

## **Property Maintenance Committee Procedures**

### **November 9, 2016**

Article 12.8 of the Englewood Isles Property Owners Association Bylaws requires the Property Maintenance Committee (PMC) to develop, maintain, and follow a specific set of procedures. The following set of procedures is being submitted to the Board for their approval.

#### **Surveys**

1. The PMC is required to conduct a field survey of all 311 properties within Units 4, 5, & 6 every 30 days.
2. No less than 3 members of the PMC must be present and involved in the inspection, hereafter referred to as "inspectors".
3. For a property to be declared non-compliant, a majority of the inspectors must be in agreement as to the specific non-compliant issue.
4. Field notes of each survey will be kept by the inspectors in a bound "Survey Log".
5. Field notes will be transposed onto an Excel spreadsheet which will be retained by the inspectors for a period of one year and will be available to all residents upon request.

#### **Non- Compliance Notifications**

1. Non-compliant property owners will be sent a "Post Card" notification to the address of record listing the date of the survey and the non-compliant violations identified. (Exhibit A)
2. The property owner will be given 30 days from the date of the Post Card mailing to correct the non-compliant violation and bring the property into compliance; or contact the PMC Chairperson.
3. If the property owner fails to correct the non-compliant violation and fails to respond to the PMC, they will then be sent a second notification in the form of a "Certified Letter" (Exhibit B).
4. The Certified Letter will contain a description of the violation; the authority contained in the Englewood Property Owners Bylaws; and a time frame for correction which will be 15 days from receipt of the Certified Letter.
5. If the property owner fails to correct the non-compliant violation or to respond to the PMC, the PMC will deliver the non-compliant file to the President of the Board of Directors with a recommendation that the property owner be fined until such time as the property is brought into full compliance with the Bylaws.

#### **Fining**

1. Upon receiving a non-compliant file from the PMC, the Board of Directors will vote to levy a fine or reject a fine entirely. If the Board votes to impose a fine, they must then instruct the "Fine Committee" to convene a committee meeting.
2. The primary responsibility of the Fine Committee will be to approve or disapprove the fine levied by the Board of Directors but they also have the authority to set the amount of the fine. The Committee's determination shall be transmitted back to the Board of Directors which may formally approve and levy the fine.
3. The property owner will be given a 14 day notice of the Fine Committee meeting and will be given a written invitation to attend. This notification will be sent by Certified Mail.

4. All fines and fining procedures will be in strict compliance with Florida Statute 720-305.

### **Dispute Resolution**

1. Florida Statute 720.311 offers the property owner the opportunity to bring their non-compliant case before a State Mediator who will conduct binding arbitration.
2. The Mediation Conference must be held within 90 days of the initial mediation notification from the property owner and the Association must respond to the mediation notification within 20 days of the initial notification.
3. Fees paid during the arbitration process shall become a recoverable cost by the prevailing party.

### **Complaints**

1. All complaints received from a member of the Association will be forwarded to the PMC Chairperson and will be kept in a log identifying the property, violation, and date.
  2. The violation described in the complaint will be reviewed by the inspectors at the next scheduled survey.
  3. If the complaint warrants immediate attention due to safety issues or if, in the judgement of the Chairperson, the complaint is an overt violation of the Bylaws, the Chairperson is authorized to contact the President or Vice-President of the Board to obtain authorization to contact the property owner directly prior to the next survey date.
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