

**WRIGHT FARM HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 1 Revised 5-22-19**

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

WHEREAS, Article 4, Section 4.01 of the Bylaws of Wright Farm Homeowners Association, Inc. provides that the Board of Director shall manage the business and affairs of the Association and may exercise all of the powers of the Association, except such as are, by the laws of Virginia, the Articles of Incorporation, the Declaration or these Bylaws, conferred upon or reserved to the Members;

WHEREAS, Section 55-513 of the Virginia Property Owners Association Act (“Act”) provides the Board of Directors with the power to establish, adopt and enforce rules and regulations with respect to the use of the common areas and with respect to such other areas of responsibility assigned to the Association by the Declaration, which 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 dues, to assess charges against any member for any violation of the Declaration or rules and regulations which the member or his family members, tenants, guests or other invitees are responsible, and seek injunctive relief arising from any violation of the Declaration or rules and regulations;

WHEREAS, Article 2, Section 2.01 (c) of the Declaration of Protective Covenants (“Declaration”) provides the Board of Directors with right to suspend the voting rights and the right of any Owner or Resident to use all or any portion of the Community Facilities (with the exception of utilities, streets or access ways) for a violation of the Declaration or for an infraction of the Board’s rules and regulations for period(s) not to exceed 60 days or until such violation is cured, in accordance with the Act; and

WHEREAS, Article 2, Section 2.01 (d) of the Declaration provides the Board of Directors with right to suspend the voting rights and the right of any Owner or Resident to use the Community Facilities (with the exception of any utilities, streets or access ways) for so long as any Annual Assessment such Lots remains unpaid and overdue; and

WHEREAS, Article 2, Section 2.01 (c) of the Declaration provides the Board of Directors with right to levy assessments, late fees, interest and penalties for violations of the provisions of the Declaration or any reasonable rules or regulations adopted by the Board pursuant to the Declaration and the Act; 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, BE IT RESOLVED THAT the following enforcement procedures are hereby adopted:

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 a citation 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. The Board shall send a first notice of citation in writing and deliver it personally or ordinary 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. The first notice of citation shall generally advise the Owner of the nature of the offense, cite the specific provision within the Association’s Governing Documents which has allegedly been violated, specify the remedy required, and state the number of days within which the Owner must complete corrective action. Notwithstanding the provisions in this paragraph, the Board is not required to provide a first citation 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 citation letter that shall be consistent in form to the citation detailed in paragraphs 3 and 4 herein.
3. If the Owner does not remedy the offense within the number of days requested in the notice of citation, 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 is being charged with violating, 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 citation and be represented by counsel. Under no circumstances shall the Association be responsible for any attorney fees or costs incurred by an Owner relating to a citation or hearing conducted pursuant to this Policy.
4. 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.
5. 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 evidentiary portion of 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 injunctive relief will be sought, 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 injunctive relief will be sought, monetary charges should be imposed and/or privileges should be suspended.
6. 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.

7. 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.
8. 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.
9. 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.
10. If enforcement action is taken against an Owner under the terms of this policy and is initiated by the Covenants Committee, the final decision of the Covenants 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 Covenants Committee
11. This policy resolution supersedes and replaces all prior policy resolutions regarding due process procedures.
12. The effective date of this Resolution shall be June 22nd, 2019.

**WRIGHT FARM HOMEOWNERS
ASSOCIATION, INC.**

By 
President

**WRIGHT FARM HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 19-__**

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

Duly adopted at a meeting of the Board of Directors held May 22nd, 2019.

Motion by: Dove Delmonte Seconded by: Tracy Donaldson

| VOTE: | YES | NO | ABSTAIN | ABSENT |
|--------------------------------------|-----|----|--------------|--------|
| <u>David Delmonte</u> President | X | | | |
| <u>Cesar Lindo</u> Vice President | X | | | |
| <u>Sandra Quigley</u> Secretary | X | | | |
| <u>Lydia Clark</u> Treasurer | | | X | X |
| <u>Tracy Donaldson</u> Director | X | | | |

ATTEST:

Sandra L Quigley 5/22/19
Secretary Date

Resolution effective: June 22nd, 2019.

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the Owners of Wright Farm Homeowners Association, Inc. on this 24th day of May 24th, 2019.



Managing Agent