

HILLSDALE COMMUNITY ASSOCIATION

POLICY RESOLUTION NO. 97-1

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

WHEREAS, the Virginia Property Owners Association Act provides the Board of Directors with the power to assess monetary charges against members of the Association who are responsible for violations of the regulations of the Association;

WHEREAS, the Virginia Property Owners Association Act requires the Board of Directors to formally adopt and publish a written resolution to enact the statutory power to assess monetary charges against members for violations of the regulations of the Association; and

WHEREAS, for the benefit and protection of all of the members of the Association, the Board of Directors deems it desirable to formally adopt a resolution to enact the statutory power to assess monetary charges 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:

On behalf of the Association, the Board of Directors may issue a citation to any owner whose behavior or use of property does not conform to the Association's regulations.

A first notice of citation shall be issued in writing and delivered by regular 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 regulations which has allegedly been violated, specify the remedy required, and state the number of days within which corrective action must be completed.

If the offense is not remedied within the number of days requested in the notice of citation, 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.

The second citation shall also warn the owner of the Board's power to impose monetary charges for offenses of the Association's regulations and shall inform the owner of his/her right to request a hearing before the Board of Directors to contest the citation. The notice of citation shall request the owner to confirm in writing by a certain date his/her desire for a bearing to contest the citation.

The second notice of citation shall 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, and to the property address, if the owner's listed address is different from the property address. Notification will be deemed effective if any owner fails or refuses to sign for any registered or certified mailing from the Association.