

Naples HOA Covenant Complaint Process

Naples HOA does not actively patrol the HOA in search of covenant violations. Covenant enforcement actions are in response to complaints that are received about a property in the HOA. Naples HOA (NHOA) follows a two-party complaint policy for confirmation with regard to homeowner complaints received about properties in NHOA. One of these two parties may be the Community Manager or a member of the Board of Directors (BoD). When the HOA receives a complaint, the Community Manager will attempt to confirm/verify the complaint during the next on-site visit. If the complaint cannot be confirmed/ verified from the street; the complainant is advised and further action ceases until a two-party confirmation is received.

If there is a question about whether the complaint is a violation, the Community Manager will review the NHOA documents and determine whether to send a letter, or forward the complaint to the BoD and place it on the Agenda for discussion at the next meeting. Complaints are included (copied or listed) in the Management Report.

When a two-party complaint is confirmed to be a violation of the covenants the following notice is sent to the property owner (e-mail if available, or first class mail):

- If the complaint involves a change/addition to the property for which there is no Architectural Application or Approval on file; a letter is sent to the property owner requiring submission of an Application for review, with a due by date that is typically before the next BoD meeting.
- If the complaint involves needed maintenance or landscaping, a letter is sent to the property owner advising of the covenants requiring proper maintenance and a date (usually 30 days) by which time the violation should be abated.
- If there is no response by the date due, a second letter is sent by certified and first class mail, (with a date, usually 30 days from the date of the letter, by which time the application is due or the violation is to be abated), or the concern can be placed on the Agenda of the next BoD meeting for further discussion and decision on a course of action.

The Community Manager has the discretion to forward any concern to the BoD before taking action, and/or to send a first letter of violation by certified and first class mail.

If there is no verbal response and no action is taken in response to a certified notice, the matter is placed on the next BoD meeting agenda for discussion. The property owner may be asked to attend a hearing to be held at the start of the next BoD meeting. A property owner may be asked, but is not required to attend the hearing.

The Community Manager will notify the property owner of the hearing date via e-mail (if available), or first class and certified mail, and will prepare a package of information for the hearing.

The Community Manager and the BoD will make every attempt to work with a property owner to rectify the concern without escalating the matter. Unfortunately, sometimes situations will escalate and working together toward a resolution becomes too difficult or time consuming. In such cases, the BoD has the following options:

- Determine if the concern warrants continued time, effort & funds. Due to its financial constraints, the HOA may make a business decision that no further action, time, or funds will be spent on the matter.
- Contact Legal Counsel for consultation, opinion letter and/or legal letter to the property owner.
- File a complaint against the property owner with the Montgomery County Commission on Common Ownership Communities (mediation is required as a first step in this process).