

WINDSOR MEWS OWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2017-

**Resolution Regarding Procedures Relative
to Rules Violations and Enforcement**

WHEREAS, Article 4, Section 4.1 of the Association's Bylaws provide that affairs of the Windsor Mews Owners Association, Inc. ("Association") shall be managed by the Association's Board of Directors ("Board"); and

WHEREAS, Article 8, Section 8.3 of the Declaration for Windsor Mews ("Declaration") provides that the Board shall have the power to establish, adopt and enforce rules and regulations with respect to the Property; and

WHEREAS, Article 12, Section 12.1(h) of the Declaration provides that the Association shall have the power to suspend access to the Common Area facilities and assess a violation charge against a lot for any infraction of the Association's rules and regulations and the Declaration or rules and regulations pursuant to Section 55-513 of the Virginia Property Owners' Association Act ("the Act"); and

WHEREAS, Section 55-515 of the Act charges all lot owners and all those entitled to occupy a lot with compliance with the Declaration; and

WHEREAS, it is the intent of the Board of Directors to enforce the Association's Declaration and rules and regulations adopted pursuant thereto for the benefit and protection of the Association's Members, Owners and residents by establishing procedures which ensure due process and consistency of enforcement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors by the Act, the Declaration, Bylaws and this resolution is hereby empowered to suspend access to the Common Area facilities and assess violation charges pursuant to Article 12 of the Declaration and Section 55-513 of the Act, and shall assess such charges or impose such suspensions for any violation of the restrictive covenants or rules and regulations, only after the following procedures have been followed. This resolution shall supersede any and all prior resolutions to that effect:

I. COMPLAINT

- A. Any Owner, tenant, agent or Board member who requests that the Board take action to enforce any provision in the Association's Governing Documents (Declaration and Bylaws, as amended from time to time) or rules and regulations, shall complete, date and sign a Complaint in a form similar to and containing the information contained on Exhibit "A" hereto. The Board may take action without completing a complaint form.
- B. The Complaint shall be submitted to the Board for an initial determination as to whether it appears that a rule or provision of the Association's Declaration or applicable law has been violated.
- C. The Board of Directors shall then take appropriate action, including but not limited to directing that a demand letter be sent or that the matter be referred to counsel or county authorities.

II. DEMAND

- A. If determined appropriate, a written demand letter which may, but is not required to be in a form similar to Exhibit "B" attached hereto, shall be sent by first class mail or shall be hand-delivered to the Owner at the address which the owner has provided to the Association or at the Lot address if no other address has been provided. A copy may be sent to the tenant if there is a tenant.
- B. The demand letter shall specify the alleged violation or breach, the action required to abate the violation and a date not less than ten (10) days after the date of the demand letter by which the alleged violation must be remedied. **Provided, however**, when the violation may constitute a health, safety or fire hazard, demand may be made to remedy the violation immediately or within twenty-four (24) hours.
- C. The demand letter shall state that if the violation is not remedied, the alleged violator must request in writing a hearing before the Board to avoid suspension of rights or the assessment of charges. The letter shall also state that if no hearing is requested, then violation charges may be assessed and suspensions may be imposed. The demand letter may be combined with the notice of hearing referenced in Section III if of a serious nature or if previous notices of violation have been sent to the owner.

III. NOTICE OF HEARING

A. If the alleged violation is not remedied within the date or time specified in the demand letter referenced in Section II and the owner requests a hearing or if the Board determines a hearing is necessary, a notice of hearing shall be sent. Notice of a hearing shall be hand delivered or mailed by registered or certified United States mail, return receipt requested, at least fourteen (14) days in advance thereof, or within such other time as may be required by the Act, to the owner at the address which the owner is required to provide to the Association. Service by mailing shall be deemed effective two (2) days after the notice has been mailed in a regular depository of the United States mail. The demand letter referenced in Section II.B may be combined with the notice of hearing.

B. The notice of hearing may, but is not required to be similar to Exhibit "C" attached hereto and shall specify:

1. The time, date and place of the hearing.
2. That the owner and/or tenant, if allowed by the Board, shall be given an opportunity to be heard and to be represented by counsel before the Board.
3. The alleged violation, citing pertinent provisions of the Declaration or Rules and Regulations.
4. That certain charges may be assessed and certain rights may be suspended as may be authorized by the Act and the Declaration.

IV. HEARING

A. The hearing shall be scheduled at a reasonable and convenient time and place within the discretion of the Board.

B. The Board, within its discretion, may grant a continuance of the hearing. If the owner for which the hearing is scheduled requests a continuance to a different time or date, and the Board grants such continuance, no further notice of the continued hearing shall be required.

C. The hearing need not be conducted according to technical rules of evidence applied in a court of law. The hearing shall provide the alleged violator with an opportunity to be heard and to be represented by counsel.

D. The Owner, tenant, any person lodging a complaint, and members of the hearing panel shall have the right (1) to call, examine, and cross-examine witnesses, (2) to introduce

testimony and evidence, and (3) to rebut testimony and evidence, all within reasonable time limits imposed by the Board of Directors.

E. The hearing shall be conducted in closed session unless the alleged violator requests that the hearing be open to owners and residents and further provided that the chairman of the hearing body may impose a reasonable limit on the number of such persons who can be accommodated in the hearing room. During the course of any hearing held, the Board, within its discretion, may afford those residents involved with the dispute or violation an opportunity to be heard within reasonable time limits.

F. After proper notice has been given, if the Owner fails to appear at the hearing or if no hearing is requested, the hearing or meeting may continue as scheduled and the Board may suspend rights, assess violation charges or take such other action as may be authorized by the Association's Declaration or by law.

G. If the alleged violator acknowledges responsibility for the violation charged, or does not wish to contest the alleged charge, the Board may, in its discretion, dispense with a hearing.

H. Within seven (7) days after the hearing (or such other period as may be legally required), the Board shall notify, in writing, the alleged violator of its decision, and the suspension of any rights or assessment of any charges.

I. In its sole discretion, and upon written receipt thereof made within ten (10) days of the date of the Board's decision, the Board may grant any person deemed by the Board to have standing as an aggrieved party the right to appeal to the Board. The Board may, in its sole discretion, reconsider, review, modify or reverse any action taken by the Board.

V. RECORDS

A. The Board shall keep copies of all correspondence relative to rules violations in the owner's file or in a separate file on rules violations. Minutes of each hearing or meeting may be kept and a form similar to that attached hereto as Exhibit "D" shall be completed and placed in the owner's file and appropriate Association files.

EXHIBIT "A"
TO THE RESOLUTION REGARDING PROCEDURES RELATIVE
TO RULES VIOLATIONS AND ENFORCEMENT
WINDSOR MEWS OWNERS ASSOCIATION, INC.

Rules Violation Complaint

Date: _____

1. Name of person(s) violating rules:

2. Lot # or address of person(s) violating rules:

3. Are the person(s) named in question 1 tenants or owners?

4. Describe in detail how and where the rules were violated:

5. When did the violation(s) occur?

6. Have you personally requested the owner or tenant to cease the rules violation?

Yes, No, Verbally, By written request. When?

7. Name and number of person(s) making complaint: _____

8. Signature:

Owner: _____ Tenant: _____

FOR ASSOCIATION USE ONLY

9. Provision(s) of Declaration or Rule(s) violated: _____

10. Registered name(s) of owner(s): _____

11. Owner's address if non-resident:

12. Registered name(s) of tenant(s):

13. Comment:

14. Date demand letter sent to owner: _____

15. Owner/Tenant _____ does/_____ does not request a hearing.
Date request received: _____

16. Referred to Board on _____, 20__.

17. Date notice of hearing sent: _____

cc: Owner File (optional-record may be closed)
Rules Violation File

EXHIBIT "B"
TO THE RESOLUTION REGARDING PROCEDURES RELATIVE
TO RULES VIOLATIONS AND ENFORCEMENT

DEMAND TO CEASE AND CORRECT

(Owner) _____

You are hereby notified that your lot is in violation of the following rules and regulations of the Windsor Mews Owners Association, Inc.:

You are requested to immediately cease and correct any of the above violations within ten (10) days from the date of this letter.

If you wish to contest the alleged violation and avoid the suspension of certain rights you must request a hearing before the Board of Directors in writing within ten (10) days from the date of this letter. If you request a hearing, complete the bottom portion of this letter and return a copy to the Board of Directors. The Board of Directors or its agent will send you a notice by certified mail return receipt requested stating the hearing time and place. Alternatively, if you elect to cease and correct the violation within ten (10) days, please send a copy of this letter to the Board of Directors noting that the violation has been stopped or corrected. If you fail to respond to this letter and the violation persists, your lot may be assessed violation charges, and certain rights to use Common Area facilities may be suspended. The Board may also take other legal action against you.

Sincerely,

Board of Directors

cc: Owner file (Tenant)

Return to: Board of Directors

Name: _____ Lot # _____

- I hereby request a hearing before the Board to contest the violation.
- I have ceased and/or corrected the violation and will refrain from further violations.

Signature

EXHIBIT "C"
**TO THE RESOLUTION REGARDING PROCEDURES RELATIVE
TO RULES VIOLATIONS AND ENFORCEMENT**

CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. _____

Re: Notice of Rules Violation Hearing

Dear _____:

You are hereby notified that a hearing will be held before the Board of Directors of the Windsor Mews Owners Association, Inc. at _____ on the _____ day of _____, 20____, at _____ .m., pursuant to Section 55-513B. of the Virginia Property Owners' Association Act and the Association's Declaration for your tenant's or your alleged violation of the following rules of the Association:

You may be present at the hearing, may but need not be represented by counsel, may present any relevant evidence, and you will be given full opportunity to examine and cross-examine all witnesses. You are entitled to request the attendance of witnesses.

Please be advised that if the Board determines that you are in violation of the Declaration and/or rules and regulations, your lot may be assessed a violation charge. In addition to this hearing, the Board may elect such other remedies as are authorized by the Virginia Property Owners' Association Act, the Declaration, and by law, including, but not limited to the suspension of your right to use the Common Area facilities.

If you have any questions or wish to communicate with the Board regarding this matter, please call

Sincerely,

Board of Directors

cc: Owner File
Rules Violation File
(Tenant)

EXHIBIT "D"
TO THE RESOLUTION REGARDING PROCEDURES RELATIVE
TO RULES VIOLATIONS AND ENFORCEMENT

RECORD OF HEARING

Hearing Date and Time: _____
Owner(s): _____
Lot #: _____
Address if other than Lot: _____

Alleged Violation:

Provisions of Declaration and/or Rules Violated:

Persons in Attendance: _____

Decision of Board and Reasoning:

Suspensions Imposed (date commencing):

Other Sanctions Imposed:

**WINDSOR MEWS OWNERS ASSOCIATION, INC.
RESOLUTIONS ACTION RECORD**

Resolution Type: Regulatory No.: 2017-1

Pertaining to: Rules Violation Enforcement and Due Process Procedures

Duly adopted by the Association's Board of Directors held on JUNE 11, 2017.

Motion by: JACINTA MASCARENHAS Seconded by: JOSEPH TREFILEK

VOTE:

DIRECTOR:	YES	NO	ABSTAIN	ABSENT
JACINTA MASCARENHAS	✓			
JOSEPH TREFILEK	✓			
Freddy Feliz	✓			
RAJESH ARORA	✓			

ATTEST:


Secretary

6/11/2017
Date

Resolution effective: July 1, 2017.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2017, a copy of this Resolution was mailed (by first-class U.S. mail) to all Owners as reflected in the Association's books and records.

Managing Agent