

UNIT OWNERS ASSOCIATION OF WENTWORTH PLACE, A CONDOMINIUM

POLICY RESOLUTION NO. 15-01

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

WHEREAS, Article 3, Section 3.1 of the Bylaws assigns to the Board of Directors (“Board”) all of the powers and duties necessary for the administration of the affairs of the Unit Owners Association (“Association”) and provides that the Board may do all such acts and things as are not prohibited by the Condominium Act or condominium instruments to be exercised and done by the Association; and

WHEREAS, Article 3, Section 3.1(f) of the Bylaws provides that the Board shall have the power to make and amend rules and regulations; and

WHEREAS, Article 5, Section 5.8(b) of the Bylaws provides that each Unit and the Common Elements shall be occupied and used in compliance with the Rules and Regulations which may be promulgated and changed by the Board of Directors; and

WHEREAS, the Virginia Condominium Act (“Act”) and Article 9, Section 9.1(g) of the Association’s Bylaws provides the Board of Directors with the power to assess monetary charges against members who are responsible for violations of the condominium instruments and the Rules and Regulations of the Association (“Governing Documents”);

WHEREAS, the Act provides the Board of Directors with the statutory power to suspend a member’s rights to use facilities or services, including utility services, provided directly through the Association for nonpayment of assessments which are more than sixty (60) days past due, to the extent that access to the unit through the common elements is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant or occupant;

WHEREAS, the Act provides the Board of Directors with the statutory power to adopt and enforce rules and regulations with respect to any areas of responsibility assigned to the Association by the Declaration;

WHEREAS, the 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, the Act further requires the Board of Directors to afford its members with an opportunity to cure a violation and request a hearing before the Board to contest a violation of the condominium instruments, prior to the imposition of monetary charges, the suspension of services or facilities due to non-payment of assessments, or the filing of a lawsuit seeking injunctive relief to correct a violation; and

WHEREAS, for the benefit and protection of all members, the Board of Directors deemed it desirable to formally adopt Policy Resolution 15-01 to enact the statutory power to

assess monetary charges and 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; and

WHEREAS, due to certain changes to the Act, the Board deemed Policy Resolution 10-01 in need of revision and therefore the following Policy Resolution 15-01 shall be adopted.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. On behalf of the Association, the Board of Directors may issue a citation to any unit owner whose behavior or use of property does not conform to the Association's covenants and regulations.
2. The Board shall send a first notice of citation in writing and deliver it personally or via ordinary first class mail, to the member at his/her address listed in the Association's records, and to the property address, if the unit owner's listed address is different from the unit address. The first notice of citation shall generally advise the unit 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 the unit owner must complete corrective action. Notwithstanding the provisions in this paragraph, the Board reserves the right to waive the requirement to provide a first citation letter as set forth in this paragraph. In such a case, the Board shall send an initial citation letter that shall be consistent in form to the second citation as set forth in paragraphs 3 through 5.
3. If the unit owner does not remedy the offense within the number of days requested in the notice of citation (or if the offense is not one that can be remedied), the Board 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 concerning the offense.
4. The second citation shall also advise the unit owner of the Association's power to impose monetary charges, to suspend privileges, and/or to file a lawsuit seeking injunctive relief in Arlington County General District or Circuit Court, for offenses of the Association's regulations and shall inform the unit owner of his/her right to request a hearing before the Board to contest the citation. The notice of citation shall request the unit owner to confirm in writing by a certain date his/her desire for a hearing to contest the citation.
5. The Board shall deliver the second notice of citation by hand or by registered or certified mail, return receipt requested, to the unit owner at his/her address listed in the Association's records, and to the unit address, if the unit owner's listed address is different from the unit address. Notification will be deemed effective if any unit owner fails or refuses to sign for any certified or registered mailing from the Association.
6. If the unit owner does not remedy the offense within the number of days requested in the second notice of citation (or if the offense cannot be remedied), and the unit owner has not requested a hearing in writing by or before the hearing confirmation date, the unit

owner shall be deemed to have waived the right to a hearing and the Board shall have the power to impose monetary charges, suspend privileges and/or file a lawsuit seeking injunctive relief in Arlington County General District or Circuit Court, pursuant to the authority granted in Section 55-79.80:2 of the Virginia Code and the Association's Governing Documents. The Board shall not be required to conduct a hearing unless the unit owner formally requests a hearing in writing by or before the deadline set forth in the second notice of citation.

7. If the unit owner requests a hearing 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 be delivered to the unit owner by hand or mailed by registered or certified mail, return receipt requested, to the unit owner at least fourteen (14) days in advance of the hearing date. At the hearing, the Board shall provide the unit owner with a reasonable amount of time to present any and all defenses to the citation. The unit owner may have counsel present at the hearing.
8. The hearing will take place before a committee of three (3) Board members selected by the Board for the purpose of conducting the hearing ("Committee"). Following the hearing, the Committee shall meet in executive session to discuss whether satisfactory proof of the alleged violation was presented and, if so, whether monetary charges should be imposed, privileges should be suspended, and/or a lawsuit should be filed. The Committee 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 monetary charges should be imposed, privileges should be suspended, and/or a lawsuit seeking injunctive relief should be filed. A majority vote of the Committee members shall constitute an action of the Committee.
9. When the Committee's judgment is unfavorable to the unit owner, the Committee may impose monetary charges as an assessment against the unit owner's unit, suspend the unit owner's privileges, and/or file a lawsuit seeking injunctive relief in Arlington County General District or Circuit Court. Monetary charges may not exceed \$50.00 for a single offense or \$10.00 per day for a maximum of 90 days for any offense of a continuing nature, although the Committee reserves the power to increase these maximum sanctions if the General Assembly enacts legislation in the future that permits the Committee to do so. 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 unit owner. The Committee shall treat monetary charges as an assessment against the unit owner's unit.
10. The Committee shall deliver notice of its decision to the unit owner by hand-delivery or registered or certified mail, return receipt requested, at their address of record with the Association within seven (7) days of the date of the hearing.
11. The unit owner may submit a written request for an appeal to the full Board and/or a hearing before the full Board, but must do so within ten (10) days of the date of the notice of the Committee's decision. The request should state one of three grounds for the appeal including; 1) Proper procedures were not followed during the administration and hearing

process; 2) The owner and other affected parties at the hearing were not given a fair opportunity to be heard; or 3) The Committee's decision was arbitrary or had no rational basis. If the owner does not confirm in writing by the due date his or her desire to appeal the decision of the Committee to the full Board, the decision of the Committee shall stand and any charges imposed or privileges suspended shall take effect.

12. The Board of Directors holds all unit owners legally responsible for ensuring that the members of their household, and their tenants, guests or invitees comply with the Association's Governing Documents.
13. 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, and are not deemed to constitute the Association's election of remedy. The Board of Directors reserves the power to take any action delegated in this policy to the Board or to assign all of its powers and responsibilities herein to a separate standing or special committee of its choice or to its manager or managing agent.

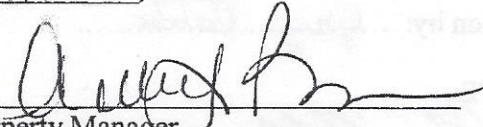
This policy resolution shall become effective on March 11th, 2015 and shall supersede and replace the former Policy Resolution 10-01.

**UNIT OWNERS ASSOCIATION OF
WENTWORTH PLACE, A CONDOMINIUM**

BY: 
President

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed and/or hand-delivered to all owners of the Wentworth Place Condominium Unit Owners Association at their addresses of record on this 7th day of April, 2015.


Property Manager

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held on ... Feb. 25, 2015

Motion by: ... Greg Nable

Seconded by: ... Christiane Eliopoulos

VOTE: YES NO ABSTAIN ABSENT

Greg Nable
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President

X
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Vice President

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D Stone
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Treasurer

✓
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C. Eliopoulos
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Secretary

✓
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Jenna Dobbert
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Director

X
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Director

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Director

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Director

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Director

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ATTEST:

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Resolution effective