

ROXBURY OF MT. VERNON HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 20-01

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

WHEREAS, pursuant to its authorities in Va. Code Section 55.1-1819, the Association's Declaration of Covenants and Restrictions, its Bylaws and the Association's rules and regulations (collectively "Governing Documents"), the Board of Directors enforces numerous regulations of the Association, including, but not limited to, those regulations set forth in the Declaration, architectural guidelines and resolutions governing the use of the Association's facilities; and

WHEREAS, Article V, Section 1(d) of the Association's Declaration provides for enforcement remedies for violations of the Association's Governing Documents.

WHEREAS, the Board of Directors has determined that it is in the best interest of the Association and its members for the Board to clarify and refine its enforcement procedures and the rights of members to due process in connection with those procedures;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following policy:

1. Unless the Board declares an emergency or deems a violation to be in urgent need of correction for health and safety reasons, the Board of Directors must provide members with a written notice and an opportunity to cure any alleged violation of the Association's Governing Documents.
2. The Board shall send any such initial notice of violation in writing and deliver it personally or via first class mail, to the member at his/her address listed in the Association's records, and to the property address, if the member's listed address is different from the property address.
3. The first notice of citation shall generally advise the member of the nature of the offense, cite the specific provision within the Association's Governing Documents that the member has allegedly violated, specify the remedy required, and state the number of days within which the member must complete corrective action.
4. If the member does not remedy the offense within the number of days requested in the notice of citation or if the offense is urgently in need of correction to prevent further damages or poses a hazard, the Board of Directors reserves the power to issue a second notice of citation, which shall follow the basic form of the first notice of citation and include any additional information deemed important by the Board of Directors concerning the offense.

5. The second citation shall also warn the member of the Board's power to suspend membership privileges, including use of the Common Area for parking, as sanctions for violations of the Association's Governing Documents and shall inform the member of his/her right to attend a hearing before the Board of Directors to contest the citation.

6. The second notice of citation shall include the time, date and place of the hearing before the Board of Directors, which hearing date shall be determined at the Board's discretion. This second notice of citation/notice of hearing to the member shall be hand delivered or mailed by registered or certified mail, return receipt requested, at least fourteen (14) days in advance of the hearing date to the owner's address listed in the Association's records, and to the property address, if the member's listed address is different from the property address. The Board will deem notification effective if any member fails or refuses to sign for any registered or certified mailing from the Association. At the hearing, the Board of Directors shall provide the member with a reasonable amount of time to present any and all defenses to the citation. The member may have counsel present at the hearing.

7. Following the hearing, the Board of Directors shall meet in executive session to determine whether it received satisfactory proof of the alleged violation, and if so, whether it should impose a sanction. If an owner fails to attend any hearing before the Board of Directors they will be deemed to have waived their right to a hearing.

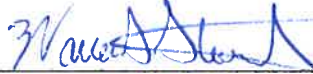
8. Notice of the Board of Directors decision regarding the suspension a member's right to vote on Association matters, and/or a member's right to use the Common Area must be delivered to the member by hand or by registered or certified mail, return-receipt requested within seven (7) days of Board's vote on the matter, or as otherwise required by the Virginia Code.

9. The Board of Directors reserves the power to hold members legally responsible for ensuring that the members of their household, and their tenants, guests, or invitees comply with the Association's Covenants and Regulations.

10. The procedures outlined in this Resolution may be applied to all violations of the Association's regulations, 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 a standing or special committee of its choice.

The effective date of this Resolution shall be December 1, 2020, and shall supersede any previously adopted Policy Resolution or guideline regarding the Association's covenant enforcement procedures, including Policy Resolution 05-01.

ROXBURY OF MT. VERNON
HOMEOWNERS ASSOCIATION, INC.



_____, President

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the members of Roxbury of Mt. Vernon Homeowners Association, Inc. on this 30 day of January, 2020.

Munirah Khan
RHOA, Secretary

