

SBVCOA
RULES AND REGULATIONS

2017 - 000 Rules for Violation of SBVCOA Declaration Articles and/or By-Laws - Penalties and Fines

2017 - 001 Relating to Section 12.06, Declaration of Condominium SBVC 20% Rental Restriction

- A. By majority vote of the Rental Control Committee (RCC), a recommendation of the imposition of a penalty and/or fine shall be referred to the full SBVCOA Board of Directors ("BOD") for formal action, due to a violation of the 20% Rental Restriction Rule §12.06, Declaration of Condominium. SBVC.
- B. Upon receipt of a Referral by the RCC to the SBVCOA Board of Directors based upon a violation of the 20% Rental Restriction Rule, the "BOD" shall cause its Board Secretary to notify the offending SHY Unit Owner in writing describing: (1) the violation, (2) the penalty and/or fine to imposed, and (3) the deadline date to contest and/or respond to the proposed violation.
- C. In the event the applicable owner elects to contest and/or respond to the proposed violation, the review session will be heard before the RCC within ten (10) days of the initial referral date to the BOD.
- D. The applicable SBVC owner will be provided written notice of the date, time, and place of the RCC review session. The applicable SBVC owner shall provide all relevant factual information including but not limited to leasing documents, property titles, criminal background documents, credit worthiness verifications, etc., accessible to the owner.
- E. With the exception of an approved resolution/settlement to the relevant noticed rental restriction violation with the RCC, the RCC shall notify the BOD within three (3) days of the RCC review session.
- F. By majority vote of a quorum of BOD, the BOD shall vote to approve or deny the imposition of any penalty and/or fine as recommended by the RCC against the relevant owner.

G. The monetary fine shall consist of an increase in the SBVCOA monthly home owners association assessment by one-half (1/2) of the existing mandatory monthly assessment for the offending owner's unit for each month of the pendency of the fined lease status.

H. Non-monetary penalties may consist of:

- I. revocation of pool/pier access for owner and/or renter;
- 2. revocation/denial of owner/renter vehicle decals and/or visitor parking access;
- 3. authorized BOD towing of isolative vehicles (i.e., private vehicles, boats, trailers, RVs, ATVs, etc.).

I. In the event the relevant owner/offender has not caused the renter to vacate the relevant leased premises within three (3) months of the BOD noticed violation, and any portion of the HOA dues, assessment, legal fees, and/or fines are in arrears, a property lien for the benefit of the SBVCOA will be filed with the Baldwin County, Alabama Judge of Probate will be attached to the owner's real property title of the SBVC unit. Prior to filing of a lien for the benefit of SBVCOA approval by majority vote of Board of Directors is required prior to placing lien by President.

J. A lease/purchase property contract is not an acceptable transfer of real property title to satisfy a transfer of a SBVC unit status from an approved SBVC rental status to an approved owner/occupied SBVC unit status.

In the event a SBVC unit has been previously approved by the BOD or an agent subcommittee of the BOD, a subsequent transfer of real property title for the same SBVC will result in the extinguishment of the approved rental status. The unit thereafter will be removed from the approved rental list upon the transfer of title for the SBVC unit.

L. Prior to possession by a new renter of any SBVC unit, the relevant owner of the unit shall provide advance copies of all relevant leases, contracts, criminal background checks, and credit worthiness documents to the BOD by and through the RCC. The failure to provide these required documents in advance of possession by the renter will result in applicable imposition of fines, penalties, liens, injunctive and civil penalties as provided by the SBVCOA declaration articles, by laws, and the applicable United States and State of Alabama courts of law.

¹ NO MORE THAN TWENTY PERCENT (20%) OF ALL UNITS CONTAINED IN THE CONDOMINIUM MAY BE RENTED AT ANY ONE TIME. SBVCOA Declaration of Condominium, §12.06 (2001).

2017.001 Subsection I was amended by vote of BOD November 12, 2017