# FINES and VIOLATION PROCEDURES

## January 1st, 2026

*Based upon homeowner's survey feedback, fines issued in 2026 will be strictly enforced.*

**First Notice:** A violation notice is **emailed** to indicate that a violation has been identified and requests immediate attention within **10 business days.** The homeowner may receive a visit from a BOD member as a courtesy call for a "resolution solution."

**Second Notice/Warning of Pending Fine:** If the violation is not corrected within the initial 10-day grace period, a second **email notice** stating the fine amount is not corrected within the subsequent (5-day) timeframe.

- Tree Removal-$100/per tree > 4" in diameter & replacement within 30 days.
- Repair of Exterior Damages - $100/per month.
- Painting Home-$100/per month.
- Grass/Tree & Shrub Pruning - $50/per month.
- Vehicle Parking - $50/occurrence/cost of towing (overnight).
- Other Violations $25 to $100 per occurrence.

**Third Notice- Certified mail:** If the violation has not been corrected within 3 months; a $250 fine will be posted to the homeowner's account.

**Final Notice:** Violation results in a **daily fine** of $10/day. **In addition, a writs of Fieri Facias (FIFA) Douglas County Magistrate Court, GA. A FIFA lien will be placed on the Owner's property after the amount exceeds $500.** At this point the Board will turn it over to our legal firm.

> ***A Writ of Fieri Facias*** *(or Writ of FiFa) is a document issued by the* ***Clerk of Magistrate Court*** *to record a lien on the judgment debtor's property. It is also a legal instrument by which the sheriff of a county* ***may seize the assets of a judgment debtor.***

**IMMEDIATE FINE ASSESSMENT:** Violation notice will be mailed to indicate that a violation has occurred, and a fine has been assessed.

**6.6 Covenants: Failure to request Modification Approval** or Owner has deviated from specific terms listed on Modification Approval: **$100/occurrence. 6.6 Enforcement**. Any structure or improvement placed or made in violation of this Article shall be deemed to be nonconforming. Upon written request from the Declarant, ***Owners shall, at their own cost and expense, remove such nonconforming structure or improvement and restore the land to substantially the same condition as existed before the non-conforming work.***

*Fines may be waived or reduced at the discretion of the Board of Directors on a case-by-case basis if extenuating circumstances are presented and verified.*

**4.2 Creation of the Lien and Personal Obligation for Assessments** (yearly KOA Dues)

Each Owner of a Lot, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, covenants and agrees to pay to the Association: (a) general assessments; (b) special assessments; and (c) specific assessments. All such assessments, together with late charges, interest (at a rate set by the Board of Directors from time to time, but not to exceed the lesser of the maximum rate permitted by law or eighteen percent **(18%)** per annum on the principal amount due) and costs of collection, including, without limitation, reasonable attorney fees

## What to do if you receive a fine

- **Review** our governing documents: Check our CC&Rs *(on our webpage)* and bylaws to understand the specific rule you allegedly violated and the fine procedure.
- **Contact** a Board member: If you believe the fine was issued in error.
- **Pay the fine:** If the fine is correct and you cannot resolve it, pay it promptly to avoid additional penalties. **Kensington Owners Association P.O. Box 568 Douglasville, GA 30133**
- **Request details and evidence**: The Board will provide proof of the violation, such as photos or documentation.
- **Dispute the fine**: If you believe the fine is unfair, incorrect, or the KOA didn't follow proper procedure, you have the right to challenge it, usually by writing a dispute letter and attending a hearing with the KOA board.

*Seek legal counsel: If the issue is severe or the KOA is overstepping its authority, you may need to consult an attorney familiar with Georgia HOA laws.*

***Do not ignore the fine: Ignoring fines can lead to additional fees, interest, a property lien, and potential legal action or foreclosure.***

## Common Reasons for HOA Fines

- **Landscaping issues**: Overgrown lawns, unapproved plants or trees, or not maintaining.
- **Parking violations**: On the street overnight, or having unapproved vehicle types (commercial vehicles, RVs, boats) visible on the property.
- **Unauthorized exterior modifications**: Making changes to the home's exterior.
- **Trash and waste violations**: Leaving trash cans out for too long.
- **Pet violations**: Not cleaning up after pets, or excessive noise (e.g., dog barking).
- **Noise violations**: Disturbing the peace during designated "quiet hours".

## Typical Fine Amounts

The Board will issue what is deemed **reasonable and proportionate** to the violation & length of time. All fines must be paid within (15) days

- Minor violations typically start at around **$25 to $50**.
- More severe or repeat violations can increase to **$100, $200**, or more.
- Many HOA's use an escalating fine system for repeat offenses.
- For ongoing violations (e.g., an unkempt lawn that is not addressed), some HOAs may impose a fine for each day the violation persists.

## HOA Fines in Georgia

In Georgia, HOAs have the authority to impose fines, but they must follow specific procedures:

- HOAs must provide **written notice** of the violation and give the homeowner an opportunity to correct the issue or request a hearing.
- There are **no universal state-imposed limits** on fine amounts in Georgia; the specific penalties are typically defined within the HOA's governing documents.
- Unpaid fines and fees can result in the HOA placing a **FIFA lien** on the property.
- If a lien for unpaid assessments and other charges (excluding only fines not related to assessments) exceeds **$2,000**, the HOA can file to foreclose on the home.

## Key Legal Steps Georgia

1. **Impose a Lien:** The HOA can place a lien on the homeowner's property. For associations subject to the Georgia Property Owners' Association Act (POAA) or the Georgia Condominium Act, this lien attaches automatically once a payment is past due. For other HOAs, a physical lien must be recorded with the county land records. A lien acts as a **"cloud on the title,"** which generally prevents the homeowner from selling or refinancing the property until the debt is settled.
2. **File a Lawsuit (Money Judgment):** The HOA can file a lawsuit in court to obtain a personal money judgment against the homeowner for the amount owed. If successful, the HOA can use this judgment to pursue collection methods such as:
    - **Wage Garnishment:** A court order may require the homeowner's employer to withhold a percentage of their wages to pay the debt.
    - **Bank Garnishment:** The HOA can seek a court order to freeze and seize funds from the homeowner's bank accounts.
    - **Rent Garnishment:** If the owner is renting out the property, the HOA can require the tenant to pay rent directly to the court or the association.
    - **Foreclosure:** This is the most severe action. An HOA in Georgia has the power to initiate foreclosure proceedings on a property for unpaid assessments and related charges, even if the homeowner's mortgage payments are current.
    - **Monetary Threshold:** Foreclosure is only permitted if the total amount of the lien (including assessments, late fees, interest, and collection costs, but potentially excluding certain fines not related to assessments) is at least **$2,000**.
    - **Judicial Process:** Georgia requires a judicial foreclosure process, which means the HOA must file a lawsuit and a court order is required to sell the property.
    - **Notice Requirement:** The HOA must provide the homeowner with written notice via certified mail at least 30 days before starting the foreclosure action.
    - **Right of Redemption:** The homeowner generally has a right to "redeem" the property by paying the full outstanding amount, including all accumulated fees, interest, and legal costs, before the foreclosure sale is final.

## Important Considerations

- **Attorneys' Fees:** The homeowner is often responsible for covering the HOA's legal fees and court costs incurred during the collection process, which can cause the total debt to escalate rapidly.
- **Due Process:** HOAs must strictly follow the procedures outlined in their governing documents and Georgia law when imposing fines and pursuing collections to ensure the legal actions are valid.
- **Dispute Rights:** Homeowners have the right to dispute fines and can request a hearing before the HOA board. Promptly addressing a violation notice is crucial to potentially avoid escalation.