

ROXBURY OF MT. VERNON HOMEOWNERS ASSOCIATION, INC.

Policy Resolution No. 05- 01

(Imposition of Monetary Charges/Suspension of Privileges for Violations and Due Process Procedures)

WHEREAS, Article IX, Section 1 of the Bylaws and § 55-513 of the Virginia Property Owners' Association Act ("Act") provides that the Board of Directors shall exercise for the Association all powers, duties, and authority vested in or delegated to the Association and not reserved to the membership; and

WHEREAS, Article IX, Section 2(i) of the Bylaws provides the Board of Directors with the duty to enforce compliance with all provisions of the Declaration of Covenants, Conditions and Restrictions; and

WHEREAS, Article V, Section 1 of the Declaration of Covenants, Conditions and Restrictions; Article III, Section 2 of the Bylaws; and §55-513 of the Act provide that the Association may suspend an owner's voting rights and rights to use the facilities of the Association after notice and an opportunity to be heard, if an owner is delinquent in the payment of assessments or violates the Declaration, or the rules and regulations of the Association; and

WHEREAS, §55-513 of the Act further provides that the Board may impose monetary charges after notice and an opportunity to be heard, against owners for violations of the Declaration or rules and regulations of the Association ("Governing Documents"); and

WHEREAS, the Board of Directors believes that it is necessary and desirable to establish a procedure to assure due process in cases in which there is a question of compliance by a owner with provisions of the Governing Documents of the Association and before monetary charges or suspension of privileges is considered.

NOW, THEREFORE, BE IT RESOLVED that the following procedures are adopted:

A. Monetary Charges. The Board of Directors may impose for any violation of the "Governing Documents" a monetary charge of up to \$50.00 for a single offense or \$10.00 per day for a maximum of 90 days for any offense of a continuing nature, as permitted by §55-513 of the Act. An offense of a continuing nature is defined as a violation of the Association's Governing Documents which, by its nature, remains a violation continuously for more than 24 hours unless corrected by the owner. Prior to imposing monetary charges, the Board shall follow the due-process procedures set forth below.

B. Suspension of Privileges. The Board may suspend an owner's rights (and that of his or her family members, guests or tenants) to use facilities or receive services during any period in which an owner is delinquent for at least 60 days. Such facilities or services shall include, but not be limited to, any of the following:

1. The right to use the common area parking lots; and/or
2. The right to exercise voting privileges; and/or

3. The right to use any other common area facility; and/or
4. The right to receive any other services provided by the Association.

Prior to imposing charges or suspending the use of facilities or services, the Board shall follow the due-process procedures set forth below.

C. Due Process Procedures.

1. Notification to Owner. The Association shall provide the owner(s) with written notice describing the violation and requesting that the violation be corrected and/or the delinquency paid and a time period (not less than 14 days from the date of such notice except in emergency situations or violations involving safety issues) in which the owner has the right to correct the violation, pay the dues, or request a hearing before the Board of Directors to discuss such violation and/or delinquency. Such notice shall be sent to the owner's address of record appearing on the books of the Association. While the Board may copy such notices to any tenants involved, the owner bears the primary obligation to so notify the involved tenants and any failure of the Association to notify the tenants shall not affect the suspension or imposition of monetary charges.

2. Confirmation of Correction of Violation. The Board or the managing agent shall confirm payment of the delinquent assessments or correction of the alleged violation within the time period requested in the first notice. If the delinquency is paid or the alleged violation is corrected, the case shall be closed.

3. Notice of Hearing. If the owner requests a hearing within the time period specified, a hearing will be scheduled and written notice thereof shall be hand-delivered or mailed, certified mail return receipt requested, to the owner at his or her last known address of record at least 14 days in advance of the hearing date. The appearance of the owner of record at the hearing will be conclusive proof of proper notice.

4. Hearing. The hearing shall be held before the Board of Directors and may be, in whole or part, held in closed session at the option of the Board and/or owner and pursuant to such other rules of procedure set by the Board. The owner will have the right to have counsel present (however the Board reserves the right to reschedule the hearing if the owner brings counsel in order for the Association to be similarly represented) and should present any and all evidence in his or her defense.

Following the hearing, the Board of Directors shall meet in executive session to discuss whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed and/or privileges should be suspended. The Board shall then exit executive session to hold a vote in open session on whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed and/or privileges should be suspended.

5. Monetary Charges. When the Board's judgment is unfavorable to the owner, the Board may impose monetary charges as an assessment against the owner's lot or suspend the owner's privileges. Monetary charges may not exceed \$50.00 for a single offense or \$10.00 per day for a maximum of 90 days for any offense of a continuing nature, although the

Board reserves the power to increase these maximum sanctions if the General Assembly enacts legislation in the future that permits the Board to do so. An offense of a continuing nature is defined as a violation of the Association's Governing Documents which, by its nature, remains a violation continuously for more than 24 hours unless corrected by the owner. The Board shall treat monetary charges as an assessment against the owner's lot.

6. Notice of Decision. The Board of Directors shall deliver notice of its decision to the owner by registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, at their address of record with the Association within seven (7) days of the date of the hearing.

Failure to request a hearing or failure to attend the hearing constitutes a waiver of the opportunity to be heard and the Board may make a decision to impose monetary charges or suspend privileges or services in its discretion as if the owner were present at a hearing.

7. General Matters. The Board of Directors reserves the power to hold owners legally responsible for ensuring that their tenants, guests, or invitees comply with the Governing Documents.

The procedures outlined in this Resolution may be applied to all violations of the Association's Governing Documents, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Association's legal documents, including, but not limited to, the initiation of suit or self-help remedies. The Board of Directors reserves the power to assign all of its powers and responsibilities herein to the Covenants Committee.

ROXBURY OF MT. VERNON
HOMEOWNERS ASSOCIATION, INC.

By: Craig Tullar
Craig Tullar, President

The Secretary hereby attests that this Policy Resolution was approved and adopted by the Board of Directors on this 13th day of December, 2005, and the Resolution was mailed and/or hand-delivered to the addresses of record of the lot owners on this 15th day of February, 2006

Dec. 13, 2005
Date

Daisy McKinley
Secretary

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors of Roxbury of Mt. Vernon Homeowners Association, Inc. held on Dec 13th, 2005.

Motion by: Craig Tullar Seconded by: Oscar Lopez

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Craig Tullar</u> President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Oscar Lopez</u> Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Daisy McGinley</u> Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Tonja Stewart</u> Secretary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Martha Andom</u> Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ATTEST:

Daisy McGinley
Secretary

Dec. 13, 2005
Date

Resolution effective: Dec. 13, 2005