



Victoria Heights Condominiums

July 23, 2018

Dear Homeowners:

Enclosed is the updated Victoria Heights Fining Procedure effective July 26, 2018. This updated document Fining Procedure replaces all previous policies. With this notice, homeowners are officially notified that the Board of Directors of Victoria Heights Condominium Association has approved the attached fining procedure for the community.

If you have any questions about this policy, please contact our property manager, Doris Lawrence at doris@heritageproperty.com or the Board of Directors at victoriaheightscondos@gmail.com.

Regards,

Victoria Heights Board of Directors

Victoria Heights Fining Procedure

Georgia law and the governing legal documents for Victoria Heights authorize the Association to impose fines for violations of the Declaration, Bylaws and/or Rules and Regulations of the community on a daily, per violation basis for so long as a violation continues. Fines are not intended to be a method of generating income for the community, but rather they are an incentive for homeowners to abide by the rules and regulations of the community. Outlined below are some examples of fines that will be imposed for certain violations. This is not meant to be an exhaustive list of possible violations. Please review your violation letter to determine the exact amount being fined and review your copy of the Victoria Heights Bylaws for detailed information about the rules and regulations that govern the community.

If rectification of your violation requires community funds to be spent, including legal fees being incurred by the association, your account will be updated to include these charges. All charges incurred including additional management or other personnel hours billed will be assessed to the violating homeowner.

Leasing Violations

Victoria Heights has a leasing cap of 50%. Maintaining the leasing cap keeps the community eligible for FHA, Fannie Mae, Freddie Mac, and VA loans and thus increases the pool of potential buyers in the community.

If you purchased your home before February 2011, you are eligible to rent at anytime; however, you must provide all forms in accordance with the Declaration of Condominium for Victoria Heights, and all amendments.

If you purchased your home on or after February 13, 2011 you are only eligible to rent if the leasing cap has not been met. Otherwise, you must receive a hardship permit from the Board of Directors in order to rent your unit. Please keep in mind that if you lease your unit for a year and at lease renewal time the cap is met, you cannot continue to lease your unit unless you have a hardship permit from the Board of Directors.

- *Leasing without a permit:* If you are found to be leasing without a permit, you will be fined an initial \$250 (two hundred fifty dollars), and an additional \$500 (five hundred dollars) per month will be fined until the violation ceases and the tenants are removed from the unit, or hardship permit is approved.
- *Not submitting leasing information in accordance with the Declaration:* \$100 (one hundred dollars) fine.

Trash Disposal

Improper disposal of trash creates unsanitary conditions and results in a direct cost to the Association as it becomes necessary to hire personnel to remove items that are not eligible for removal under the Association's trash services contract. Residents are expected to follow the guidelines below:

- All trash must go inside the dumpster.
- Do not pile garbage on top or around the dumpster.
- When discarding large empty boxes, please break your boxes down flat to allow for more room in the dumpster.
- Do not dump any of the following:
 - Concrete, rocks or dirt
 - Refrigerators, freezers, or anything containing freon
 - Any other appliances such as dishwashers, microwaves, washers, dryers
 - Tires
 - Explosives or ammunition
 - Furniture
 - Mattresses
 - Paint

You will be charged a \$50.00 fine for violating these rules. Any costs associated with remedying these issues will be assessed back to the violating homeowner.

Noxious Behavior/Destruction of Property

Severe infractions impact other owners/residents and the community at large. Examples include: noxious behavior (e.g., loud parties, fights, criminal behavior) and defacing property. Any costs associated with remedying these issues will be assessed back to the violating homeowner.

- First Violation: A \$50 fine is assessed.
- Second Violation: A \$100 fine is assessed.
- Continuing Violation/Repeat Violation: \$100 per occurrence.

Owners will be asked to evict renters who exhibit continual noxious behavior; and if necessary, the Board will evict the tenant(s).

Pet Waste Violations

Not properly disposing of pet waste creates unsanitary conditions and results in a direct cost to the Association as it becomes necessary to hire personnel to remove dog feces from the common elements.

- *Leaving dog feces on common elements* – Each time your dog's waste is not disposed of properly, you will be fined \$100.

Architectural Control (ACC) Violations

Please remember that you must submit an ACC request (available at www.victoriaheightsonline.com or through Heritage Property) to alter any part of the condominium that is considered a limited common element such as doors, lights, etc. In addition, we are all responsible for keeping the property in a proper condition. For a complete explanation of the Architectural Controls, please review the Association's Declaration.

Modifications to the Common Elements

- *Installation of doors or windows without an ACC Request: If the items installed are thereafter approved as within the community-wide-standards there will be a onetime fine of \$50.00 (fifty dollars) for failing to submit ACC Request form prior to installation.*
- *Installation of doors, windows, or other items without an ACC Request, items must be removed: If the items installed are not within the community-wide-standards and must be removed, there will be an initial fine of \$50.00 (fifty dollars), an additional \$25.00 (twenty five dollars) per day until the item(s) are removed, or changed per the request of the ACC to bring them into compliance. If items are not removed or changed, the Association will replace at the homeowner's expense as indicated in the Declaration.*
- Other modifications that result in damage such as drilling holes in balcony ceilings and railings – individual homeowner is responsible for repair.

All other ACC violations

- First Violation: A courtesy letter citing the specific violation(s) and requesting correction of said violation(s). There is a 10 day time to cure (10 days start from date letter is sent).
- Second Violation: Homeowner receives a letter stating that the violation has not been cured and a \$25 (twenty five dollar) fine will be assessed to the unit if the violation is not resolved. Homeowner may appeal the fine by requesting a hearing before the Board of Directors.
- Third Violation: Homeowner receives a letter stating that the violation has not been cured and a \$50 (fifty dollar) fine is being assessed to the unit. Homeowner may appeal the fine by requesting a hearing before the Board of Directors.
- Continuing Violation: The Board will impose a continuing monetary penalty of \$50 (fifty dollars), assessed on a daily basis, without additional notice or hearing, until the infraction or violation has been remedied. (A continuing violation is a violation of an ongoing nature which has not been corrected.) The daily fine will cease when homeowner notifies management that the issue has been corrected and provides proof. If necessary, the Board will take action to have the offending person, pet, or object removed as allowed by law.
- Repeat Violation: Automatic fine. A repeat violation occurs when a person violates the same provision of the Association's governing document more than once and has already been given the appropriate warning(s). For each repeat violation, you will be fined \$50 (fifty dollars).

When you receive a warning and take care of the violation, the violation will serve as first notice for a period of 6 months. For example, if you receive a violation letter in May for failing to clean up after your pet and then receive another violation in July, the July violation will serve as a second offense as it occurred within 6 months of the first offense.

Examples

The examples mentioned here are not meant to replace what is in the Bylaws, but only to clarify the monetary amount and fining procedure for violations that are outlined in the Declaration and Bylaws. Other actions, in addition to the fine, may be required by the Bylaws and additional legal action may be taken accordingly with notice to the violating homeowner.

Pit Bull or other prohibited animal - 1st notice, 10 days to cure. After 10 days, a second notice is sent. If a third notice is required, a \$25 fine is assessed. If the animal is still not removed, you will receive a daily fine of \$50 until the animal is removed as this is a continual violation. The Association will begin to have legal proceedings to have the animal removed and you will be billed for all legal charges incurred.

Trash left outside the door – 1st notice, 10 days to cure. The next time trash is found outside door, a violation letter will be sent. If trash is outside your door again within a 6 month period, you will be fine \$25. This is considered a repeat violation and each additional time trash is found outside door within the next 6 months, another fine of \$50 will be assessed.

Items left on balcony - 1st notice, 10 days to cure. After 10 days a second notice is sent. If a third notice is required, a \$25 fine is assessed. If the items still remain on the balcony, you will receive a daily fine of \$50 per day until the item(s) are removed. This is a continuing violation because the item(s) continue to stay on the balcony and have not been moved.

Noxious behavior – After a person has been cited for disruptive behavior, anytime disruptive behavior occurs (loud music, party in inappropriate locations, loitering, etc.) a \$50 fine will be assessed. If similar behavior occurs within 6 months, a \$100 fine is assessed.

Drilling holes in siding – You will receive a notice stating the location of the damage. Once the area has been repaired, you will receive a bill for the repairs and the repair amount will be added to your account.

Correcting a Violation

Most violations will include 10 days to cure the violation. If you cannot correct your violation within 10 days and would like an extension, you may send the correspondence via email to doris@heritageproperty.com or mail correspondence to:

Victoria Heights Condominium Association
Attention: Doris Lawrence
500 Sugar Mill Rd #200B
Atlanta, GA 30328

Appealing a Violation

Homeowners have the right to appeal a violation or a fine levied against their account. To appeal a violation or a fine, you must contact the Association in writing within 10 days of the date on the notice. If you appeal the fine on the 11th day, your appeal will not be reviewed. You may send the correspondence via email to doris@heritageproperty.com or mail correspondence to:

Victoria Heights Condominium Association
Attention: Doris Lawrence
500 Sugar Mill Rd #200B
Atlanta, GA 30328

After the Board has received the request to appeal the fine and/or violation they will notify the homeowner in writing within 10 business days of the date and time of the appeal hearing. Please be aware that the Board's decision is final no further appeals will be granted for the infraction.