

SUN CITY CIVIC ASSOCIATION  
ENFORCEMENT AND FINE SCHEDULE  
Effective September 2020

The Sun City Civic Association (the "Association" or "SCCA") has the right to enforce the Association's Governing Documents pursuant to the CC&Rs and California law. This right includes but is not limited to, demanding the Owner of the unit cease the offending action, suspending the Owner's membership rights, fining the Owner of the Unit for which the violation is associated, and taking legal action. Once the Board of Directors is aware of a potential violation, the Board will investigate and take appropriate action which may include enforcement against the Owner. However, nothing in this section obligates or requires the Board of Directors to take any action against an Owner or individual resident. Owners have the right to take legal action on violations of the Governing Documents against any other Owner.

A. DUE PROCESS

Prior to the imposition of any disciplinary action including the levy of a fine, the Owner shall be given notice and an opportunity to appear in person or in writing before the Board of Directors or appropriate committee. Due process will be conducted in a manner consistent with Civil Code §5855 such that at least 10 days notice will be given of any hearing and within 15 days after the hearing the owner will be notified in writing of the outcome (Hearing Outcome Letter).

B. ENFORCEMENT GUIDELINES

Generally, the Association will adhere to the following discipline and fine protocol for violations of the Governing Documents. However the Board reserves the right to accelerate the process, skip steps, repeat steps, or otherwise modify the process as the Board determines necessary based on individual circumstances.

1. Notice of Violation: Notice with request to cure violation within fifteen (15) days as determined by the Board.
2. Notice of Hearing: The Notice of Hearing will be sent setting forth the violation and requesting immediate remedial action. Also, The Notice of Hearing will establish a possible fine amount and/or other discipline and set a hearing regarding the fine. In addition to or in lieu of a monetary fine, the Association may also assess attorneys' fees and costs, if any, associated with the enforcement action. A Hearing Outcome letter will be sent within 15 days of the Hearing.
3. Note: For subsequent violations (2nd, 3rd, etc.) of the same type (same offense as prior violations), no Notice of Violation may be sent to the Owner. Instead, the Association may immediately send a Notice of Hearing establishing a fine amount and setting a hearing regarding the violation and fine amount at least ten (10) days from the date appearing on the Notice of Hearing. For subsequent violations of the same type, the Board may assess fines pursuant to the schedules established for second and third violations.

In addition to the fines outlined below, the Board shall also have the authority to suspend privileges of the Owner and any tenant, guest, resident or invitee of their Unit to use the common facilities, and/or to levy a reimbursement fine to reimburse the Association for any costs incurred in connection with the violation for any infraction.

The Association may, at any time, refer any infraction to the Association's legal counsel for enforcement. In such case, the Owner may be responsible for the associated attorney's fees and costs.

The Association may pursue one or more remedies simultaneously. The selection of one remedy does not preclude the Association's right to pursue others.

- C. FINE SCHEDULE- For Any Violation Other Than Age Restriction
  - 1. Initial fine for failure to correct the violation is \$200.00
  - 2. 2nd month fine for failure to correct the violation is \$400.00
  - 3. 3<sup>rd</sup> month fine for failure to correct the violation is \$600.00
  - 4. Each month thereafter that the violation remains uncorrected the fine will be \$600.00 per month and continuing until the violation is corrected.
  
- D. FINE SCHEDULE - Age Restriction Violations: The following schedule of Fines and Penalties applies to the 55+ Community Requirement including Age Verification
  - 1. Failure to comply within the first notice: \$1,000.00 per occurrence/per person (typically applies to first month period following the Hearing).
  - 2. Failure to comply within the second notice: \$2,000.00 per occurrence/per person (typically applies to second month following the Hearing).
  - 3. Continued failure to comply: \$3,000.00 per month, per occurrence (typically third month and every month thereafter until compliance is met).

NOTE: The Association reserves the right to make any of the above fines a continuing fine which will be assessed monthly to your account until the violation is removed. Additional hearings are not required for the levying of ongoing fines in the same amount.

- E. FINE SCHEDULE - Age Restriction Violations: The following schedule of Fines and Penalties applies to the 55+ Community Requirement including Age Verification
  - 1. Initial fine for failure to correct the violation: \$1,000.00 per occurrence/per person
  - 2. 2<sup>nd</sup> month fine for failure to correct the violation: \$2,000.00 per occurrence/per person.
  - 3. Each month thereafter that the violation remains uncorrected the fine will be \$3,000.00 per month, per occurrence