

## BMB Master Association Compliance Enforcement Guideline

The Village of Blue Mountain Beach is a deed restricted community with binding contractual rules and regulations called “Covenants, Conditions, and Restrictions” (CC&Rs) or in short , “Covenants”. When a purchase of property is made in our community (Condominium, Home/lot parcel), the owner agrees to mandatory membership in the Blue Mountain Beach Master Association (BMBMA) and also agrees to abide by the restrictions contained in the covenants/governing documents. These restrictions are in place for the good of the majority with the explicit purpose to foster and maintain the best possible living environment for the well-being of all members and to protect our property values.

Nothing in this guideline obligates or requires the Board of Directors or its authorized committee to take any action against an individual resident. No action will be taken if the allegation of violation can be considered frivolous and/or is an allegation that does not violate any CCR.

The process of enforcing the CC &Rs varies by the type and magnitude of the violation. It should be noted that some violations may also be violations of County code. If a violation can be managed by County code, it is standard procedure to allow the county to handle resolving the issue. Contact with the County to address code violations can be initiated by the property management company, BMBMA Board members, or any member of the community.

Violations that can't be resolved through code resources may require intervention by the BMBMA Board of Directors and may include such actions as requesting the violator to cease the offending action, correcting the violations as allowed by our CC&Rs at the owners expense(special reimbursement assessment), fining the violator, suspending the owner's membership rights, and taking legal action against the violator.

The BMBMA Association has the right, but not the duty, to correct an issue such as failing to maintain property, i.e. allowing property to fall into disrepair or not maintained so as to create an unsightly or unattractive condition, or dangerous/unsafe condition. Repair or maintenance can be initiated and the cost of repair will be charged to the owner or such Constituent Association. Per Section 7.1 of the CC&Rs, *“the cost shall be a Special Assessment and shall create a lien upon all the Units in said condominium or association, or particular affected Units, enforceable in the same manner as other assessments as set forth in this Declaration. Such Constituent Association, or such Owners, shall pay promptly all amounts due for such work, and the costs and expenses of collection may be added, at the option of the Board of Directors, to the amounts payable by each Unit Owner in the affected Constituent Association or payable by the Unit Owner as Common Assessments”*. Note: This action is not considered a fine or suspension. Florida Statute 720.305 specifically

addresses the required actions that must be taken by an HOA Board of Directors if a either a fine or suspension is made.

See <http://www.flsenate.gov/Laws/Statutes/2018/0720.305> for detail of the 2018 Florida Statute.

## **Compliance Committee**

The BMBMA Board has appointed three community members to the Compliance Appeal Committee (CAC). This committee will review all fines/suspensions imposed by the board, review any owner appeal for fine/suspension, and to make decision to approve or disapprove the board action.

## **Process Steps for Fine or Suspension**

1. The BMBMA Board has appointed three community members to the Compliance Appeal Committee (CAC). No members of this CAC may be officers, directors, or employees of the association or the spouse, parent, child, brother, or sister of an officer, director, or employee of the association.
2. A warning letter to the owner will sent indicating that prior to imposing either a fine or suspension, the alleged violator will have 14 days' notice of an appeal hearing before the CAC so that he or she has an opportunity to present his or her side of the issue against initiation of the fine/suspension. (See exhibit A: example letter)
3. The owner will be allocated 10 minutes to appeal their case to the CAC.
4. A majority of the committee must affirmatively vote to impose the fine or suspension. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.
5. The association must provide written notice of the fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.
6. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved.
7. The fine may not exceed \$100/day per violation against any member, tenant, or guest. If the fine has been authorized at a hearing and continues to go unpaid, it may be levied on the basis of each day of a continuing violation but cannot exceed \$1,000 unless otherwise provided in the governing documents.
8. The fine and any associated costs, i.e. attorney fees, shall be turned over to the management company for billing and collection in accordance with the normal process used for amounts due in connection with a property.
9. If the violator's rights to use association property are suspended, he or she must still be able to use any parts of the common areas necessary for motor vehicle or pedestrian access to and egress from the community.

## **Fine Schedule**

Fines assessed by the BMBMA will be set as allowed by statute.

More than one violation may result in more than one fine during the same period.

This schedule of violation fines has been approved by the BMBMA Board of Director's and may change from time to time as the Board deems necessary.

### **EXHIBIT A: Example Warning Letter**

#### **ABC Owners Association, Inc.**

C/o ABC Association Management Services

US Hwy 98 west, Santa Rosa Beach, FL 32459-4703

**850-123-1234** office

e-mail:

**Fax: 850-231-1234**

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February 12, 2019

#### **Via Certified/Return Receipt and First-Class U.S. Mail**

John Doe  
1234 Beach Front Avenue  
Santa Rosa Beach, FL 32459

RE: Lot 44 ABC Owners Association

#### **NOTICE OF INTENT TO LEVY FINE**

Dear Mr. Doe:

This letter shall serve as the fourteen (14) day notice of the ABC Homeowners Association, Inc.'s ("Association") intention to levy fines against you for the following violation(s) of the governing documents and/or rules of the Association:

#### **Lot 44 (1234 Beach Front Avenue)**

- Parking on the roadway between the hours of 12:00 am – 6:00 am on the morning of Tuesday, February 5, 2019. (Enclosed photo was taken at 1:43 am). The foregoing actions are violations of the following section of the Association's governing documents and/or rules: Section 2 (a), Schedule of Amendments to Rules and Regulations of the ABC subdivision **The proposed fine for this violation is \$100.**

#### **Lot 44 (1234 Beach Front Avenue)**

- Parking on the roadway between the hours of 12:00 am – 6:00 am on the morning of Wednesday, February 6, 2019. (Enclosed photo was taken at 5:10 am). The foregoing actions are violations of the following section of the Association's governing documents

and/or rules: Section 2 (a), Schedule of Amendments to Rules and Regulations of the ABC subdivision **The proposed fine for this violation is \$100.**

**Lot 44 (1234 Beach Front Avenue)**

- Parking on the roadway between the hours of 12:00 am – 6:00 am on the morning of Wednesday, February 13, 2019. (Enclosed photo was taken at 1:30 am). The foregoing actions are violations of the following section of the Association's governing documents and/or rules: Section 2 (a), Schedule of Amendments to Rules and Regulations of the ABC subdivision **The proposed fine for this violation is \$100.**

You are entitled to a hearing regarding the validity of the imposition of fines. A hearing has been scheduled for February 28th, 2019 at 11:00 a.m. at the offices of ABC Association Management Services, US Hwy 98 West, Santa Rosa Beach, Florida. The hearing will be conducted before a body of three (3) Association members present in person or by telephone conference, who will determine, by a majority vote, whether to assess a fine for the violations. To the extent approved by the fine committee, the fines proposed above will be levied to the account of the appropriate lot.

If you have any questions or require any additional information, please contact me at the number provided above.

Sincerely,

ABCDE, Association Manager  
*for ABC Owners Association Board of Directors*

Enclosures (3)