

POLICY RESOLUTION NO.: 230123
SNOWDEN OVERLOOK COMMUNITY ASSOCIATION, INC.
(Adopted by the SOCA Board January 23, 2023)
(Relating to Association Due Process Procedures and Schedule of Fines)

WHEREAS, the Owners, tenants, and their respective family members, guests, employees, invitees, and licensees occupying units in Snowden Overlook Community Association (SOCA) or using the common facilities are subject to and must comply with the SOCA Declaration of Covenants, Conditions and Restrictions (Declaration), the SOCA By-Laws and the rules and regulations promulgated pursuant thereto (collectively the “Governing Documents”); and

WHEREAS, Sections 5.2.2 and 5.2.16 of the Declaration and Section 5.18(a) of the By- Laws empower the SOCA Board of Directors to adopt and enforce rules and regulations governing the use of Community Common Areas and the personal conduct of Owners, tenants and guests, etc. thereon including the power to establish fines and penalties for infractions of the Governing documents ; and

WHEREAS, Section 5.2.16 of the Declaration authorizes the Board to suspend an owner’s right to use the Community Common Area facilities for infractions of the Declaration and rules and regulations; and

WHEREAS, it is the intent of the SOCA Board to do the following:

1. Achieve compliance with the provisions of the governing documents;
2. Promote unity and harmony within the community;
3. Maintain the appearance and amenity of the community; and
4. Maintain cohesive community relationships in a manner that is fair and equitable for all residents and property owners, and

WHEREAS, the Board of Directors has determined that it is in the best interest of SOCA and its members for the Board to clarify and refine its enforcement procedures and the rights of the Owners to due process in connection with those procedures,

NOW, THEREFORE, BE IT RESOLVED that the following procedures are established to address alleged violations of the governing documents of SOCA.

A. NOTIFICATION

1. A suspected violation, nuisance complaint or safety issue may be identified by the SOCA’s management staff, an individual Snowden Overlook condominium (through its Board), an individual SOCA Director, or may be brought to the Board’s attention by any resident of the community. All complaints must be submitted to the Board in writing, which may be electronic.
2. Upon receipt of a written complaint, the SOCA property manager or appropriate committee shall examine the complaint and shall make an initial determination as to whether enough evidence exists to support a potential violation.

3. If it is determined that a potential violation exists, the Owner shall be notified in writing by first class mail and email (if available and at the option of the Board). If the alleged violation pertains to a tenant residing in the property, a copy of the notification shall be sent to the property address as well as the Owner's address if the violation involves the property and/or actions by the tenant/residents/guests to the property.

4. The notification shall cite the Governing Documents that may have been violated, a description of the violation(s), and , the action that is required to abate the violation. The notification shall provide a period of time, not less than 15 days, during which the violation(s) may be abated without further sanction, if the violation(s) is(are) continuing, or a statement that any further violation of the same provision of the Governing Documents may result in the imposition of sanction after notice and an opportunity for hearing

B. RIGHT TO A HEARING

Within 12 months of the demand, if the violation continues past the period of time allowed in the demand for abatement without penalty or if the same rule is violated subsequently, the Board shall provide the alleged violator, at the alleged violator's address of record, with a written notice of the alleged violator's right to request a hearing to be held by the Board in executive session containing:

1. The nature of the alleged violation(s);
2. The procedures for requesting a hearing at which the alleged violator may produce any statement, evidence, or witnesses on behalf of the alleged violator;
3. The period of time for requesting a hearing, which may not be less than 10 days from the giving of the notice; and
4. The proposed sanction.

If the alleged violator requests a hearing within the period of time specified in the notice, the Board shall provide the alleged violator with a written notice of the time and place of the hearing, which time may not be less than 10 days after the date the request for a hearing was provided.

1. At the hearing, the alleged violator shall have the right to present evidence and cross-examine witnesses.

2. The hearing shall be held in executive session and shall afford the alleged violator a reasonable opportunity to be heard.

3. Prior to the effective date of any sanction under this section, proof of notice shall be entered in the minutes of the meeting. The proof of notice shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of providing the notice, is entered in the minutes by the officer or director who provided the notice. The notice requirement shall be deemed satisfied if the alleged violator appears at the meeting.

4. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

If the alleged violator does not request a hearing within the period of time specified in the notice, the Board, at its next meeting, shall deliberate as to whether the violation occurred and decide whether a sanction is appropriate for the violation.

C. PENALTIES AND SUSPENSION OF PRIVILEGES

1. If the Board decides a violation exists or occurred, the Board may suspend the Owner’s rights to use the Community Common Area facilities and/or levy a fine against the Owner in an amount specified in Section D below. If a fine is imposed and/or privileges are suspended, such information shall be included in the Board’s decision letter that is sent to the owner by First Class mail (and email at the option of the Board). Any fine or suspension of privileges shall extend to an Owner’s tenants, guests, etc., but shall not go into effect earlier than 5 days from the date of the hearing.
2. The Board reserves the right to allow an owner additional time to cure a violation of the Governing Documents when appropriate.
3. Assessed fines are in addition to any legal fees or other expenses that may be incurred by SOCA in connection with violations, including amounts incurred for replacement and/or repair of common areas or facilities damaged by an Owner, renter or guest.
4. The Board reserves the right to collect fines in accordance with the Governing Documents and the collections policy resolution.
5. The procedures outlined in this Resolution may be applied to all violations of the Governing Documents, but these procedures do not preclude SOCA from exercising other enforcement procedures and remedies authorized by the Governing Documents including, but not limited to, the initiation of a lawsuit or self-help remedies. The Board of Directors reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to its property manager or managing agent.

D. FINE SCHEDULE

Description of Violation	Maximum Fine Amount
Violation of Clubhouse Rules	\$100 for first offense \$200 per recurring offense
Violation of Pool Rules	\$100 for first offense \$200 per recurring offense
Leaving the Pool or Clubhouse unclean after use	\$100/hour for cleaning, minimum 1 hour
Clubhouse/pool after hours violation	\$100 for first offense \$200 per recurring offense
Damaging or misappropriating community property	\$100 for first offense \$200 per recurring offense

Failure to clean up after pet mess	\$100 for first offense \$200 per recurring offense
Improper parking	\$100 for first offense \$200 per recurring offense
Parking in accessible spaces without permit	\$350 per offense
Any "Use Restriction" cited in Article IX of the Declaration	\$100 for first offense \$200 per recurring offense
Posted traffic infractions	\$100 for first offense \$200 per recurring offense
Architectural violation	\$100 for first offense \$200 per recurring offense
Violations not elsewhere classified	\$100 for first offense \$200 per recurring offense

AND BE IT FURTHER RESOLVED that this resolution will become effective upon adoption and a copy of this resolution shall be sent to all owners at their last known address.

Adopted by the SOCA Board of Directors on this 23rd day of January, 2023.

Board Chair /s/ Louis P. True

Board Secretary /s/ Patricia Harrington