

**THE SANCTUARY COMMUNITY ASSOCIATION, INC.**  
**COVENANT ENFORCEMENT POLICY AND PROCEDURES**

**BACKGROUND**

The Sanctuary Community Association Declaration of Covenants, Conditions, Restrictions and Easements (“CCRs”) authorize the Association through its Board of Directors (“Board”) to enforce the CCRs as well as established Rules and Regulations (“RRs”). The Board is responsible for enforcing these in a timely, consistent manner. To ensure the responsibility to enforce is fulfilled in a consistent and uniform manner, the Board has adopted the following processes, timing and communications.

**GENERAL GUIDELINES AND INSTRUCTIONS**

1. The Board has established a property management relationship that includes regular drive-through inspections.
2. Violations of the CCRs and the RRs shall be identified through observations, which may be determined by:
  - a) Drive-through inspections that shall be conducted at least once per month, but no less than 14 days. The day of the week and time of day shall vary to ensure an even distribution of such inspections.
  - b) Report by a Member directly to the property management service. Prior to any action on such report, property management or a member of the Board shall verify the violation.
3. Written notification of violation shall be sent to unit owners within 3 business days of neighborhood drive-through or the verification. All notifications shall identify the specific language of the CCRs or RRs that has been violated.
4. If the violation is not cured after the fining stage, the Board will assess each individual case to determine if the violation will be turned over to an attorney.
5. Neither representatives of the Management Company nor members of the Board of Directors shall initiate outbound telephone calls regarding the violation.
6. Nuisance violations require a minimum of 3 (three) written complaints, from different households, to initiate the Nuisance violation.
7. The Board of Directors shall implement this process in a non-discriminatory manner.

## ENFORCEMENT PROCESS

1. When a violation is either observed or reported and verified:
  - a) The unit owner will be notified of the violation through a **Courtesy Letter** and their requirement to comply with the requirements of the CCRs or RRs
  - b) Correction is requested within 15 days, or by the next inspection.
2. If no response is received and the violation is not corrected within the described timeframe, then:
  - a) The unit owner will be sent a **Violation Letter** – this notice will contain the nature of the alleged violation, the proposed sanction to be imposed, and the required corrective action.
  - b) Correction is demanded within 15 days
  - c) Also in this **Violation Letter**, the fining process and hearing process is outlined. This notice will also include date/time for the mandatory hearing before the Covenants Enforcement Committee.
  - d) This notice is sent to the Member, and if applicable, the current resident of the parcel.
3. If no response is received and the violation is not corrected within 15 days of the notification of violation, then fines begin to accrue at \$100/day.
4. Once the fine accrues to the statutory maximum of \$1000, and if a corrective action plan has not been agreed upon, and if the violation is not corrected, then the Board levies the fine as an action at a noticed meeting.
5. At the hearing noticed within the Violation Letter, the Covenants Enforcement Committee meets independently to confirm or reject the fine the Board has levied. If the Member does not attend the hearing, they have waived their hearing rights.
6. On the following inspection, with the violation again confirmed uncured, and with no agreed upon corrective action plan, the levied and confirmed fine is imposed onto the Owner's ledger. The Owner is sent, via certified & regular mail, an **Enforcement Letter**, detailing: 1) the sanction imposed, 2) how the parcel owner may cure the violation, if applicable, and 3) informing the Owner that failure to correct may result in legal action. This notice, if applicable, is also sent to the current resident of the parcel.
7. If the violation remains uncorrected, the Board will review the violation and associated facts and circumstances to determine if enforcement of the violation will be turned over to an attorney for legal action.
8. The attorney shall advise the Board regarding possible courses of action based on all facts and circumstances.

**NOTE:** The Board, through its agents, reserves the right to immediately advance to the 2<sup>nd</sup> notice depending upon the circumstances of each situation and the nature of the violation, including but not limited to: vacant homes, bank-owned homes, or “repeat offenders”, defined as the same documented violation 4 or more times per year.

## NO WAIVER OF ASSOCIATION RIGHTS

The Sanctuary Community Association, Inc. has adopted this Covenant Enforcement Policy and Procedures guideline. No right or remedy is intended to be exclusive of any other right or remedy, and each and every right and remedy shall be cumulative and in addition to any other right or remedy allowed under the governing documents or Florida Statutes, as amended from time to time. Every right or remedy given to the Association may be exercised from time to time and as often as may be deemed required by its Board of Directors.

## **MEMBERS' RIGHTS**

### **1. CORRECTIVE PLANS OR REQUESTS FOR EXTENSION**

- a) Upon receipt of the 1<sup>st</sup> or 2<sup>nd</sup> notice, members have the right to request and submit a reasonable time extension or plan to correct the violation.
  - What is deemed reasonable is at the sole discretion of the Board and its agents. Requests may be escalated to the Board which shall review and proposed corrective plans.
  - Extension and compliance arrangements shall be authorized on a case-by case basis, and in no way grant waiver to similar violations.
  - The Member shall request such arrangements in writing or email to property management.
  - Reasonable plans must include a corrective remedy and a specific date of completion.
- b) If the extension is approved, this will halt the enforcement process until the agreed timetable passes. At which time the process will continue if the violation has not been corrected.
- c) If the time expires without corrective action having taken place, the enforcement process will automatically resume, without notice to the Member.

### **2. APPEAL OF APPLIED FINES**

- a) After the fine is applied, Members have a reasonable period to correct the violation and subsequently request fine mitigation.
- b) No fine mitigation shall be considered until the violation is first cured.
- c) Fine mitigation is based on multiple factors including, but not limited to: time to cure, the violation history of the Member, and the amount of administrative time required to shepherd the matter to close.
- d) The amount of mitigation is at the sole discretion of the Board and Management, and is neither guaranteed, nor automatically or fully granted.