

LEELAND STATION COMMUNITY ASSOCIATION

POLICY RESOLUTION NO. 2018-01

**(Adoption of Enforcement Procedures
to Ensure Due Process in Covenant Enforcement Cases)**

Effective Date: July 1, 2018

WHEREAS, Article 4, Section 4.1 of the Bylaws for the Leeland Station Community Association (“Bylaws”) provides the Board of Directors with the power to enforce the provisions of the Declaration for the Leeland Station Community Association (“Declaration”), the Articles of Incorporation for the Leeland Station Community Association, its Bylaws and the rules and regulations adopted by the Leeland Station Community Association (collectively the “Association Documents”); and

WHEREAS, Article 7, Section 7.2 of the Declaration states, in part:

If any Owner shall fail to keep such Owner’s Lot in as good repair and condition as when acquired (normal wear and tear excepted) and in a neat and orderly condition, consistent with such Rules and Regulations as the Board of Directors may promulgate, then the Board ... may, pursuant to resolution, give notice to that Owner of the condition complained of, describing generally the action to be taken to rectify that condition. If the Owner fails to take the actions described or to otherwise rectify the condition within thirty days after the date the notice is given, or such other period as may be specified in the notice if the circumstances warrant a different period, the Board of Directors ... shall have the right, but not the obligation, pursuant to Sections 3.3 and Subsection 12.1(f) and any resolutions adopted by the Board of Directors ... to rectify that condition by taking such action (or by causing such action to be taken) as was generally described in the notice. [] The Owner shall reimburse the Association within thirty days after delivery of a statement for such expenses from the Board.

WHEREAS, Article 8, Section 8.3 of the Declaration states, in part:

The Board of Directors shall have the power to adopt, amend and repeal Rules and Regulations restricting and regulating the use and enjoyment of the Property or of any portion thereof and the actions of the Owners and occupants which affect the Property, which may supplement, but may not be inconsistent with the provisions of the Association Documents.

WHEREAS, Article 12, Section 12.1(f) of the Declaration permits the use of self-help remedies to abate and enjoin violations on the Lots; and,

WHEREAS, Article 12, Section 12.1(h) of the Declaration establishes the power of the Board of Directors to impose monetary charges and to suspend membership privileges for violations of the Association Documents, provided that certain due process procedures must be followed; and

WHEREAS, Section 55-513 of the Virginia Property Owners' Association Act ("the Act") provides the Board of Directors with "the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to (i) suspend a member's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments which are more than 60 days past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant and, (ii) assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible."

WHEREAS, the Board has determined that it is in the best interest of the Association and its membership to adopt Enforcement Procedures to further clarify the rights of the owners to due process in enforcement cases.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following Enforcement Procedures which shall supersede and replace any previously adopted policies or procedures relating to the same subject.

ENFORCEMENT PROCEDURES

The Board of Directors is empowered to enforce compliance with the Association Documents. The following enforcement procedures shall be used to ensure compliance and to provide the owners with adequate due process.

1. Violations may be observed and reported to the Board by a member of the Board, the Site Manager, a member of the Association's staff, or an owner or resident. If an owner or resident wishes to report a potential covenant or rules violation, he or she shall complete, date and sign a complaint form substantially in the form of Attachment A ("Violation Complaint Form"). Complaints will not be investigated or acted upon unless they are in writing and signed. The complaint shall be submitted to the Site Management office where the complaint will be logged.

2. If the alleged violation is of a non-continuing nature (e.g., a dog running loose, garbage can placement, or pet feces), and cannot be readily confirmed by the Association, the Board will take no further action unless at least two (2) owners and/or residents report the violation in writing. If action is taken, a letter will be sent to the owner advising him/her of the allegation and requesting the violation not be repeated. If a subsequent complaint is received alleging a repeat violation, the Association will proceed directly to the Second Notice of Violation.

3. If the alleged violation is of a continuing nature or is confirmed by a site visit by a member of the Board, a member of the Association's staff, or by the Site Manager, the Association shall send a First Notice of Violation to the owner pursuant to these procedures.

4. Unless the Board of Directors declares an emergency, the Board of Directors shall provide the owner with written notice and a reasonable opportunity to cure the alleged violation before the Association initiates any enforcement procedures. The First Notice of Violation shall be sent by regular mail to the owner(s) at the lot address unless an owner has provided to the Site Manager an address other than the address of the owner's lot. The First Notice of Violation shall advise the owner of the nature of the offense, cite the specific provision within the Association Documents and/or rules that the owner has allegedly violated, specify the remedy required, and state the number of days within which the owner must complete corrective action.

5. If the violation continues after expiration of the time set in the First Notice, a Second Notice of Violation will be sent to the owner. The Second Notice will inform the owner of the time and place of a formal hearing before the Board, and shall be sent at least 14 days prior to the hearing. This notice shall also warn the owner of the Board's power to suspend membership privileges and/or impose monetary charges as sanctions for violations of the Association Documents and/or regulations and shall inform the owner of his/her right to a hearing before the Board to contest the violation and to appear with counsel. The Second Notice shall be sent by certified mail, return receipt requested or delivered by hand to the owner. Notice will be deemed effective if any owner fails or refuses to sign for any registered or certified mailing from the Association.

6. The Board may reschedule any hearing within its discretion upon good cause shown by the owner. Notice of the rescheduled hearing date will be provided to the owner at least fourteen (14) days in advance by certified mail, return receipt requested or by hand delivery. The owner shall have a reasonable right to be heard at the hearing and represented by counsel at the owner's expense and to present any evidence deemed relevant to the violation. Failure to attend the hearing shall constitute a waiver of the opportunity to be heard.

7. Following the hearing, the Board shall meet in executive session to determine whether it has received satisfactory proof of the alleged violation, and if so, what action will be taken against the owner to encourage prompt correction of the violation. The Board's actions may include any combination of the following:

A. Referral of the matter to the Association's legal counsel for appropriate action to secure compliance with the Association's governing documents.

B. As applicable and in accordance with the Declaration, the Board may decide to enter the lot to correct the violation and to impose a special assessment against the lot for the full cost incurred by the Association in correcting the violation.

C. In accordance with Article 12, Section 12.1(h) of the Declaration, the Board may vote to impose monetary charges not to exceed \$50.00 for a single

violation or \$10 per day for a violation of a continuing nature up to 90 days, and also to suspend an owner's membership rights in order to enforce the governing documents.

8. Notice of the Board's decision regarding imposition of monetary charges and suspension of an owner's privileges shall be delivered to the owner by hand or by certified mail, return receipt requested within seven (7) days of the Board's decision.

9. If an owner repeats a violation within one (1) year of the date the Board sent a First Notice of Violation to the owner for the identical violation, the Board may proceed directly to the Second Notice whereby the owner will be notified of another hearing before the Board.

10. The procedures set forth herein do not preclude the Association from taking accelerated measures in the case of a violation that constitutes an emergency, provided that the owner in violation has been provided such adequate notice as circumstances permit, and the Association's actions are consistent with the Association Documents.

11. The Board reserves the power to hold owners legally responsible for ensuring that the owners of their household and tenants, guests or invitees comply with the Association Documents, and rules and regulations.

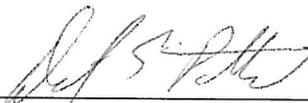
12. The provisions outlined in this section may be applied to all violations of the Association Documents and rules and regulations, but do not preclude the Association from exercising other enforcement remedies and procedures authorized by the Association Documents or Virginia law, including, but not limited to, the initiation of suit for injunctive relief or self-help remedies.

13. The effective date of this Resolution shall be July 1st, 2018.

This Resolution was adopted by a vote of the Board of Directors of the Leeland Station Community Association, this 5th day of JUNE, 2018.

LEELAND STATION COMMUNITY ASSOCIATION

By: 
Name: Philip Herbert
Title: President

By: 
Name: David Pitts
Title: Secretary

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed to all the Owners of the Leeland Station Community Association, at their addresses of record on this 11th day of June, 2018.



Katrinea M. Erb, CMCA[®], AMS[®]
First Service Residential Metro DC LLC

Leeland Station Community Association

VIOLATION COMPLAINT FORM

From: _____
(Name of Individual filing complaint)

(Street Address) _____
(Phone)

(email address)

To: Site Manager

1. Name and address of person(s) responsible for violation:

2. Describe in detail how, when, and where the rules were violated.

3. Have you personally requested the unit owner or tenant to cease the rules violation?
____ No, ____ Verbally, ____ By written request. Date? _____

4. If not, why not?

Signature(s): _____

(Date)

FROM: Site Manager

Management has investigated the alleged violation(s) stated above and ____ Concur ____ Does Not Concur with the complainant.

The reason Management concurs/does not concur is (include contacts with owner/alleged violator):

(Signature/date of Management)

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POLICY RESOLUTION NO. 2018 - 01

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RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held on 6/5/2018

Motion by: Doug Camp

Seconded by: Steve Stephenson

| VOTE: | YES | NO | ABSTAIN | ABSENT |
|--------------------------|----------|-------|---------|--------|
| Director, President | <u>X</u> | _____ | _____ | _____ |
| Director, Vice-President | <u>X</u> | _____ | _____ | _____ |
| Director, Treasurer | <u>X</u> | _____ | _____ | _____ |
| Director, Secretary | <u>X</u> | _____ | _____ | _____ |
| Director | <u>X</u> | _____ | _____ | _____ |

ATTEST: [Signature]
Secretary

06/05/2018
Date

Resolution Effective: July 1st, 2018

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