

**HABITAT I, SECTION A,  
A MARYLAND HORIZONTAL PROPERTY REGIME (CONDOMINIUM)**

**AMENDMENT TO ARTICLE XIV FINES  
POLICY RESOLUTION NO. 2009-001**

**RULES AND REGULATIONS**

*No: 2024-001*

**WHEREAS**, the Maryland Condominium Act and the Bylaws provide that the Board of Directors of the Condominium shall have the power to adopt and publish rules and regulations governing the use of the Condominium, its Common Elements and facilities, and the personal conduct of the Unit owners and their guests thereon, and to establish penalties (or fines) for the infraction thereof; and

**WHEREAS**, the Board of Directors did adopt and publish pursuant to Section 11-111 of the Maryland Condominium Act, a set of Rules and Regulations, i.e. Policy Resolution No. 2009-001 adopted November 18, 2009, for the benefit and protection of the Condominium and of the individual Unit owners and residents; and

**WHEREAS**, the Board deems it desirable to update Article XIV regarding "Fines" of Policy Resolution No. 2009-001, and to establish a procedure to assure due process in cases where there is a question of compliance with provisions of the duly adopted Rules and Regulations by a Unit owner, and/or any other occupant of the Condominium; and

**WHEREAS**, it is the intent of the Board of Directors to establish the following due process and fining procedures in place and stead of the existing Article XIV of the 2009-001 Policy as approved November 18, 2009.

**NOW, THEREFORE, BE IT RESOLVED THAT** as of the 22<sup>nd</sup> day of February, 2024, the following new Article XIV shall replace in entirety the existing Article XIV of the 2009-001 Policy as approved November 18, 2009, and is to be used to settle disputes arising from violations of the Rules and Regulations, and may be used, but are not required to be used, for alleged violations of the Condominium Master Deed and/or Bylaws. Notwithstanding this policy, should any vehicle be parked such that it presents a safety hazard, the procedure set forth herein need not be followed before action is taken for the safety of the residents. In the event of a direct violation of any provision of the Declaration or Bylaws of the Association, this procedure need not be utilized (even if said violation is also a breach of a Rule or Resolution of the Association).

**XIV. FINES**

**A.** In addition to other remedies available, violations of the provisions of the Master Deed, By-Laws, and/or the Rules and Regulations, shall be subject to an initial fine of up to \$250.00, and additionally of not more than \$50.00 per day for each continuing or repeated violation.

**B.** Fines may be levied by the Board of Directors in accordance with applicable federal, state and local laws as well as the Condominium's governing documents, as outlined below.

**Stage 1.** The Board of Directors shall provide to the alleged violator a written demand to cease and desist from the alleged violation specifying:

- a. The alleged violation; and
- b. The action required to abate the violation; and
- c. That the alleged violator has not less than fifteen (15) days during which the violation may be abated without further sanction, if the violation is a continuing one, or a statement that any further violations of the same rule may result in the imposition of sanction, after notice and opportunity for hearing if the violation is not continuing; and
- d. The notice shall also provide the procedures for requesting a hearing, which may not be less than then (10) days from the giving of the notice; and
- e. The proposed sanction(s) to be imposed, and the date, time and place of the hearing, which time may not be less than ten (10) days after the date the request for hearing was received.

**Stage 2.** Within 12 months of the demand, if the violation continues past the period allowed in the Stage 1 violation notice, or the same rule is violated, the Board of Directors shall provide the alleged violator, at the alleged violator's address of record with the Condominium, with a written demand to cease and desist from the alleged violation.

**Stage 3.** If the alleged violator requests a hearing, the Board shall provide the alleged violator with written notice of a hearing to be held by and before a majority of the Board of Directors in executive session specifying the date, time and place of the hearing and that the alleged violator will have a reasonable opportunity to be heard and to present evidence and cross-examine witnesses.

- a. Proof of notice and the invitation to be heard shall be placed in the minutes of the meeting, together with a statement of the date and manner of providing the notice by the person who provided the notice.
- b. A written statement of the results of the hearing and the sanction imposed shall be included as part of the meeting minutes, unless deliberation if not completed at this meeting. If deliberation is completed at a subsequent meeting, a written statement of the results of the deliberation and any sanction imposed shall be included as part of that meeting.
- c. The Board shall mail notice of its decision to such alleged violator within fifteen (15) days after the deliberation meeting, which meeting shall occur no later than thirty (30) days following the hearing.

d. If the alleged violator does not timely request a hearing, the Board, at its next meeting, shall deliberate as to whether the violation occurred and decide what sanction, if any, is appropriate for the violation.

**C.** All fines shall be payable within thirty (30) days of imposition and may become a lien upon the owner's unit as permitted by law and the Founding Documents. A decision in accordance with these procedures is appealable to the courts of Maryland.

**D.** If any Owner or resident of the Condominium fails to comply with the governing documents, or a decision of the Board rendered pursuant to this Article XIV, such Owner and/or resident may be sued for damages by such failure or for injunctive relief, or both, by the Condominium or any other Owner, and the prevailing party is entitled to an award of attorneys' fees and costs of the litigation, including, but not limited to court costs.

**E.** The failure of the board to enforce a provision of the governing documents, including but not limited to the Rules and Regulations, on any occasion, is not a waiver of the right to enforce on any other occasion.

**F.** The provisions of this Amendment to Article XIV of the 2009-01 Rules and Regulations supercede those of any Resolutions heretofore adopted by the Board with regard to due process procedures and/or fines.

**STATEMENT OF COMPLIANCE:** The foregoing Amendment to Article XIV, Fines, of Habitat I, Section A, A Maryland Horizontal Property Regime Board Policy Resolution No. 2009-01 Rules and Regulations, was duly adopted in accordance with any and all Federal, State and Locals laws and ordinances and in accordance with any and all requirements of the recorded Master Deed and By-laws and Section 11-111 of the Maryland Condominium Act.

**APPROVED BY NOT LESS THAN A MAJORITY OF DIRECTORS** at a duly called and noticed open meeting of the Board of Directors on the 22nd day of February, 2024 and is effective ten days thereafter.

ATTEST:

HABITAT 1, SECTION A, A MARYLAND HORIZONTAL PROPERTY REGIME

02-23-'24  
Date

Richard B. Olney  
President

2-23-24  
Date

John Schutt  
Aty Secretary

Published to Unit Owners: \_\_\_\_\_