

**Lake Heather Oaks Homeowners' Association
Guidelines and Standard Operating Procedures
for Violation Remedies Structure and Fining Committee**

These guidelines serve to clarify the language within in our DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR LAKE HEATHER OAKS NORTH LAKES, SECTION F, UNITS 1, 2 & 3, Article VI, General Provisions, Section 1, and also Article VII, Restrictions on Subdivision Lots.

These guidelines are first and foremost an effort to improve communication to all Homeowners. It is also the responsibility of each Homeowner to communicate effectively with the Board throughout the process. If we all work to keep our homes to the high standard of our community, then Lake Heather Oaks can remain a beautiful, safe neighborhood.

1. Standard Operating Procedures (SOP):

- Identify Violations:
 - Regular inspections: The LHO HOA will conduct regular inspections of the community to identify any violations of the association's deed restrictions and covenants. There will be one formal process each year for all homes.
 - Resident reports: Residents are encouraged to report any violations they observe to the HOA for investigation.
 - Self reported projects that may be in violation will be reviewed by the Board to delay the timing of the violation. Communication from the Homeowner is the key.
- Notification:
 - Upon identification of a violation, the homeowner will be sent a notice of noncompliance via personal contact, email, or certified mail, detailing the nature of the infraction and the steps required for remediation.
 - The notice will specify a reasonable timeframe within which the homeowner must rectify the violation.
 - The Homeowner is expected to respond within 10 business days of notice letting the Board know plans for remediation
- Opportunity to Cure:
 - Once notified, homeowners will begin clear communication with the Board to discuss their plan for corrective action including timeline.
 - Homeowners will be given a reasonable opportunity to cure the violation before further action is taken.
 - The timeframe for remedy will depend on the nature and severity of the violation but will generally be within 10 - 45 days from issuance of the violation notice.
- Follow-up Inspection:
 - Homeowner contacts the Board to initiate this follow-up inspection.

- After the specified timeframe for remedy has elapsed, a follow-up inspection will be conducted to verify whether the violation has been addressed. If it hasn't been remedied, a second notification will be sent and residents will be given a second opportunity to cure. The Homeowner must respond within 10 business days of second notice for remediation.
- If the violation remains, the Board will levy a fine and the matter will be referred to the Fining Committee for further action with a third notification. The homeowner who has been levied a fine must be given at least 14 days notice pursuant to FI Statute 720.305, (2)(b) of the committee meeting at which their violation and fine will be considered.

2. Fining Committee Structure:

- Consist of a minimum of three members selected by the Board of Directors.
- Members should be impartial and objective and not in direct contact with the violator (ie. direct neighbor, a family member, the person who reported the violation, a person on the same street or other similar situation). Ad Hoc committee members may be appointed as needed by the Board.
- All members should have knowledge of the Deed Restriction Documents for our Homeowners Association and Florida Statutes.

3. DEFINITIONS OF VIOLATIONS:

- ARC Exterior Request Forms not completed and approved prior to commencing work. (Minor)
- Parking vehicles on grass, blocking the sidewalk during daylight hours, or parking in the street when there is room in the garage or driveway without blocking sidewalks (Moderate)
- Unauthorized addition to the driveway of the home (major)
- Recreational vehicles visible from the street in excess of time (No longer than 48 hours) needed to prepare and clean up after a trip. The key is communication to the Board. (Moderate to Major)
- Trailers and/or Commercial vehicles stored overnight and visible from the street. (Major)
- Unsightly items that should be stored in a garage or behind a fence that are visible from the street (Major)
- An inoperable vehicle or a vehicle covered by a tarp or other covering that is not intended for the sole purpose of vehicle protection. (Moderate to Major)
- Sidewalks and/or driveways that are not clean and free of debris for safe passage. (Moderate)
- Dirt or mildew on the exterior of building, including but not limited to the roof, walls, entry doors, garage doors, eaves, chimney, screen enclosures visible from the street, and fences. (Moderate to Major)

- Exterior of a building in poor repair, to include rotted wood, exterior paint worn or in poor condition, or deteriorated stucco or other material, screen enclosures, and fences. (Major)
- Mailbox not maintained as required, to include dirt or mildew, a mailbox or post in poor condition or lacking visible house numbers per County Code. (Minor)
- Unkempt or dead trees or shrubs. (Moderate)
- Trash containers or yard waste in bags or containers stored in view of an adjacent residence or of the street. (Moderate)
- Trash bins or yard waste in bags or containers placed along the curb prior to the evening before scheduled collection, or not removed by the evening the day of the scheduled collection. (Minor)
- Flower or shrub beds not defined or properly edged. (Minor)
- Unkempt lawns/landscaping, grass deteriorated, missing, or dead, or with a heavy presence of weeds. (Moderate to Major)
- Noise disturbances as defined in our Deed Restrictions. (Moderate)
- Painting the exterior of the residence without getting pre-approval via the ARC Exterior Request form. (Major)

4. Levels of Violations and Associated Fines:

- First-time Warning of Violations: Written warning, no fine. Homeowner is responsible for curing the violation and communicating with the Board.
- Second Warning of Same Violation: Written warning, no fine; Communication **required** from resident to the Board and continued opportunity to cure the violation.
- Once the deadline for remediation has passed, the Third Warning and levied fine will be sent to Homeowner and the Fining Committee for review. A meeting will be held between the Fining Committee and Homeowner to discuss correction and next steps for course of action. See procedures for Fining Committee Guidelines.
- Repeated and/or On-going Violations: Once a violation is referred to the Fining Committee and a fine has been levied by the Board, a formal meeting is held, and fines will be confirmed or rejected by the Committee. Fines can be up to \$100 daily for recurring violations. Multiple violations will be treated individually.
 - Minor violations (e.g., unkempt lawn, parking violations, not completing an ARC Exterior Request Form): \$15-\$50.
 - Moderate violations (e.g., failure to maintain property, noise disturbances,): \$50-\$75.
 - Major violations (e.g., unauthorized structural modifications, repeated violations after warnings): \$75 - \$100.
- Please note:
 - First-time individual fines are fixed amounts.
 - For recurring or repeated violations, fines can escalate daily up to the specified maximum amount according to State Statute.

- There is also a list of One-Time Finable Offenses - see examples below

Examples of One-Time Finable Offenses

1. Any of the following actions that occur without prior approval from the ARC:
 - a. House is painted
 - b. Shed is installed
 - c. Fence is installed
 - d. Major renovation to the structure of a house
 - One-time fee for not submitting a formal request for ARC approval. Homeowners will be assessed a fee and receive a letter advising that they have 7 business days to submit the ARC Exterior Improvement form.
 - If the ARC committee approves the work that was done, no further fees will be assessed
 - If the ARC committee does not approve, the homeowner will be given a reasonable amount of time, based on the nature of the work, to go back to the original state of the home or make ARC recommended changes.
 - If the homeowner responds and needs additional time to comply, additional time may be granted at the discretion of the fining committee through a formal meeting prior to a scheduled Board Meeting.
 - It will be the responsibility of the homeowner to provide evidence of remediation to the fining committee (i.e. time stamped photos of completed work)
 - If the unapproved project does not get remedied based on ARC recommendations, the homeowner will be subject to a fine to the maximum amount allowed by Florida Statute.

5. Letter Templates:

- Initial Violation Notice
- Follow-up Notice
- Final Notice
- Notice of Fines Imposed
- Notice Regarding Unpaid Fines

6. Distinguishing First-time Violations vs. On-going Violations:

- First-time violations: Typically warrant a warning letter, allowing homeowners an opportunity to rectify the issue without financial penalty. The key is communication from the Homeowner to the Board.

- On-going violations: Repeat offenses, despite warnings, necessitate escalation to the fining process. Separate concerns are addressed as individual violations.

7. Board Approval of Fining Committee Members:

- Three Fining Committee members will be appointed by the Board based on the qualifications and expectations outlined in Florida Statute 720.305.
- Board ensures committee members are knowledgeable about HOA regulations and capable of impartial judgment.

These guidelines and procedures are established in accordance with Hillsborough County, FL laws and Florida Statute 720.305 to maintain community standards and ensure fair enforcement within Lake Heather Oaks Homeowners Association.

•Motion made and approved by the Quorum of the Board at the June 26, 2024 Board Meeting.