



## **ANTISOCIAL BEHAVIOUR POLICY – TERRA VERDE HOA**

### **1. Scope**

1.2. This policy applies to all Terra Verde owners, residents, or rental occupiers.

1.3 Terra Verde HOA have a responsibility to respond and to deal with ASB as effectively as possible, however, we are not responsible for the behavior of our owners, residents, or rental occupiers when they are present on Terra Verde. In addition to the legal responsibilities set out in the tenancy agreements we will encourage all residents to –

- Take responsibility for minor personal disputes with their neighbors and try to resolve any such problems in a reasonable manner.
- Report all crimes, including threats or acts of violence, to the Sheriff.
- Respect others right to their chosen lifestyle and be tolerant of everyday living.
- Work and cooperate fully to resolve disputes by attending mediation, providing diary sheets & witness statements, and attending court if necessary.
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- To show consideration to neighbors and not to cause a nuisance to them, their guests or HOA staff and contractors.

### **2. Aims and Objectives- this policy aims to:**

- Prevent and minimize the amount of ASB experienced on Terra Verde.
- Ensure we take a victim-centered and robust approach to tackling ASB, including prevention and intervention.
- Ensure all owners, residents and rental occupiers are treated in a fair and equitable manner.

### **3. Key terms and definitions**

1. Antisocial Behavior (ASB), is defined as:

- conduct that has caused, or is likely to cause harassment, alarm, or distress to any person.
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.

2. The types of anti-social behavior we consider a violation of this policy are as follows –

SIMPLE	EGREGIOUS
Noise Complaint	Loud Parties or Street parties
Vehicle(s) Parked on Grass	Physical Altercations
Pets & Animal Nuisance – Fouling, Excessive Barking, etc.	Vandalism
Loitering or Misuse of Communal Areas or Public Spaces	Foul Language in Public
	Abusive Behavior towards a Terra Verde Employee or contracted person
	Criminal Behavior or Activity
	Vehicle Nuisance – e.g., joy riding, drag racing, etc.
	Hate Crime – also known as a bias-motivated crime or act which occurs when a perpetrator targets a victim because of their membership, or perceived membership, of a certain social group or race.

Where persons have engaged in such anti-social behavior sanctions will be applied as found in paras., 5.1 to 5.3 below.

Not all reports relating to behavior that impacts on an individual can be deemed anti- social behavior. The following are some examples:

- Children playing
- Babies crying
- Sounds of day to day living, such as the opening and closing of car doors.
- DIY at reasonable time
- One-off parties providing they do not cause an unacceptable disturbance.
- Clashes of lifestyle, including cultural differences.
- Personal differences such as staring or fall outs between children.
- Comments made on Social Media sites

**4. Policy**

1. We will allow ASB to be reported to us in different ways, including in person, in writing, over the phone, by email and on our website.
2. We will publicize our approach to tackling ASB in resident newsletters, our website, and social media.
3. We will provide staff with training, clear guidance, policies, and procedures so that they can deal effectively with cases of ASB, use the appropriate enforcement tools, and are aware of the wider issues associated with ASB, including hate crime, and safeguarding (see 4.4)
4. All owners, residents and rental occupiers who wish to report an incident of ASB will be assessed for their risk and vulnerability to ensure the appropriate level of support can be provided and any safeguarding issues are identified.

5. We will work in partnership and consult with residents, the wider public, state, and local services, local authorities, and other external agencies as necessary to tackle ASB in our resort and provide support to those with vulnerabilities.
6. We will respond to reports of 'egregious' acts of ASB within one working day and 'simple' cases within five working days (Monday to Friday).
7. Where the prime responsibility and power to lead an investigation lies with another service, such as the Sheriff or Osceola County departments, we will support the investigation and take any necessary supporting action.
8. We will promote the view that everyone has the right to their own chosen lifestyle providing this does not impact adversely on the quality of life of others. We will not usually act where a complaint concerns behavior that results from different lifestyles, or which would not generally be unreasonable.
9. We will only investigate noise nuisance where the noise is frequently excessive in volume and duration or occurs at unreasonable hours.
10. We will encourage and expect owners, residents, and rental occupiers to take responsibility for solving personal disputes between themselves where appropriate. This may include collating evidence, liaising with other agencies, and taking part in mediation.
11. We will agree an action plan with the complainant and any witnesses and keep them informed, where appropriate, of the actions we take. This action may include reporting the incident to the Sheriff, warnings to owners, and the withdrawal of internet and cable services.
12. We will act against complainants for breach of HOA rules where we find complaints of ASB to be malicious and unfounded.
13. We will refer all crime, including threats or acts of violence to the Sheriff.
14. We will deal with any ASB committed against our employees and contractors in line with our internal policies and duties as an employer.
15. We will share information with third parties where we have an information sharing protocol in place, or there are safeguarding concerns, or we have a duty to do so for the purpose of crime prevention.
16. We will monitor the feedback we receive about how we manage and respond to cases of ASB to ensure continuous improvement and a high standard of service.

## **5. Practice**

5.1 The General Manager will be responsible for the maintenance of a process which will ensure that all complaints of ASB, simple or egregious, will be recorded on a 'Report Control Sheet' identifying the property address, date, time, and nature of the event. Owners and Management Companies will be informed of this complaint by email. Owners will be expected to take action on this alert and to challenge or accept the veracity of the complaint by contacting the General Manager.



5.2. At the time of every complaint of ASB received the General Manager will be responsible for investigating that complaint with a view to corroborating the complaint and will record this corroborative evidence for future use by the Masters' Board in terms of Section 5.4 and 5.8 below.

5.3 Incidents of ASB at any particular period will be monitored and recorded over a 6-month rolling period.

5.4 In the case of a 'simple' ASB violation, the General Manager will have the responsibility of writing to registered owners and management companies of the property. This letter will provide details of the nature of the anti-social behavior which has occurred and will warn the owner that the property has been placed on a "watch" list and should any further infringements occur sanctions will be immediately imposed. Fines will commence at \$200 for the initial incident and will rise by \$100 for each subsequent incident thereafter.

5.5 Where a 4th offence is reported the matter will be reported to the Masters' Board who will consider the case and if appropriate authorize the withdrawal of access to the 'common areas' of the resort and the vehicle identification card facility, as it applies to the owner or guest's resident at the property.

5.6 Failure to pay any fine within this process within 14 days of notification, will result in the immediate imposition of the withdrawal of access to the common areas of the resort and vehicle identification card.

5.7 Throughout this process, support will be given to the owner of the identified property in the form of advice and assistance as to how they can avoid further infringements. Any action taken by the registered owner in attempting to resolve the issue should be forwarded by the owner to the General Manager who will record same and give due consideration to these actions in the pursuit of any potential sanction.

5.8 In the case of a single incidence of 'egregious' ASB the General Manager will have the responsibility of writing to registered owners and management companies of this property where the address has been identified as being in breach of the Terra Verde HOA regulations and bylaws, due to the egregious anti-social behavior of its occupants. This letter will provide details of the nature of the anti-social behavior which has occurred. An immediate fine of between \$200 to \$500 will be issued, rising by \$100 for each subsequent complaint received.

5.9 Where a 3rd offence is reported at a property subject to the 'egregious' ASB process the matter will be reported to the Master's Board who will consider the case and if appropriate authorize the withdrawal of access to the 'common areas' of the resort and the vehicle identification card facility, as it applies to the owner or guest's resident at the property.

5.10 Failure to pay any fine within the 'egregious' ASB process within 14 days of notification, will result in the immediate imposition of the withdrawal of access to the common areas of the resort and vehicle identification card.

5.11 The General Manager will present to the Masters' Board an end of month report detailing the incidences of ASB at properties across the resort, including the nature of the ASB, and the action taken.

**Board of Directors**  
**9.19.21**

