

INCLUDE EIGHT KEY POINTS IN YOUR FINING BYLAW

BYLAW ON FINES

a. *The Board of Directors may levy reasonable fines against a Member for any violation of these Bylaws; the Declaration of Covenants, Conditions, and Restrictions; the Rules and Regulations; or the [insert name of relevant state law], committed by such Member or any occupant of the Unit owned by the Member.*

(i) Notice and Hearing: *In the event of a violation as herein defined, the Association shall provide the Member written notice of said violation. The Member shall be given a reasonable opportunity, under the circumstances, to correct the violation or, if a first-time and unintentional offense, to assure the Board to the latter's satisfaction that the violation will not be repeated. The Member shall be entitled, upon request, to a hearing before the Board of Directors or any designated committee to contest the violation and/or fine. At such hearing, the Member shall have the right to be represented by legal counsel and to have a reasonable amount of time to produce any statement, evidence, and witnesses on his or her behalf. The minutes of the hearing shall contain a written statement of the results of the hearing and the fine, if any, that is imposed. The Association is not required to provide such notice and opportunity to be heard for recurring or continuing violations unless no fewer than three (3) months have passed from the time of the previous violation.*

(ii) Continuing Violations: *In the case of a continuing or persistent violation: 1) Each day the violation continues after written notice thereof shall be deemed a separate and distinct violation and, hence, subject to a separate daily fine, up to a maximum of ten (10) days of fines per violation; and 2) The Board may require the Member to post a bond or other form of security in order to ensure future compliance. For any such violation that cannot be cured immediately, no further fines shall be levied after such time as the Member begins a good-faith cure of same.*

(iii) Lien Against Unit [HOA use only.]: *Any such fine shall constitute a personal obligation of the Member, as well as a lien upon the unit, which lien may be foreclosed in the same manner as a lien for unpaid community association common area charges pursuant to [insert name of relevant state law].*

(iv) Fees and Costs: *The Member shall be liable for all attorney's fees and costs incurred by the Association incident to the levy or collection of the fine, including appellate proceedings.*

(v) Crediting Payments: *The Association shall apply all partial payments by the Member to the Member's outstanding balance in the following order:*

- *Attorney's fees and costs;*
- *Late fees and interest;*
- *Fines;*
- *Special assessments; and*
- *Regular assessments, with payment being applied to the oldest balance first.*

No partial payments will waive the Association's right to pursue full payment and/or enforce its bylaws, declaration, and rules and regulations.