

**RIDGETOP COMMONS HOMEOWNERS ASSOCIATION, INC.**  
**POLICY RESOLUTION NO. 2003-1**  
**Due Process Procedures in Enforcement Cases**

**WHEREAS**, the Virginia Property Owners Association Act (“Act”) provides the Board of Directors (“Board”) of the Association with the power to assess monetary charges and suspend membership privileges of Owners who are in non-compliance with the terms of the Declaration of Covenants, Conditions and Restrictions, Bylaws, Articles of Incorporation and rules or regulations (“governing documents”) of the Ridgetop Commons Homeowners Association, Inc. (“Association”); and

**WHEREAS**, the powers set forth in the Act are affirmed in Article II, Section 1(a) and Article V, Section 11 of the Association Declaration of Covenants, Conditions and Restrictions; 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 managing agent will typically strive to resolve instances of non-compliance with the governing documents 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 management, 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.

## **2. HEARING 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 may:

- 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 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.

## **3. 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 to the Owner by hand or mailed by registered or certified mail, return receipt requested, 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;
- b) Be sent within seven (7) business days of the date of the decision or such other period allowed by the Act.

## **4. 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 to the Owner by hand or mailed by registered or certified mail, return receipt requested, 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;
- 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 to the Owner by hand or mailed by registered or certified mail, return receipt requested, 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;
- b) Be sent within seven (7) business days of the date of the hearing or such other period allowed by the Act.

## **5. 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.

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.

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**This Policy Resolution No.2003-1 was adopted by the Board of Directors of Ridgeway Commons Homeowners Association, Inc. and signed by Vice-President Kathy Mullenix on December 18, 2003. The Policy will become effective on distribution to the membership.**

