

PSH Violation Enforcement Process

I. Overview:

This proposed process is a guideline for your reference; the objective of the violation process is to ensure compliance with the Association documents in a fair, consistent, and systematic manner. A formally adopted process for handling violations will eliminate potential ambiguity and allows for due process as set forth in Section 28 of the Declaration.

Due process is a formalized protocol designed to protect the rights of all parties involved. Utilizing this process will ensure that violations are handled in a consistent manner and provide an opportunity for the homeowner to be heard.

The due process procedure allows for an appeal process, which provides unit owners with an opportunity to be heard. A fine or suspension may not be imposed without a minimum fourteen day advance notice to the person sought to be fined and an opportunity for a hearing before a Grievance Committee of at least three members appointed by the Association President. Committee members may not be Board member or anyone residing within a Board members household.

The process described below utilizes standardized written communications issued to the offending party prior to a fine being levied. The process can be completed in just two mailings if the owner does not wish to appeal to the Grievance Committee.

II. Violation Enforcement Process:

1. Management receives direction from the Board of Directors on the degree of enforcement.
2. **First Letter/ Notice** – A verbal or Email and a written notice is sent to the owner (and tenant if applicable) of the unit, identifying the violation in question and providing the owners/tenants with a predetermined amount of time to comply. This first letter is a warning and is intended as a reminder, clarification of the infraction with a request to comply/correct the violation within a specific time frame. The first letter must state that if the violation is not corrected as requested or there is a repeat of the same violation it will result in the owner being fined. The first letter should not contain the name of the owner or renter who identified the violation but their name should be kept on file in the office as this may be required at a subsequent grievance hearing.
3. Management will follow-up to ensure the violation has been corrected if required.
4. **Second letter/Notice** – If the violation has not been corrected or the same violation is repeated a second letter is sent to the owner. The second letter references the first letter and advises the owner if a fine is being imposed by the Board. It may, based on the specific circumstances, provide the owner with an additional predetermined amount of time to correct the violation. It may also advise the owner that the Association will correct the violation and charge the owner for the work. If the owner pays the fine the matter is concluded.

5. **Third Letter/Notice** – If the owner wishes to appeal the fine a third letter is sent that informs the owner that there will be a hearing before the Grievance Committee where the violation and fine will be discussed invites the owner to attend. This letter identifies where and when the meeting will be held and must provide a minimum of fourteen days advance notice and is sent via certified mail, return receipt requested, and also via Email if possible.
6. At the Grievance Committee meeting, the owner may present statements or other evidence as to why there should not be a fine. After consideration the Grievance Committee shall determine whether a fine should be levied and if so the amount of the fine. If the Grievance Committee, by majority vote, does not approve a fine then it may not be imposed. The decision of the Grievance Committee shall be mailed or hand delivered to the unit owner and the occupant if applicable by the Association Manager and a copy given to the Association President.

III. **Additional Notes:**

1. All reports of violations must be in writing and should include as much information as possible including pictures if applicable.
2. All first letters include a description of the alleged violation, a picture of violation if applicable, owner's name and address, unit number and timeframe to correct and are sent by regular mail. If the violation was reported by an owner or renter the first letter does not contain the name of the person reporting the violation.
3. Second letters are sent via certified mail with a return receipt requested.
4. Third letters are also sent via certified mail with a return receipt requested and require a minimum fourteen day advance notice prior to the hearing.
5. The Grievance Committee should establish a predetermined day, time, and location for the meeting.
6. The Grievance Committee should have 5 members including a chairperson appointed by the President of the Association. There must be at least three Committee members present for a hearing.
7. After each case is heard, the Committee should make a motion to levy a fine (or not levy a fine), and the appropriate amount per day and/or occurrence.
8. To ensure consistent enforcement, a predetermined schedule of fines for common and/or recurring types of violations (i.e. \$25 per day for pet infractions) is included in this document. The list is not inclusive and the fines for other violations will be determined by the Board and confirmed by the Grievance Committee.
9. Fines may be up to \$100 per violation or day (continued violation), up to a maximum of \$1,000 per violation.
10. For some violations the Association may be able to correct the violation and charge the unit owner for the expense incurred.

IV. Schedule of Fines for Common Violations and Letter/Compliance Timing Chart

The following Schedule of Standard Fines is designed to make the fine assessment procedure consistent, fair, non-selective and easier to use. The schedule is designed as a guide and can be altered at any time by the Board of Directors. This schedule is designed to be used in conjunction with the violation process as established and modified by the Board of Directors from time to time.

Description	1st Notice 1st Violation	Fine	2nd Notice 2nd Violation	Fine**
Parking violations (see note 1)	Verbal & Letter-24 hrs to correct	N/A	Certified Letter 48 hrs	\$50/ day
Vessel infractions (see note 1)	Verbal & Letter-72 hrs to correct	N/A	Certified Letter 30 days	\$100/day
Pet infractions	Verbal & Letter Immediate	N/A	Certified Letter	\$25/ infraction
Excessive noise after 10 pm	Verbal & Letter Immediate	N/A	Certified Letter	\$100/day
Illegal Renters/Tenants	Verbal & Letter im- mediate	N/A	Certified Letter after 7 days	\$100/day
Debris/storage in car- port/patio	Verbal & letter 7 days	N/A	Certified Letter after 7 days	\$100/day
Storage in carport/patio during hurricane season	Letter and removal by PSH Staff whose time will be charged to the owner. Minimum charge \$100			
Villa/Dock modifications without approval or be- yond approval	Verbal & Letter, stop work immediately and 7 days to correct work or documents	N/A	Certified Letter if not corrected after 7 days	\$100/day
Contractor violations, working on Sunday or after 6 pm	Verbal & Letter Immediate	N/A	Certified letter on 2 nd infraction, Board to consider banning con- tractor from site.	\$100/day
Unsafe driving, speeding	Letter only sent when reported			

**Fines cannot exceed \$100/day or \$1, 000.00 per violation.

Note 1 – vehicles and vessels may be towed off condominium property at time of second notice if approved by Board of Directors