

## **San Francisco Homeowners Association, Inc. Rules Enforcement Procedure**

In accordance with the authority under the Declaration, Charter, Bylaws, and Maryland law, and in order to promote the general welfare of the Association, San Francisco Homeowners Association, Inc., adopts this 14th day of May, 2013, the following procedure.

Whereas, Article VIII, Section h of the Declaration and Article VII, Section 1 of the Bylaws provides the Board has the power to levy fines against the Members for violation of the Declaration, Bylaws and rules of the Association and the personal conduct of the member and their guests on the Association property.

Except for the towing of vehicles and emergency situations, the Board of Directors may not impose a fine or infringe upon other rights of an owner or other occupant for violations of Declaration, Bylaws or rules until the following procedure is followed:

- (1) Written demand to cease and desist from an alleged violation is sent to the alleged violator at the violator's address of record with the Association specifying:
  - (i) The alleged violation;
  - (ii) The action required to abate the violation; and
  - (iii) A time period, not less than 10 days, during which the violation may be abated without further sanction, if the violation is a continuing one, or a statement that any further violation of the same Declaration or Bylaw provision or rule may result in the imposition of sanction after notice and hearing if the violation is not continuing.
  
- (2) Within 12 months of the demand, if the violation continues past the period allowed in the demand for abatement without penalty or if the same Declaration or Bylaw provision or rule is violated subsequently, the Board sends the alleged violator written notice of a hearing to be held by the Board in session. The notice shall contain:
  - (i) The nature of the alleged violation;
  - (ii) The time and place of the hearing, which time may be not less than 10 days from the giving of the notice;
  - (iii) An invitation to attend the hearing and produce any statement, evidence, and witnesses on his or her behalf; and
  - (iv) The proposed sanction of \$25.00 per day per violation.
  
- (3) A hearing occurs at which the alleged violator has the right to present evidence and present and cross-examine witnesses. The hearing may be held in executive session at the request of the violator pursuant to this notice and shall afford the alleged violator a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. This proof shall be deemed adequate. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.
  
- (4) A decision pursuant to these procedures shall be appealable to the courts of Maryland.

(5) The failure of the Board of Directors to enforce a provision of the rules on any occasion is not a waiver of the right to enforce the provision on any other occasion.

All payments received from the Owner by the Association will be applied to the oldest delinquent balance first, whether that balance is composed of fines, other charges or monthly assessments.

**Exceptions:**

Exceptions to these Rules Enforcement Procedures shall be as follow:

1. Parking rule violations;
2. Emergency or exigent circumstances;
3. Collection of delinquent accounts; and
4. Before any vehicle may be towed for expired or invalid tags, the Board shall give the owner written notice in accordance with Maryland law.

These procedures shall serve only as guidelines and noncompliance with any of these procedures by the Association, its Board of Directors, or its attorneys, shall not affect the validity of any fine imposed.

This procedure was adopted under the provisions of Article VIII of the Declaration and Article VII of the Bylaws of the San Francisco Homeowners Association, Inc.

5-14-13  
Date

5-14-13  
Date

*John P. Flynn*  
President

*Elizabeth J. Huscoll*  
Secretary