

FINES & ENFORCEMENT POLICY

Policy approved by the Woods of St Clare Property Owners Association Board of Directors on April 7 2020.

The Declarations of Covenants, Conditions, and Restrictions (CCRs) of the Woods of St Clare Property Owners Association, Inc. allow the Association to enforce restrictions and institute a policy regarding fines.

The following policy regarding violation fines complies with both the CCRs and the required Texas Property Code notice requirements in §209:

- The first citation will be a courtesy citation for a violation class (i.e. Yard maintenance needed) and will be emailed. If the violation is corrected within the time frame given in the notice, no further action will be taken.
- The second citation for a violation of the same class will be mailed first class mail as required by the Texas Property Code and is considered legal notice of impending fine if the violation is not cured within the time frame provided in the notice.
- The third citation for a violation of the same class will result in a \$10 per day fine and an additional \$11.00 charge for the certified letter.
- Each further occurrence of the same class of violation can incur another \$10 per day fine for each violation citation and an additional \$11.00 charge for the certified letter.
- If six (6) repeat violations occur within a six-month period and the violation is not cured within the time frame provided in the 6th notice fines will be levied daily at a rate of \$10 a day until resolved.
- Failure to request and receive Architecture Control Committee (ACC) approval before starting a covered project can result in a \$100 per day fine until either an ACC request is submitted and approved, or the offending project is removed. Notice of the violation will follow the same process as outlined above.
- Unapproved ACC projects, either in progress or completed, that cannot be cured by removal or other remedy, or if the Board determines a violation is a hazard to the health, safety and enjoyment of neighborhood residents or in violation of the law, may result in an immediate fine up to \$1000 imposed without prior notice and as well as legal action to correct the violation and/or place a lean against the Owners property address.

If a complaint regarding a violation is reported by a Member of the Association and this violation would result in the Owner (violator) receiving a violation notice the reporting member must provide fair and concise documentation of the violation. The documentation should specify the violation and note the time, date, and degree of the violation (if applicable.) Complaints that are received without documentation and/or which cannot be independently observed and documented by a representative of the Board of Directors will not be acted upon.

EXAMPLE OF VIOLATION CLASSES:

Three notices of 'yard maintenance needed' can result in the progression of fines/citations. This can be any combination of mowing, edging, weed control, etc. (Not three notices to mow or three notices to edge, etc.)

The Texas Property Code allows a six-month 'look-back' period. This means any previous notice sent for the same violation class within the past six months can result in progression of the violation citation. If the owner has no further recurrences/citations of the violation class within six months, the violation is considered cured, and the violation sequence is restarted.

When a fine is assessed, the owner has 30 days to make a written request for a hearing with the Board to contest the fine. An owner will have the opportunity to contest any fine that is assessed against his or her account.

PLEASE NOTE:

The Texas Property Code requires that the notice resulting in a fine and all subsequent fine notices be sent via certified mail which constitutes legal notice to the owner. **Texas Property Code requires each owner to keep the Association notified of a current valid mailing address (one at which the owner receives certified mail without being forwarded) as well as a current email address and phone number.** A charge of \$11.00 for each certified letter mailed will be charged in addition to the fine to the homeowner's account to which the violation is cited.

The above regulations were unanimously adopted on April 7th, 2020, by the Board of Directors of the Association.