

Fining-Authority Verification Checklist

Work through this checklist with your recorded declaration (CC&Rs), your bylaws, any recorded amendments, and your state statute side by side. The goal is not just a yes or no, but a written record of the exact clause or statute your fine policy rests on.

Association name:

Reviewed by:

Date of review:

Where to look

- ☐ Declaration (CC&Rs): the article titled "Enforcement," "Remedies," "Default," or "Powers of the Association" (often near the end)
- ☐ Bylaws: the board powers article and any "Rules and Regulations" section
- ☐ Recorded amendments -- a fining grant is sometimes added later
- ☐ Your state's HOA or common-interest statute

Language that grants fining power

- ☐ "The Board may levy fines / monetary penalties / sanctions..."
- ☐ "...impose reasonable fines for violation of this Declaration or the Rules"
- ☐ "...discipline members," "member discipline," "schedule of penalties"
- ☐ A general grant to "adopt rules and regulations for the management of the development" -- commonly read to support a penalty schedule, but confirm with counsel before relying on it

Language that does not grant fining power

- ☐ Authority only to "enforce by proceedings at law or in equity" (that is a right to sue, not a right to fine)
- ☐ Authority to recover costs and attorney's fees
- ☐ A lien for unpaid assessments (fines are not assessments unless the documents say so)

What silence means

- ☐ No fine language + no statutory grant in your state = the board cannot impose monetary penalties until the documents are amended
- ☐

No fine language + a statutory grant (e.g., FL, AZ, CO, NV, NC, VA, WA) = fining may still be possible, but only within the statute's caps and hearing procedures

- ☐ When in doubt, get a written opinion from association counsel before the first fine -- not after the first challenge

What we found

Exact clause or statute relied on:

Quote the language and cite the article/section

Applicable statutory caps or hearing requirements:

Completed by (board member)