

**WILLIAMSTOWN HOMEOWNERS ASSOCIATION, INC.
RULES ENFORCEMENT AND DUE PROCESS
POLICY RESOLUTION #19-03**

WHEREAS, the Articles of Incorporation of the Williamstown Homeowners Association, Inc. ("Articles") identify that the purposes of the Williamstown Homeowners Association, Inc. ("Association") are (1) to provide for maintenance, preservation and architectural control of the residence lots, (2) to own, improve, maintain and preserve the common areas within the Association, and (3) to promote the health, safety and welfare of the residents within the Association; and

WHEREAS, the Articles direct the Association to exercise the powers, privileges, and duties described in the Declaration of Covenants, Conditions and Restrictions, as amended ("Declaration"); and

WHEREAS, the Virginia Property Owners Association Act ("Act") provides statutory framework for the Association, including Section 55-513 which gives the Board of Directors the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas, and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members; and

WHEREAS, Section 55-513 of the Act also provides that rules and regulations may include the power to suspend a member's right to use facilities and services provided directly through the Association for nonpayment of assessments that are more than sixty (60) days past due, to assess charges against any member for any violation of the Declaration or rules and regulations which the member or his family, tenants, guests or other invitees are responsible, and seek injunctive relief arising from any violation of the Declaration or rules and regulations; and

WHEREAS, Article VI, Section 1(c) of the Declaration and Imposition of Covenants, Conditions and Restrictions of 1972, as amended ("Declaration") establishes the right of the Association to suspend the enjoyment rights of any Member for any period during which any assessment remains unpaid, and for any period not to exceed thirty (30) days for any infraction of its published rules and regulations; and

WHEREAS, Article XII, Section 1 of the Declaration establishes the right of the association to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of the Declaration; and

WHEREAS, for the benefit and protection of all Owners, the Board of Directors deems it desirable to formally adopt a policy resolution to enact the statutory power to assess monetary charges, suspend privileges and to establish a procedure for enforcement of the regulations of the Association which are consistent with principles of due process and Virginia law.

NOW THEREFORE, The Board of Directors hereby repeals all rules and regulations relating to rules enforcement and due process at the Association enacted prior to the date of this Resolution, and formally adopts this Rules Enforcement and Due Process Resolution.

RESOLUTION

1. Owners are responsible for ensuring that their property is used and occupied in accordance with the requirements of the Governing Documents. In this regard, Owners are responsible for the actions/failure to act on the part of their family members, guests, visitors, tenants, and invitees. On behalf of the Association, the Board of Directors or Covenants Committee may issue one or more notices of violation to any Owner whose behavior or use of property does not conform to the Association Declaration, Bylaws and rules and regulations (collectively "the Governing Documents").
2. Manner of determining a violation of the Governing Documents. All members, homeowners, residents, tenants, and the management staff are permitted to report to the Board instances where one or more violations of the Governing Documents have occurred. The Board may exercise due diligence to confirm that the reported violation(s) exist and/or took place.
3. Notices of Violation. When the Board, in its discretion, has determined that one or more violations of the Governing Documents have occurred, the Board, via its managing agent, shall send written notice of the violation(s) to the relevant Lot Owner(s) and/or resident(s) ("Notice"). The Board shall send this Notice within ten (10) days of concluding the violation occurred. The sending of the Notice shall be conclusive evidence of the Board's confirmation of its belief the violation occurred. The Board shall cause the first notice of violation to be sent in writing and delivered personally or via first class mail, to the Owner at his/her address listed in the Association's records, and to the property address, if the Owner's listed address is different from the property address.
 - a. Contents. The first notice of violation shall generally advise the Owner of the nature of the violation, cite the provision(s) within the Association's Governing Document, and/or applicable law which has/have allegedly been violated, specify the remedy required, and state the number of days within which the Owner must complete corrective action.
 - b. Health and Safety Risks, Repeat Violations. Notwithstanding the provisions in this paragraph, the Board is not required to provide a first violation letter as set forth in this paragraph if it determines that the interests of health and safety of the residents of the Association requires a more expedited handling of the violation(s) or the Owner has repeated the same offense in a twelve (12) month period. In such a case, the Association shall send a violation letter that shall be consistent in form to the violation detailed in paragraphs 3 and 4 herein.

4. Hearing Notice. If the Owner does not remedy the offense within the number of days requested in the notice of violation, the Board of Directors reserves the power to issue a Hearing Notice, which shall advise the Owner that he or she is called to hearing, cite the specific provisions of the Governing Documents that the Owner has allegedly violated, and the date, time and location of the hearing. The Hearing Notice also shall advise the Owner of the Board's power to impose monetary charges and/or to suspend privileges for violations of the Governing Documents, its right to seek injunctive relief to compel compliance and the Owner's right to contest the violation and be represented by counsel. Under no circumstances shall the Association be responsible for any attorneys fees or costs incurred by an Owner relating to a violation or hearing conducted pursuant to this Policy.
 - a. The suspension of privileges includes suspension of members' access to the swimming pool and to the common area parking, and also access by members of the member's household, as well as guests, visitors, tenants and invitees.
5. Delivery of Hearing Notice. The Board shall deliver the Hearing Notice by Registered or Certified Mail, Return Receipt Requested, and via first class mail, postage pre-paid, to the Owner at his/her address listed in the Association's records, and to the property address, if the Owner's listed address is different from the property address at least fourteen (14) calendar days before the hearing date. Notification will be deemed effective if any Owner fails or refuses to sign for any certified mailing from the Association.
6. The Hearing. The Board shall schedule a hearing for the date and time specified in the Hearing Notice. The Owner shall have a right to present evidence in the Owner's defense, and may be represented by counsel. If the Owner fails to appear for the Hearing, the Board shall conduct the Hearing in the Owner's absence. Following the hearing, the Board of Directors may meet in executive session to discuss whether satisfactory proof of the alleged violation was presented, and if so, whether injunctive relief will be sought, monetary charges should be imposed and/or privileges should be suspended. The Board shall exit executive session to hold a vote in open session on whether satisfactory proof of the alleged violation was presented, and if so, whether injunctive relief will be sought, monetary charges should be imposed and/or privileges should be suspended.
7. Enforcement Actions. When the Board's judgment is unfavorable to the Owner, the Board may impose monetary charges as an assessment against the Owner's lot, suspend the Owner's privileges, and/or authorize counsel to file for injunctive relief. The Board of Directors may impose monetary charges in the amount of \$50.00 for each violation or \$10.00 per day for a maximum of 90 days for each day that a violation continues after the deadline for corrective action established by the Board. 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 reserves the power to increase these maximum sanctions if the

General Assembly enacts legislation in the future that permits the Board to do so. The Board shall treat monetary charges as an assessment against the Owner's lot.

8. Notice of Hearing Results. 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) calendar days of the date of the hearing.
9. The Board reserves the right to assign all of its powers and responsibilities as set forth in this Resolution pertaining to violations of the Association's Governing Documents relating to the use of lots and Common Area to the Covenants Committee.

VIOLATIONS RELATED TO MAINTENANCE, AND ARCHITECTURAL REQUIREMENTS

10. The Board may follow a system of enforcement of the Association's maintenance and architectural related requirements that involves three (3) or more notices of violations, with curing deadlines determined by the Board in its discretion.
11. If enforcement action is taken against an Owner under the terms of this policy and is initiated by an Architectural Control Committee, the final decision of the Architectural Control Committee may be appealed to the Board of Directors provided that the request for an appeal is submitted in writing within ten (10) calendar days of the date of the final written decision issued by the Covenants Committee. All such requests for an appeal shall be submitted directly to the Board or to the Managing Agent. The Board of Directors may reconsider, review, modify or reverse any action taken by the Architectural Control Committee

ELECTION OF REMEDIES; RESERVATION OF RIGHTS

12. Self-Help, Imperfect Compliance of this Resolution, Cure. The procedures outlined in this Resolution may be applied to all violations of the 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 immediate self-help remedies. Imperfect compliance with this Resolution by the Board, a committee, and/or management shall not invalidate any enforcement action, and shall not waive any right of the Association to enforce its Governing Documents. The Board may choose to cure any flaw that may take place in the course of enforcing its Governing Documents.
13. Cease and Desist, Access. In the case of any violations related to renovations, repairs or alterations to Lots, houses, and/or property within the Association, the Association reserves the right to issue cease and desist notices immediately to relevant parties, including the relevant Lot Owner(s), resident(s) and contractors involved in any prohibited conduct. The Association may also prohibit entry to the Association's

facilities to contractors engaged or alleged to have engaged in prohibited conduct related to any work occurring within the Association, immediately in the case of emergencies or an imminent threat to person property.

The effective date of this Resolution shall be May 16, 2019.

**WILLIAMSTOWN HOMEOWNERS
ASSOCIATION, INC.**

By amgray
President

RESOLUTION ACTION RECORD

Resolution Type: Policy No. A-03

Pertaining to: Rules Enforcement and Due Process

Duly adopted at a meeting of the Board of Directors of Williamstown Homeowners Association, Inc. held May 16, 2019.

Motion by: Torcia Rampersad Seconded by: Angelique Combs

VOTE:

	Yes	No	Abstain	Absent
<u>Am Gray</u> Director	<u>Am Gray</u>	_____	_____	_____
<u>[Signature]</u> Director	<u>[Signature]</u>	_____	_____	_____
<u>[Signature]</u> Director	<u>[Signature]</u>	_____	_____	_____
<u>[Signature]</u> Director	<u>[Signature]</u>	_____	_____	_____
<u>[Signature]</u> Director	<u>[Signature]</u>	_____	_____	_____

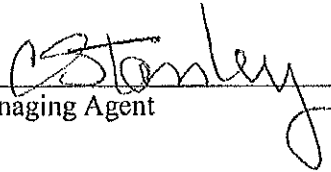
ATTEST:

[Signature]
Secretary

5/16/2019
Date

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was posted to the Association webpage and notice of its availability was mailed to the Williamstown Homeowners Association, Inc. on this 15 day of June, 2019.



Managing Agent