

KENWOOD HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2013-01

Due Process Procedures in Enforcement Cases

WHEREAS, Section 55-513 of the Virginia Property Owners Association Act ("Act") provides the Board of Directors ("Board") of the Association with the power to assess monetary charges and to suspend voting rights and other membership privileges of Owners who are in non-compliance with the terms of the Declaration of Covenants, Conditions and Restrictions, the Bylaws, the Articles of Incorporation and the rules, regulations or architectural standards ("governing documents") of the Kenwood Homeowners Association, Inc. ("Association"); and

WHEREAS, in order to enact the statutory power to suspend privileges and/or assess monetary charges against Owners for non-compliance with the Association's governing documents, the Act requires that the Board formally adopt and publish a written resolution implementing such action; and

WHEREAS, for the benefit and protection of all Owners and to encourage compliance by all members, the Board deems it desirable to formally adopt the following procedures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. INFORMAL RESOLUTION

The Board and its authorized agent may first attempt to resolve instances of non-compliance by means of informal, personal contact, telephone or written reminders or any other method which is deemed appropriate to remedy non-compliance with as little inconvenience to all parties. However, if such attempts are not appropriate or if in the sole discretion of the Board or its authorized agent, formal enforcement is necessary, the citation and hearing process set forth below may be invoked.

2. INITIAL CITATION

On behalf of the Association, the Board or management may issue a citation to any Owner whose behavior or use (or that of his family, tenants, guests, etc.) of the lots or common areas of the Association, does not conform to the governing documents. The citation shall:

- a) Be delivered by hand or by 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 Association address.
- b) Generally advise the Owner of the nature of the violation, cite the specific provision within the Association's governing documents which has allegedly been

violated and, if the violation is continuing, a period of time in which the Owner must correct the violation.

3. HEARING OPPORTUNITY NOTICE

If the Owner repeats a violation, does not remedy the violation within the number of days requested in the notice of citation or if the violation is deemed serious enough by the Board, a hearing notice will be sent to the Owner and shall:

- a) Remind the Owner of the Board's power to impose monetary charges and to suspend privileges as a result of the violation;
- b) Inform the Owner of his/her right to request a hearing before the Board to contest the citation. The notice of citation shall request that the Unit Owner confirm in writing by a certain date his/her desire for a hearing to contest the citation.
- c) Be delivered by hand or mailed by registered or certified mail, return receipt requested, to the Owner at his/her address listed in the Association's records.

4. ACTION WITHOUT A HEARING

If the Owner does not remedy the violation within the number of days requested in the hearing notice or if the Owner has not requested a hearing in writing by or before the hearing confirmation date, the Owner shall be deemed to have waived the right to a hearing and the Board shall have the power to impose monetary charges and/or suspend privileges pursuant to the authority granted in Section 55-513 of the Act and the governing documents.

Notice of the Board's decision shall:

- a) Be delivered by hand or mailed by registered or certified mail, return receipt requested, to the Owner at his/her address listed in the Association's records;
- b) Be sent within seven (7) days of the date of the decision or such other period allowed by the Act.

5. HEARING

When a hearing is requested by the Owner in writing by or before the deadline, the Board shall set the time, date and place of the hearing at its discretion. Written notice of the time, date and place of the hearing shall:

- a) Be delivered by hand or mailed by registered or certified mail, return receipt requested, to the Owner at his/her address listed in the Association's records;
- b) Be sent at least fourteen (14) days in advance of the hearing date;
- c) Inform the Owner of the potential sanctions (currently charges of up to \$10 per day for a continuing violation, not to exceed a period of 90 days, and \$50 per individual violation may be imposed).

At the hearing, the Board shall provide the Owner with a reasonable amount of time to be heard and to present information, which bears on the alleged violation. The Owner may have counsel present at the hearing.

Following the hearing, the Board shall meet in executive session to determine whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed and/or privileges should be suspended. Notice of the hearing results shall:

- a) Be delivered by hand or mailed by registered or certified mail, return receipt requested, to the Owner at his/her address listed in the Association's records;
- b) Be sent within seven (7) business days of the date of the hearing or such other period allowed by the Act.

6. OTHER REMEDIES

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 governing documents or law, including, but not limited to, the initiation of suit or self-help remedies.

7. OTHER

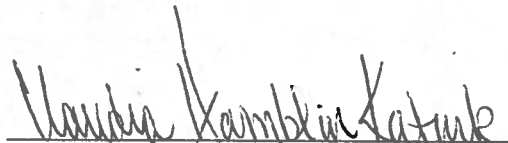
The Board reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to its manager or managing agent.

Notification will be deemed effective if any Owner fails or refuses to sign for any registered or certified mailing from the Association.

The effective date of this Resolution shall be May 1, 2013.

This Resolution supercedes Policy Resolution 2003-02, same subject.

KENWOOD HOMEOWNERS ASSOCIATION, INC.



Claudia Hamblin-Katnik, President

RESOLUTION ACTION RECORD

Policy Resolution 2013-01 was duly adopted at a meeting of the Board of Directors held on April 24, 2013, 2013

Motion by: Ric Katnik Seconded by: Robin Perrin

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Vanda Kamblin Katnik</u> Director	<u>X</u>	___	___	___
<u>Robin Perrin</u> Director	<u>X</u>	___	___	___
<u>Haroon Wasseel</u> Director	<u>X</u>	___	___	___
<u>Katnik</u> Director	<u>X</u>	___	___	___
<u>[Signature]</u> Director	<u>X</u>	___	___	___

ATTEST:

[Signature]
Secretary

24 April 2013
Date

Resolution effective: May 1, 2013