

## **Indian Wells HOA Fining Process**

Florida law allows Homeowners Associations to levy monetary fines against Homeowners who violate the Declarations and/or Rules and Regulations of the Association. In addition, violations may be remedied by the Association by injunction or other legal means and the Association shall be entitled to recover in said actions, any and all court fees and costs incurred by it, together with reasonable attorney's fees, against any person violating the Declaration of Protective Covenants, Restrictions and Easements for Indian Wells Golf Villas.

### **Process**

Fines are levied by the Board of Directors in a noticed and open meeting per state law. Violations can result in fines amounting up to \$100 a day up to a maximum allowed by law. The party subject to the proposed fine shall be afforded an opportunity for an appeal hearing after reasonable notice of not less than fourteen (14) days, and the notice shall include:

- (1) a statement of the date, time and place of the hearing
- (2) a short and plain statement of the specific facts giving rise to the alleged violation(s)
- (3) the possible amounts of any proposed fine

The party subject to the proposed fine must contact the management company in writing within 14 days of the fine being levied if they intend to attend the meeting and appeal the fine. If this contact is not made, the meeting will not be held and the proposed fine will be levied as if the meeting was held and the fine approved. The appeals meeting will be conducted by the Fine Appeals Committee (FAC). The sole role of the FAC is limited to determining whether to confirm or reject the fine proposed by the Board. In the meeting with the party subject to the proposed fine, the FAC will either approve or reject the fine. The fine payment is due 5 days after the date of the committee meeting at which the fine is approved (or 5 days after when the meeting was to be held in the event that the party whom against the fine is sought does not plan to attend and appeal) . The decision of the FAC is final.

### **Fining for violations that can be cured**

Homeowners with violations will be sent a first notice stating the violation must be corrected within thirty (30) days. No fine will be levied at this time. If the thirty (30) days pass and the violation has not been corrected the Board of Directors will levy a fine.

The following are some examples of Declaration or Rule and Regulations violations that can result in fines being levied for violations that can be cured:

- Homeowners not maintaining the exterior of their units. This includes, but is not limited to, exterior painting, roof and driveway cleaning.
- Any change requiring approval by the ARC (Architectural Review Committee) and approval was not sought by the Homeowner or the request was denied.

## **Fining for violations that cannot be cured**

If the violation cannot be cured, the Board will levy a fine based on the when the violation occurred and the number of days that the Homeowner is in violation.

Examples of violations that cannot be cured include:

- Non-compliance with Section 10 the Declarations regarding leasing. For example, if the Homeowner fails to provide the required notice and information at least thirty (30) days prior to the first day of occupancy or fails to get Board approval and Tenant(s) show up. In this example, the violation occurred 30 days before the Board would know the Owner was in violation and the Board cannot under Florida law immediately evict the Tenants(s). In this example, the Homeowner will be fined \$100/day up to the maximum of \$1000 starting when the Homeowner was required to give notice.
- Significant nuisance violations.

Please, be advised, these are only some examples of the Declarations and Rules and Regulations of the Indian Wells Homeowners Association violations. Please see the Declaration of Protective Covenants, Restrictions and Easements for Indian Wells Golf Villas approved 28 June 2018 and any approved Amendments. They can be found on our HOA website – [IndianWellsHOA.net](http://IndianWellsHOA.net). Also, all residents should have a copy of the complete documents. If you don't, you may request a copy at your expense from Anchor Associates Property Management at 239-649-6357 or visit our website for an unofficial copy.

It is the Board's responsibility to see that the Declarations, Rules and Regulations of the Homeowner's Association are being followed. Those Declarations, Rules and Regulations are there for the benefit of all of us. They are meant to protect our property values and to ensure our neighborhood remains the beautiful and peaceful one we all enjoy.