

**BONITA LAKES POA**  
**Architectural Control / Violations Committee**

**Violations Procedure/Protocol**

**STEP 1** (DOR 21.13 provides authority for access for inspection)

- a) Management Team checks all homeowner's property for violations during routine patrols.
- b) Management Team sends violation letter to Homeowner where violations are discovered giving 14 days from date of letter for correction, then reinspection for compliance.
- c) In the event an improvement is found which has generally been approved in the past, but not documented in the unit file, the notice should include wording that no ACC application or approval exists for the improvement considered to be in violation. ACC application form should be included in the notice envelope and the file suspended for 14 days.
- d) In the event 14 days is insufficient due to material delays, contractor scheduling etc, Management Team is authorized to negotiate reasonable terms and modify the protocol on a case by case basis to suit the situation.
- e) In the event the Management Team is unsure of the status of an improvement as being in violation, they will refer the matter in the form of a complaint to the Chair/Vice Chair of the ACC/VIO for investigation and a finding on the complaint. The ACC/VIO will then determine if the Management Team should move forward with the violation process.

**STEP 2**

- a) Management Team checks homeowner's property to see if violation was corrected or an ACC application has been received.
- b) If ACC application is on file, no further action is required pending review by the ACC.
- c) If Violation is corrected no further action is required.
- d) If violation is not corrected, a second violation notice is sent to the homeowner giving 14 days from date of letter for correction, then reinspection for compliance. (Step 1(c) applies). Notice refers to the first letter, and includes wording that this is now a second notice and warning that failure to comply will result in a summons for mandatory appearance at a violations hearing.

**STEP 3**

- a) Management Team checks homeowner's property to see if violation was corrected after second notice.
- b) If Violation is corrected no further action is required.
- c) If violation is not corrected, a Third violation notice is sent to the homeowner via certified mail, a second copy personally delivered to the residence and hung on the entry door in a sealed envelope. Notice specifically advises that there have been two notifications of violation and no action has been taken, notice will include dates of previous letters. Notice advises that the homeowner must appear before the violations committee at a schedule hearing. Notice must include the wording that failure to appear at the hearing or respond in person or by phone to this complaint may result in automatic accrual of fines against the unit.

**STEP 4**

- a) Homeowner must notify Management Team of their intent prior to hearing date.
- b) Management Team will make two (2) attempts to reach the homeowner by telephone at least 7 days prior to the hearing date if no response to Step 3 is received. File will be noted as to date and time of calls, message left and the response if any.

- c) If they are unable to attend the mandatory hearing they must notify Management Team at least 7 business days prior to the scheduled violations committee hearing that they will not be able attend the meeting to address the violation. The homeowner must request an extension and attend the next scheduled violations committee hearing. Only one such postponement is permitted. File should be documented as to the contact with the homeowner.
- d) On hearing day, Management Team will make one last inspection to determine the status of the violation and make note on the file. Clearance does not negate the requirement that the homeowner attend the hearing and explain the issues and conduct.
- e) If homeowner does not attend the scheduled/agreed violations committee hearing and has not given notice of non attendance, skip to **Step 6**.

## **STEP 5**

- a) The homeowner attends the violation committee hearing and presents their case in the allotted time period.
- b) The committee will have the opportunity to ask any questions to the homeowner in the time allotted.
- c) Final recommendations will be sent to the Management Team

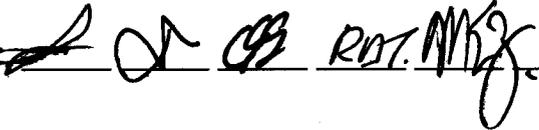
## **STEP 6**

- a) Homeowner is notified in writing of the decision of the ACC, or that due to their failure to show up for hearing, the violation stands.
- b) Notice must include wording that:
  - a. Violation was upheld or homeowner failed to show up for hearing and the homeowner now has 14 days to remove/correct the issue.
  - b. If the homeowner intends to correct the violation by addition, construction or deletion and such correction will require ACC approval of materials, methods; then the notice should include wording that an ACC application must be filed for all planned work. Form should be included in the notice envelope. ACC application cannot be used to reapply for approval of the issues which were the subject of the violation, only for the corrective measures needed.
  - c. Homeowner has the right to file a petition for a variance IAW DOR 21.10, form for such purpose should be included in the notice envelope.
  - d. Timetable must be specific, homeowner must correct the violation except as in (d) below, and/or petition for variance or ACC application for correction (per b above) must be filed within the 14 day period.
  - e. Failure to clear the violation or apply for a variance within 14 days constitutes default
- c) If the violation stands and the issue must be removed or corrected, the homeowner is given 14 days to clear the violation after which fines as promulgated by the ACC will begin to accrue IAW Florida Statute 617.305 (2a).
- d) Homeowner may apply for a variance IAW DOR 21.10 and CS para 3, but the violation must be cleared before the homeowner has standing to apply except in the case where compliance would require construction/demolition which may be avoided by a successful petition. Variance application must be made within the 14 day period.
- e) If the variance is denied, protocol resumes again at (c) above and (d) does not apply.
- f) **No right of appeal exists under this section.** The only right of appeal exists when an applicant for a proposed change under this section is denied at the application phase. At that time, the homeowner may appeal the denial to the Board IAW DOR 21.8.6 and CS para 5.8, or apply for a variance IAW DOR 21.10 and CS para 3.

**STEP 7**

- a) Homeowner fails to correct the violation and/or fails to apply for a variance within 14 days of final notification.
- b) Management Team makes a final inspection, and noted the file that the violation remains open
- c) File is forwarded to the Board for review and referral for legal action to enforce the provisions of the documents.
- d) Board will authorize Attorney to proceed with injunctive relief measures.

Adopted by ACC/VIO Committee Action on: 6-21-04

Initials: 

Approved/adopted by the Board of Directors on: 6-21-04

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