

The Heights of Kerrville Homeowners Association

Fines Policy

Per State Law (Property Code 209.006), the Board of Directors enacts this Fines Policy to define the administrative action required by the board to fulfill obligations as presented in the Bylaws of The Heights of Kerrville HOA and the HOA Standards and Guidelines.

- The Board may impose a fine of \$100.00 per day for what the Board considers a willful violation of HOA Covenants, HOA Bylaws, and HOA Standards and Guidelines.

An Association member confronting action under this policy is entitled to a reasonable period to cure the violation and avoid fines.

Notice of Violation

Before imposing a fine, the Board must provide the Member a written notice by certified mail to the last known address as shown on HOA records clearly stating the following:

- A description of the violation or damage that is the basis for the fine.
- The date by which the Member must cure the violation if the violation is curable and does not present a significant risk to public health or safety.
- The fine amount to be assessed if the violation is not cured.
- The Member may request a hearing on or before the 30th day after the date the notice was mailed to the Member.
- The Member may have special rights under federal law if serving active military duty.
- The Association will take legal action if necessary and will seek attorney's fees and costs from the Member to enforce the restriction at issue.

Member Board Meeting

The Board shall hold a hearing in Executive Session not later than the 30th day after the Board receives the Member's request for a hearing and shall notify the Member of the date, time, and place of the hearing not later than the 10th day before the hearing. These notice requirements do not apply if the HOA seeks a temporary restraining order due to public health or safety risks. Either party may request a postponement, which shall be granted for not more than ten days unless granted otherwise by both parties. Either the Member or Board may make an audio recording of the hearing.

- Within ten days of the hearing, the Board is to send a written notice to the Member by certified mail to the last known address as shown on HOA records clearly stating the following:
 - Date, time, and place the hearing occurred,
 - Violation, the fact of prior notices, the hearing, and the Board's decision,
 - Specific date the violation must be cured,
 - The fine and specified rate of accrual, if any, that applies from that date,
 - Original Notice of Violation and Administrative Action.
- Not later than ten days before the hearing, the Board shall provide the Member a packet containing all documents, photographs, and communications that the Board intends to introduce at the hearing. Otherwise, the Member is entitled to an automatic 15-day postponement of the hearing.

- A Board member or designated representative of the HOA shall first present the HOA's case against the Member. The Member or Member's designated representative is entitled to present the Member's response.
- After the Member's response, if any, the Board deliberates and makes a final decision on the violation and any fines and prepares a summary of the proceedings.

Adopted by the Board on March 7, 2024