levied by the board is approved by the committee by a majority vote, the committee

must set a date by which the fine must be paid, which date must be at least 30 days after delivery of the written notice required in paragraph (d). Attorney fees and costs may not be awarded against the parcel owner based on actions taken by the board before the date set for the fine to be paid.

(g) If a violation and the proposed fine or suspension levied by the board is approved by the committee and the violation is not cured or the fine is not paid per the written notice required in paragraph (d), reasonable attorney fees and costs may be awarded to the association. Attorney fees and costs may not begin to accrue until after the date noticed for payment under paragraph (d) and the time for an appeal has expired.

(3) If a member is more than 90 days delinquent in paying any fee, fine, or other monetary obligation due to the association, the association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the fee, fine, or other monetary obligation is paid in full. This subsection does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection.

(4) An association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the association that is more than 90 days delinquent. A voting interest or consent right allocated to a parcel or member which has been suspended by the association shall be subtracted from the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the governing documents. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection. The suspension ends upon full payment of all obligations currently due or overdue to the association.

(5) All suspensions imposed under subsection (3) or subsection (4) must be approved at a properly noticed board meeting. Upon approval, the board must send written notice to the parcel owner and, if applicable, the parcel's occupant, licensee, or invitee by mail or hand delivery to the parcel owner's designated mailing or e-mail address in the association's official records.

(6) The suspensions permitted by paragraph (2)(a) and subsections (3) and (4) apply to a member and, when appropriate, the member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple parcels owned by a member.

(7) Notwithstanding any provision to the contrary in an association's governing documents, an association may not levy a fine or impose a suspension for any of the following:

(a) Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time.

(b) Leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the governing documents, unless such decorations or lights are left up for longer than 1 week after the association provides written notice of the violation to the parcel owner.