Homeowner's Association Compliance Committee Guidelines

A Compliance Committee established as an adhoc committee by the Hampton Board of Directors (BOD) will assist in managing conflicts that have escalated beyond resolution through friendly reminders about the rules, publication of rules in the association by “email blasts” and by a letter addressing the violation to the homeowner. The BOD would then refer non-compliance disputes to the Homeowner's Association Compliance Committee (HOACC).

**Role:** Resolve disputes among homeowners in a subdivision governed by bylaws, restrictive covenants and rules set by the Association and enforced by an elected Board of Directors (BOD). Goal should be compliance NOT revenue generation.

Issues are varied – landscaping, noisy teenagers, vandalism, dog issues, encroachment on common areas. This list are examples and not inclusive as the possibility for neighborhood disputes are endless. Financial delinquencies will NOT be a role of the Compliance Committee.

**Selection:** Deeded homeowners may volunteer and selection made by majority vote of BOD.

**Term:** 2 years – when new board is elected.

**Membership:** 3-5 deeded homeowners in good standing, who are NOT relatives of a member of the BOD, serve on the BOD, reside with a board member, or an employee of the management company.

**Report to:** BOD/Compliant Committee (must also be owner on deed not renter).

**Parties:** May include neighbor to neighbor, BOD/resident, homeowner/service personnel, or homeowner/management company.
A compliance hearing procedure maybe an effective part of a well designed management system for HOA's. The HACC hearing will require parties to share a written statement of issue (s) and any documentation prior to the hearing.

**Process:**

1. Homeowner is notified of violation by courtesy notice.
2. Homeowner is notified of violation by certified mail, ask they correct issue within 3 days, stating no corrective action fine/hearing will be scheduled. By law, homeowner is entitled to a hearing before fining is issued.
3. Non-compliance a fine hearing letter is issued to homeowner with 14 days notice of hearing to include meeting place, date and time. **If homeowner does not respond to the hearing the fine is automatically applied to the account.**
4. Meeting must be posted to all residents 48 hrs prior to the hearing. Residents may attend but are NOT allowed to speak. Remember this hearing is not a debate. The Compliance Committee should not engage in a back and forth discussion with grievant.
5. The Compliance Committee will advise all parties that the decision of the Committee is FINAL and the Committees decision will be given by mail within 7 business days. This avoids any further arguments.
6. The Compliance Committee will then deliberate based on facts presented and reach a decision.

Fl Statute 720.303: Maximum fine is $100 per violation. Fl Statute permits ongoing violation to be fined at $100/day up to $1000, if not corrected a fine can result in further legal action against homeowner if fine reaches excess of $1000.
Compliance Hearing Format

This compliance hearing format is a set of steps to follow in this homeowner's association conflict resolution process to ensure that alleged violations of the by-laws, covenants, conditions, restrictions, regulations or policies of the association are resolved uniformly.

1. Compliance Committee introduces themselves and states their understanding, clarification of issue. (3 minutes)
2. Homeowner presents testimony and any relevant evidence regarding issue. (10 minutes)
3. Respondant presents testimony and relevant evidence with fine to be levied. (10 minutes)
4. Opportunity for rebuttal. (3 minutes)
5. Committee members may ask questions to clarify issue if necessary. (5 minutes)
6. Member of Committee will summarize next process for notification of committees decision. (3 minutes)
8. Closed session of Committee and written report.

Hearing Meeting Total (30 – 40 minutes)
RESOLUTION REGARDING THE FINE/GRIEVANCE PROCESS FOR NON COMPLIANCE OF THE GOVERNING DOCUMENTS

I certify that I am the Secretary, and keeper of the records and minutes of meetings of the Hampton Community Association, Inc. a Florida non-profit corporation (the Corporation), and that pursuant to a meeting by a majority of the Board of Directors of the Corporation on September 12, 2017, the following resolution was duly and legally adopted and has not been revoked, altered or amended.

Resolved, that the Board of Directors for the Hampton Community Association has the authority under the governing documents of the association to make certain rules, regulations and procedures regarding association matters.

Further that, pursuant to a meeting held by a majority of the Board of Directors of the Corporation on September 12, 2017, the following procedure regarding the enforcement of violations of the governing documents and subsequent fine and appeal (grievance) process is hereby adopted:

1. Upon discovery of a violation the homeowner will be sent a courtesy notice detailing the nature of the violation and time frame for completion.
2. Homeowner will receive a second and final notice for non-compliance after the initial time frame for compliance lapses.
3. Homeowner will receive a notice of hearing before the Grievance Committee to be scheduled not less than 14 days in advance to be given an opportunity to dispute or appeal the fine.
4. Any ratified fine will be due and payable within 30 days or additional collection and/or legal action will be commenced.

In witness whereof, I have set my signature as Secretary of the Hampton Community Association, Inc.

Signature: Date: