

**AVILA PROPERTY OWNERS' ASSOCIATION**  
**PROPERTY MAINTENANCE COMPLIANCE POLICY AND PROCEDURES**

POLICY

Pursuant to the Declaration of Restrictions, Covenants and Assessments for the Avila Subdivision and other governing documents of Avila, the Landscape & Maintenance Committee is responsible for assuring that homes and landscaping in Avila are maintained to the high standards of the community. It is the policy of the Landscape & Maintenance Committee to apply and enforce the landscape and property maintenance provisions of Declaration and other governing documents for Avila fairly and equitably in accordance with applicable law.

As a part of the process, a spring clean-up reminder will be sent via e-mail to all Avila property owners by April 1<sup>st</sup> of each year, and, three weeks after the spring clean-up notice, the Landscape & Maintenance Committee will perform a tour of the entire community noting areas that require attention. Additional periodic landscape and home maintenance tours will be conducted by the Landscape & Maintenance Committee during the year.

PROCEDURES

The following is the procedure to be followed in cases of noncompliance with Avila property maintenance standards:

1st Notice of Noncompliance. When a home is not in compliance with Avila landscape and maintenance standards, a 1st Notice of Noncompliance will be sent to the property owner. The property owner will have 45 days to correct the maintenance issue.

If the property owner disagrees with the 1st Notice of Noncompliance, the property owner should provide the Executive Director with a written or emailed statement within 14 days from the date of the 1st Notice of Noncompliance, briefly describing the issues with which the property owner disagrees. The Landscape & Maintenance Committee will reconsider the issues in question and the property owner will receive a written notice of the decision of the Committee.

2nd Notice of Noncompliance. A second tour will be completed 45-60 days after a 1st Notice of Noncompliance is sent to check for compliance. If maintenance issues remain uncorrected, a 2nd Notice of Noncompliance will be sent to the property owner notifying the property owner of the Association's intent to assess fines pursuant to Florida

Statutes Section 720.305 if such maintenance issues are not corrected within 30 days following the date of the 2nd Notice, subject to the property owner's right to a hearing to contest the proposed fines, as described below.

The property owner will be entitled to a hearing to contest a proposed fine ("305 Hearing") upon written notification to the Executive Director of the exercise of such right within 21 days following the date of a 2nd Notice of Noncompliance. If the property owner files a timely notice requesting a 305 Hearing, the Executive Director will schedule a hearing date and the proposed fines will be suspended pending the decision of the hearing committee.

At the 305 Hearing, the property owner and the Association will present their perspectives on the violation(s) and proposed fines to the hearing committee. The property owner will be notified in writing of the decision of the hearing committee.

If the committee, by majority vote, does not approve the proposed fines, they may not be imposed.

If the hearing committee approves the proposed fines, the fines shall begin to accrue and be effective as of the date of the decision of the hearing committee or 30 days following the 2nd Notice, whichever is later, provided that if the property owner corrects the maintenance issues in question within 14 days following such date, the fines shall be waived.

3rd Notice of Noncompliance. If a 2nd Notice of Noncompliance was required due to the failure of the property owner to correct maintenance issues, a third tour will be conducted 30 days after the 2nd Notice of Noncompliance is sent to check for compliance. If the maintenance issues remain uncorrected, a 3rd Notice of Noncompliance will be sent to assess fines as described in the 2nd Notice of Noncompliance.

If the property owner requested a 305 Hearing following receipt of a 2nd Notice of Noncompliance, and the hearing committee approved the proposed fines, the third tour to check for compliance or correction of the maintenance issues in question will be conducted upon the expiration of the time period described above for the property owner to receive a waiver of the proposed fines.

#### PENALTIES FOR NONCOMPLIANCE

In the event of the failure of the property owner to comply with the landscape and maintenance standards of Avila, the Association may take any and all legal action to enforce its rights and, in addition, may impose fines and suspend the use of common areas and facilities within Avila pursuant to Florida Statutes Section 720.305, as follows:

Fines. Reasonable fines of up to \$100 per violation. A fine may be levied for each day of a continuing violation, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents.

Suspension of use of common areas and facilities. The Association may suspend, for a reasonable period of time, the right of a property owner, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the property owner to comply with the governing documents.

### 305 HEARING

Pursuant to Florida Statutes Section 720.305, a fine and/or suspension for Noncompliance with the Declaration and other governing documents may not be imposed without at least 14 days' notice to the property owner and an opportunity for a hearing before a committee of at least three members appointed by the Board of Directors of the Association who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee ("305 Hearing"). If the hearing committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.