

PIONEER HEIGHTS II HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2-2016

Rule Violations: Complaint and Due Process Procedures

WHEREAS, Article III of the Pioneer Heights II Homeowners Association, Inc. (“Association”) Deed of Dedication (“Declaration”) provides that the affairs of the Association shall be managed by a board of directors (“Board”); and

WHEREAS, Article VIII, Section 1 of the Declaration provides the Association with the right to enforce all restrictions, conditions, covenants, reservations, liens and charges imposed by the provisions of the Declaration; and

WHEREAS, Article IV, Section 1 (b) of the Declaration subjects members’ property rights to the right of the Association to suspend the voting rights and right to use of the Park Area for any period during which such member’s assessments are delinquent and for up to 30 days for any infraction of the Association’s rules and regulations; and

WHEREAS, § 55-513 of the Virginia Property Owners’ Association Act (“Act”) empowers the Board to establish, adopt, and enforce rules and regulations with respect to use of the common areas and such other areas of responsibility assigned to the Association by the Declaration ; and

WHEREAS, Article VI of the Declaration sets for the Use Restrictions and Covenants for properties within the Association; and

WHEREAS, § 55-513 of the Act further provides that certain due process procedures must be followed before seeking compliance with the Declaration and rules and regulations (collectively, “Governing Documents”) under the Act; and

WHEREAS, it is the intent of the Board of Directors to enforce the Governing Documents for the benefit and protection of the Association's owners and residents by establishing procedures that ensure due process and consistency of enforcement of the Governing Documents.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors hereby adopts the following policies and procedures for seeking compliance with the Association’s Governing Documents by way of suspension of privileges or injunctive relief; suits and liens for collection of assessments are not subject to these procedures.

I. Complaint.

A. Any owner, tenant, employee, or Board member who requests that the Board take action to enforce the Governing Documents shall submit a written complaint that includes the date, specific complaint, and signature of complainant.

B. The complaint shall be submitted to the Association’s Management Agent for a determination as to whether it is likely that a provision of the Governing Documents has been violated based upon the allegations. The Management Agent may initiate these enforcement

procedures for violations it discovers on the property without signing a complaint.

C. The Management Agent shall then submit the complaint to the Board for appropriate action, such as directing that a first notice be sent or that it be referred to legal counsel or county authorities.

II. First Notice of Violation.

A. If it is determined that a violation of the Governing Documents is likely to exist, the Association's first formal notice of violation shall be issued in writing and delivered by hand or by first class U.S. Mail to the member at their address listed in the Association's records as well as to the address of the property within the Association, if the member's listed address is different from the property address.

B. In the initial notice of violation, the Board shall generally advise the member of the nature of the offense, cite the specific provision within the Governing Documents that the member has allegedly violated, specify the remedy required, and state that the member has fifteen (15) days, or such other reasonable period of time, to correct the action prior to hearing or fines being assessed.

C. If the member does not remedy the alleged offense within the number of days requested in the notice of citation, the Board reserves the power to issue a Hearing Notice.

III. Hearing Notice.

A. If the alleged violation is not remedied within the date or time specified in the first violation letter referenced in Section II, a notice of hearing shall be sent. The notice of hearing shall be hand delivered or mailed by registered or certified U.S. Mail, return receipt requested at least fourteen (14) days in advance of the hearing, or within such other time as may be required by the Act, to the member at the member's address listed in the Association's records as well as to the address of the property within the Association, if the member's listed address is different from the property address.

B. The hearing notice shall specify the following:

1. The time, date, and place of the hearing,
2. That the owner and tenant, if applicable, shall be given an opportunity to be heard and to be represented by counsel before the Board,
3. The alleged violation, citing provisions of the Governing Documents that allegedly have been violated, and
4. That member's voting privileges and right to use the Park Area may be suspended, and that the Association may pursue injunctive relief to obtain compliance with the Governing Documents.

IV. Hearing.

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

**PIONEER HEIGHTS II HOMEOWNERS ASSOCIATION, INC.
RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 2-2016

Pertaining to: **Rule Violations: Complaint and Due Process Procedures**

Duly adopted at a meeting of the Board of Directors held July 11, 2016.

Motion by: Michael Green Seconded by: Robin White

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
<u>[Signature]</u> President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Carla R Overbeck</u> Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Carla R Overbeck
Secretary

7/11/2016
Date:

Resolution effective: _____, 2016.