

**ARROWOOD HOMEOWNERS ASSOCIATION**

**REGULATORY RESOLUTION NO. 2013-04(A)**

**AMENDED RESOLUTION REGARDING  
ENFORCEMENT and DUE PROCESS PROCEDURES**

**WHEREAS**, Article VI, Sections 1-5 of the Declaration of Arrowood Homeowners Association (“Association”) provides that the Board of Directors (“Board”) may form an Architectural Control Committee and specify its powers and duties, including the establishment of rules and regulations governing architectural aspects of lots within the Association;

**WHEREAS**, Article X, Section 3 of the Declaration of Arrowood Homeowners Association (“Association”) provides that the Board of Directors (“Board”) or the Architectural Control Committee shall have the power to impose charges against an owner for a violation of the Association’s governing documents or its rules and regulations;

**WHEREAS**, Section 55-515 of the Virginia Property Owners Association Act (“Act”) govern the procedure and process that must be followed prior to assessing violation charges or suspending privileges;

**WHEREAS**, Article IV, Section 1(d) of the Declaration empowers the Board to suspend a Member’s voting rights and right to use recreational facilities provided by the Association for any assessment which remains unpaid for 60 days or more, or for any infraction of the Association’s rules and regulations;

**WHEREAS**, Article V, Section 6 of the Declaration provides that any Member’s failure to comply with the payment of assessments shall be grounds for relief including legal action;

**WHEREAS**, Article VI, Section 9 and Article X, Section 3 of the Declaration empower the Association to take legal action, including actions to restrain or enjoin a violation, against an owner to enforce the governing documents and the rules and regulations,

**WHEREAS**, it is the intent of the Board of Directors to enforce the governing documents and the Association’s duly approved rules and regulations, to include architectural standards and maintenance guidelines, for the benefit, welfare and protection of the Association’s owners and residents by establishing procedures which ensure due process and consistency of enforcement;

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board of Directors, by the Act, the Association’s governing documents and this Resolution, is hereby empowered to

suspend voting rights and the rights of use of facilities or services, and to assess charges pursuant to Act, and it is further resolved that the Board of Directors shall assess such charges for any violation of the Declaration, Bylaws or rules/regulations only after the following procedures have been followed:

**I. Definitions**

A. "Architectural Violation" - Any improvement, alteration or removal of any kind or nature on any lot which is required to be and has not been first approved in writing by the governing Architectural Control Committee ("ACC") or that does not in all respects conform to what has been approved is deemed a violation under this Enforcement Policy for all purposes.

B. "Violation" - Any activity or condition allowed to continue on any lot that is in direct opposition to the governing documents, rules, or regulations, which is not expressly authorized, or which is expressly prohibited, by the Board or ACC is deemed a violation under this enforcement policy for all purposes.

C. "Member" - is considered the Owner of Record or Member. (On occasions when a tenant occupies the premises, a copy of said violation will also be sent to their attention.)

**II. Complaint**

A. Any Member, tenant, managing agent or Board member who requests that the Board take action to enforce the Declaration and/or the Association's rules/regulations shall complete, date and sign a Complaint in a form similar to and containing the information contained on Exhibit "A" hereto.

B. The Complaint shall be submitted to the ACC or Board of Directors, as appropriate, for a determination as to whether it appears that a rule or provision of the Declaration, Bylaws or rules/regulations allegedly has been violated.

C. The ACC or Board of Directors shall then take appropriate action, such as directing that a demand letter or a cease and desist letter be sent or that it be referred to counsel or County authorities.

**III. Demand.**

A. If determined appropriate, a written demand letter which may be in a form similar to Exhibit "B" hereto shall be sent by first class mail or shall be hand-delivered to the Member at the address which the owner has provided to the Association or at the lot address, if no other address has been provided. A copy may be sent to the tenant if there is a tenant.

B. The demand letter shall specify the alleged violation, the action required to abate the violation and a date usually not less than ten (10) days after the date of the demand letter by which the alleged violation must be remedied. However, when the violation may constitute a health, safety or fire hazard, demand may be made to remedy the violation within twenty-four (24) hours.

C. The demand letter shall state that if the violation is not remedied, the Member must request in writing a hearing before the Board to avoid imposition of charges or suspension of rights or services. The letter shall also state that if no hearing is requested, the owner shall be deemed to have waived the opportunity for a hearing and covenant/rule violation charges or suspensions may be assessed. **The demand letter may be combined with the notice of hearing referenced in Section III of this Resolution if the violation is of a serious nature or if previous notices of violation have been sent to the owner.**

#### **IV. Notice of Hearing.**

A. If the alleged violation is not remedied within the date or time specified in the demand letter referenced in Section II and the owner requests a hearing, or if the Board determines a hearing is necessary and appropriate under the circumstances, a notice of hearing shall be sent. The notice of hearing shall be hand delivered or mailed by certified United States mail, return receipt requested, at least fourteen (14) days in advance thereof, or within such other time as may be required by the Act, to the Member at the address of record with the Association. Service by mailing shall be deemed effective two (2) days after the notice has been mailed in a regular depository of the United States mail. **The demand letter referenced in Section II.B may be combined with the notice of hearing.**

B. The notice of hearing may be similar to Exhibit "C" attached hereto and shall specify:

- 1) The time, date and place of the hearing.
- 2) That the Member and tenant, if applicable, shall be given an opportunity to be heard and to be represented by counsel (at the Member's expense) before the Board.
- 3) The alleged violation, citing provisions of the Declaration or the Association's rules which allegedly have been violated.
- 4) That charges for violation of the Declaration, Bylaws, or rules/regulations may include a charge of up to Fifty Dollars (\$50.00) for a single offense, or Ten Dollars (\$10.00) per day for any offense of a continuing nature, for a period not to exceed ninety (90) days or such greater amounts as may be authorized by the Virginia Property Owners' Association Act.
- 5) That the alleged violation may result in the suspension of services, use of facilities and/or voting rights.

#### **V. Hearing.**

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

B. The Board, within its discretion, may grant a continuance. If the Member for which the hearing is scheduled requests a continuance to a different time or date, no further notice shall be required.

C. Legal rules of evidence and rules of civil procedure shall not pertain nor shall be

utilized in the hearing. The hearing shall provide the Member with an opportunity to be heard and to be represented by counsel (if the Member so desires and at the Member's expense).

D. The hearing shall be conducted in executive (private) session unless the Member requests that the hearing be open to owners and residents. If the hearing is conducted in open session, the chairman of the hearing body may impose a reasonable limit on the number of such persons who can be accommodated in the hearing room. During the course of any hearing held, the Board, within its discretion, may afford those residents involved with the dispute or violation an opportunity to be heard within reasonable time limits.

E. If, after proper notice has been given, the Member fails to appear at the hearing, or if no hearing is requested, the hearing or meeting may continue as scheduled and the Board may assess charges from the final compliance date of the letter, suspend use rights or services, or take such other action as may be authorized by the Act, the Declaration or this Resolution.

G. If the Member acknowledges responsibility for the violation charged, or does not wish to contest the alleged charge, the Board may, in its discretion, dispense with a hearing after having afforded the Member with an opportunity for a hearing. Minutes of each hearing or meeting shall be kept and a form similar to that attached hereto as Exhibit "D" shall be completed and placed in the Member's file and appropriate Association files.

H. **Within seven (7) days of either the hearing or of the Board's action on the matter if no hearing was requested**, the Board shall, by hand-delivery or certified mail, return receipt requested, notify the Member of its decision, any suspension of use rights and/or the assessment of any charges and the date from which those assessments shall accrue and be due. A form similar to Exhibit "E" attached hereto shall be used for such notification.

#### **VI. Records.**

The Board shall keep copies of all correspondence related to rules violations in the Member's file or in a separate file on rules violations.

#### **VII. Assessment of Charges.**

Pursuant to Section 55-513 B of the Act, any charges assessed for violation of rules after notice and hearing shall be in amounts authorized by the Act and shall be treated as an assessment against the owner's lot for the purpose of Section 55-516 of the Act regarding liens. Such amounts shall also be the personal obligation of the owner.

#### **VIII. Other Remedies.**

**This Resolution shall not be interpreted to require a hearing prior to assessment of rules violation charges if a hearing is not requested**, nor shall it be interpreted to prevent the Association from exercising any other remedies authorized or available under the Act, the Declaration, the Bylaws or this Resolution, and shall not constitute an election of remedies.

**IX. Miscellaneous**

- a) A member may correct or eliminate a Violation at any time during the pendency of any procedure stated herein whereupon;
- b) When verified by management staff or the Board members that the violation has been corrected, the Notice of Violation will be voided but remain a matter of record; and c) The member will remain liable for all costs and assessments based upon the violation and subject to the collection efforts as subscribed by state law.

This resolution shall supersede any and all prior due process resolutions and shall be effective on August 1, 2013.

**ARROWOOD HOMEOWNERS ASSOCIATION**

**EXHIBIT "A" TO THE  
AMENDED RESOLUTION REGARDING  
ENFORCEMENT and DUE PROCESS PROCEDURES**

Covenant / Rule Violation Complaint

Date: \_\_\_\_\_

1. Name of person(s) violating covenant / rule: \_\_\_\_\_

—

2. Lot # of person(s) violating covenant / rule: \_\_\_\_\_

—

3. Are the person(s) named in question 1 tenants or owners?

\_\_\_\_\_

—

4. Describe in detail how and where the covenant or rule was violated:

\_\_\_\_\_

—

5. When did the violation(s) occur? \_\_\_\_\_

—

6. Have you personally requested the Member and/or tenant to cease the violation?

\_\_\_\_ Yes, \_\_\_\_ No, \_\_\_\_ Verbally, \_\_\_\_ By written request. When? \_\_\_\_\_

7. Name and Lot number of person(s) making complaint: \_\_\_\_\_

\_\_\_\_\_

—

8. Signature(s) \_\_\_\_\_

\_\_\_\_\_

-----  
**FOR ASSOCIATION USE ONLY**

9. Owner: \_\_\_\_\_

Tenant: \_\_\_\_\_

10. Provision(s) of Governing Documents or Rule(s) violated: \_\_\_\_\_

\_\_\_\_\_

—

11. Registered Name(s) of Member(s): \_\_\_\_\_

\_\_\_\_\_

—

12. Owner's address if non-resident: \_\_\_\_\_

\_\_\_\_\_

—

13. Registered name(s) of tenant(s): \_\_\_\_\_

\_\_\_\_\_

—

14. Comment: \_\_\_\_\_

\_\_\_\_\_

- 
15. Date demand letter sent to Member: \_\_\_\_\_  
16. Owner/Tenant \_\_\_\_\_ does/ \_\_\_\_\_ does not request a hearing.  
Date request received: \_\_\_\_\_  
17. Referred to Board on \_\_\_\_\_, 20\_\_\_\_.  
18. Date notice of hearing sent: \_\_\_\_\_

cc: Member File (optional-record may be closed)  
Rules Violation File

**ARROWOOD HOMEOWNERS ASSOCIATION**  
**EXHIBIT "B" TO THE**  
**AMENDED RESOLUTION REGARDING**  
**ENFORCEMENT and DUE PROCESS PROCEDURES**

(Owner) \_\_\_\_\_

Date: \_\_\_\_\_

You are hereby notified that a complaint has been made against you (or your tenants) for the alleged violation of the following covenant (or rule or regulation) of the Association:

---

Perhaps you were not aware of the covenants running with the land and/or the Association's rules, or perhaps you do not believe you are in violation. However, the covenants and rules are enforced for the benefit of all residents and to maintain property values throughout the community. You are requested to immediately cease any conduct which may be in violation, and/or to correct all of the above-noted non-compliant conditions on your Lot. If the violation pertains to condition(s) on your Lot and if you need time to make repairs, you must request a definite period of time and notify the Board in writing as to when the repairs will be done.

If you wish to contest the alleged violation and avoid imposition of charges or suspension of use rights or services, you must request a hearing before the Board of Directors in writing within ten (10) days from the date of this letter. If you request a hearing, complete the bottom portion of this letter and return a copy to the Board of Directors. The Board of Directors or its agent will send you a notice by certified mail, return receipt requested, stating the hearing time and place. Alternatively, if you elect to cease and correct the violation, please send a copy of this letter to the Board of Directors noting that the violation has been stopped or corrected. **If you fail to respond to this letter, you will be deemed to have waived your hearing right and you may be assessed violation charges of up to Ten Dollars (\$10.00) per day for a continuing violation for a period of up to ninety (90) days or up to Fifty Dollars (\$50.00) for each single violation without further notice.** The Board may also take other legal action against you.

Sincerely,  
The Board of Directors

cc: Member file

-----Return

to: Arrowood Homeowners Association, Management Office – c/o Ms. Jessica Azzarano at Sequoia Management, 13998 Parkeast Circle, Chantilly, VA 20151

Name: \_\_\_\_\_ Lot # or address: \_\_\_\_\_

I hereby request a hearing before the Board to contest the violation.

I have ceased and/or corrected the violation and will refrain from further violations.

Signature

\_\_\_\_\_

**ARROWOOD HOMEOWNERS ASSOCIATION**  
**EXHIBIT "C" TO THE**  
**AMENDED RESOLUTION REGARDING**  
**ENFORCEMENT and DUE PROCESS PROCEDURES**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

**Re: Notice of Rules Violation Hearing**

Dear \_\_\_\_\_:

You are hereby notified that a hearing will be held before the Board of Directors of the Arrowood Homeowners Association at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_, at \_\_\_\_ .m., pursuant to Section 55-515 of the Virginia Property Owner's Association Act and the Association's due process procedures, for your (or your tenant's) alleged violation of the following covenant or rule of the Association: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You may be present at the hearing and may (but need not be) represented by counsel (at your expense). The hearing will be your opportunity to be heard by the Board of Directors on the alleged covenant or rule violation noted above. You may request the attendance of witnesses. **If you fail to appear at the hearing, you will be deemed to have waived your hearing right and you may be assessed violation charges of up to Ten Dollars (\$10.00) per day for a continuing violation for a period of up to ninety (90) days or up to Fifty Dollars (\$50.00) for each single violation. Your rights of use of Association facilities or to services could also be suspended.**

Please be advised that if the Board determines that you are in violation of the Declaration or the Association's rules and regulations, charges of up to Fifty Dollars (\$50.00) for a one-time violation or up to Ten Dollars (\$10.00) per day for a period of up to ninety (90) days for a continuing violation may be assessed against you and your Lot. In addition to this hearing, the Board may elect such other remedies as are authorized by the Virginia Property Owners' Association Act, the Association's Declaration, Bylaws and rules, and by law.

If you have any questions or wish to communicate with the Board regarding this matter, please call: \_\_\_\_\_.

Sincerely,

cc: Member File

**ARROWOOD HOMEOWNERS ASSOCIATION**  
**EXHIBIT "D" TO THE**  
**RESOLUTION ON DUE PROCESS PROCEDURES**  
**RECORD OF HEARING**

Hearing Date and Time: \_\_\_\_\_

Member(s): \_\_\_\_\_

Lot #: \_\_\_\_\_

Address if other than Lot: \_\_\_\_\_  
\_\_\_\_\_

Alleged Violation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provisions of Governing Documents Violated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Persons in Attendance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Decision of Board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Charges Imposed (date commencing): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Sanctions Imposed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments:

**ARROWOOD HOMEOWNERS ASSOCIATION**

**EXHIBIT "E" TO THE  
RESOLUTION ON DUE PROCESS PROCEDURES**

**NOTICE OF HEARING RESULT**

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR HAND-DELIVERY**

(Owner) \_\_\_\_\_  
\_\_\_\_\_

Date

Dear \_\_\_\_\_:

Pursuant to the Notice of Hearing, dated \_\_\_\_\_, a hearing was held before the Board of Directors of the Arrowood Homeowners Association, at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, at \_\_\_\_ .m., in accordance with Section 55-515 of the Virginia Property Owners' Association Act and the Association's due process procedures.

The Board of Directors decided as follows:

\_\_\_ A one-time covenant/rule violation charge of \$\_\_\_\_\_ (not to exceed \$50) is imposed for the violation.

\_\_\_ An ongoing rule violation charge of \$\_\_\_\_\_ per day (not to exceed \$10/day) for a period not to exceed ninety (90) days is imposed. Your correction of the violating condition and your notification thereof to the Board of Directors will operate to stop the daily charge. The daily charge commenced on: \_\_\_\_\_, 20\_\_

\_\_\_ The Board imposed the following suspension(s) of use rights:

\_\_\_ The Board found that a covenant or rule violation occurred but that no further action was warranted.

Please be advised that if an ongoing rule violation charge has been assessed against your Lot, or if your right to use a facility of the Association (including common area parking spaces) has been suspended, that it is **YOUR** responsibility to correct the condition and notify a Board member of that action. The Association will then promptly inspect your Lot to confirm that it is in compliance with the Declaration and/or Association rules and regulations. Upon that confirmation, the daily charge or suspension will terminate.

If you have any questions or wish to communicate with the Board regarding this matter, please call: \_\_\_\_\_.

Sincerely,

cc: Member File  
Rules Violation File