

CAMERON STATION COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. 2008-07

ENFORCEMENT AND DUE PROCESS PROCEDURES

Supersedes all prior Due Process Resolutions

WHEREAS Article III, Section 3.8(a) of the Declaration of Architectural Review, Conditions and Restrictions (“the Declaration”) of the Cameron Station Community Association (“the Association”) as recorded in the Land Records of the Circuit Court for the City of Alexandria at Deed Book 1630 at Page 0401, *et sq.*, as amended, provides that every member of the Association shall have a right and easement of enjoyments in and to the Common Area for their reasonably intended purposes, subject to any rules and regulations or policies which may be established by the Board of Directors (“the Board”); and

WHEREAS Article III, Section 3.4 of the Amended Bylaws (“the Bylaws”) provides that the Board shall have the power to adopt and publish rules and regulations governing the use of the Common Areas and facilities of the members and their guests thereon; and

WHEREAS Section 55-513 of the Virginia Property Owners Association Act (the “Act”) provides that the Board may adopt rules relating to areas of responsibility delegated to the Association under the Declaration; and that the Board may impose monetary charges and suspend services provided to owners for non-payment of assessments and for violations of the Association’s Governing Documents; and

WHEREAS Article VIII Section 8.1 of the Declaration establishes penalties for the infraction of the Association’s Bylaws, Declaration, and Rules and Regulations (collectively “the Governing Documents) and sets forth a procedure for the Association to enforce the Governing Documents; and

WHEREAS the Board believes it is necessary and desirable to expand upon the authority granted in Article VIII of the Declaration and establish administrative procedures to assure due process in cases in which there is a question of compliance by a member with provisions of the Governing Documents and the Association and before monetary charges or suspensions of privileges shall be considered:

NOW, THEREFORE, BE IT RESOLVED that the following procedures are adopted:

1. Owners are legally responsible for ensuring that the members of their household, and their tenants, guests or invitees comply with the Association’s Architectural Review and Regulations.
2. If an Owner or resident wishes to formally invoke the enforcement system of the

Association, the owner must submit a complaint in writing in accordance with the Association's Complaint Policy and on any forms developed by the Board of Directors pursuant to the Association's Complaint Policy, in care of the Association management office. Neither Management nor the Architectural Review Committee ("the Committee") will investigate any complaints that are anonymous, are not submitted in writing, or otherwise do not comply with the Association's Complaint Policy.

3. Once Management receives a complaint, Management shall review the complaint and determine if the complaint conforms to the association's Complaint Policy.
4. If Management determines a complaint does not comply with the Association's Complaint Policy, Management will so notify the complainant in writing.
5. If Management determines the Complainant's complaint sets forth sufficient allegations of a violation of the Association's Governing Documents that complies with the requirements of the Association's Complaint Policy, Management, on behalf of the Architectural Review Committee, shall deliver to the owner against whom the complaint has been leveled, by hand or by first class mail, written notice of the alleged violation of the Association's Governing Documents, which shall notify the Owner of the complaint, the provisions of the Governing Documents which have been violated, and requesting the Owner to cease and desist the action or correct the item within fifteen (15) days of the date of the letter or such other date as may be set forth in the written notice. This initial notice shall be referred to as the "First Notice".
6. The Board of Directors or the Architectural Review Committee reserves the right to dispense with the requirement to send the First Notice and move immediately to sending the Second Notice as described in Paragraph 7 herein, if, in the sole discretion of the Architectural Review Committee or the Board of Directors, the alleged violation of the Governing Document constitutes a risk to the health and safety of the members of the Association or that it is otherwise in the best interest of the Association to expedite the enforcement process.
7. If the Owner does not remedy the offense within the number of days requested in the First Notice, Management, on behalf of the Architectural Review Committee, shall send a second written notice (hereinafter "Second Notice") to the Owner against whom the allegation has been leveled, which notice must be delivered Certified Mail, Return Receipt Requested and by First Class U.S. mail. The Second Notice must: (1) notify the Owner of the complaint and the provisions of the Governing Documents which have been allegedly violated; (2) request the Owner to cease and desist the action or correct the item within twenty-one (21) days of the

date of the letter or such other date as may be set forth in the written notice; (3) advise the Owner that the Owner may submit in writing a written refutation of the complaint or explanation of the allegations; (4) advise the owner of the Association's authority to impose monetary charges and to suspend privileges as sanctions for offenses of the Association's Governing Documents; (5) inform the Owner of his/her right to request a hearing before the Committee to contest the citation and (6) advise the Owner that the Owner must confirm in writing within fifteen days of the date of the letter his/her desire for a hearing to contest the citation.

8. If the Owner has abated the violation and notified Management within the time frame specified in the Second Notice, Management will terminate enforcement action and no hearing will be held.
9. If the owner fails to request a hearing or remedy the violation within the time frame set forth in the letter provided in accordance with paragraph 5, the Committee, at its next meeting, shall have the authority to deem the Owner in violation, as cited, and the Committee shall have the authority to impose monetary charges and/or suspend privileges as sanctions in accordance with Article VIII of the Governing Documents and Section 55-513 of the Act. Should the Committee decide to impose monetary charges to the Owner, Management will send, by Certified Mail, Return Receipt Requested and by First Class U.S. mail, a letter notifying the owner of the monetary charges, which will be deemed effective from the date of the Complaint.
10. If the Owner requests a hearing, Management shall send a notice of hearing to the Owner by Certified Mail, Return Receipt Requested or by hand-delivery at his or her last known address of record at least fourteen (14) days in advance of the hearing date (Attachment C). In addition to providing a date, time and location of the hearing, the notice shall state the charges or other sanctions that may be imposed and advise the Owner of his or her right to be represented by counsel at the hearing. If the Owner of record appears at the hearing without receiving notice thereof, he will be deemed to have waived the requirement for proper notice.
11. At the hearing, the Committee shall hold the hearing in open session, except for its deliberations, which the Committee may hold in closed session pursuant to Section 55-510.1 of the Act. The Owner has the right to have counsel present (however, the Committee reserves the right to reschedule a hearing if the Owner brings counsel in order for the Association to be similarly represented) and may present evidence in his or her defense. After the Owner has presented his or her defense, the Committee will convene into Executive Session to discuss the violation. The Committee will return to open session to announce its decision. The Committee

shall also deliver notice of its decision by Certified Mail, Return Receipt Requested or by hand-delivery, to the parties within seven (7) days of the hearing.

12. Failure by the Owner to attend the hearing shall constitute a waiver of the Owner's opportunity to be heard, an admission of the charge against the Owner, and the Committee may make a decision to impose monetary charges and/or suspend privileges or services in its discretion as if the Owner were present at a hearing.
13. The Committee may impose for any violation of the Association's Governing Documents a monetary charge of up to \$50.00 per single violation or up to \$10.00 per day for any violation of a continuing nature as permitted by Section 55-513 of the Act. The Committee may impose daily charges for a violation of a continuing nature for a period up to ninety (90) consecutive days or for the maximum period of time permitted by law, whichever is greater. If monetary charges are imposed, such charges shall be treated as an assessment against the Owner's lot for the purposes of Section 55-516 of the Act and the Association's Governing Documents.
14. The Committee also may suspend an Owner's membership privileges and rights (and that of his or her members of their household, family members, tenants, guests, or invitees) to use facilities or receive services for violations of the Governing Documents. Such facilities, privileges or services shall include, but not be limited to, any of the following:
 1. The right to vote; and/or
 2. The right to use any other common area facility; and/or
 3. In the case of a condominium unit owners association, the right to receive any other services provided directly by the Association.
15. An Owner has the right to appeal his or her case to the Board. Upon issuance of a hearing decision by the Committee, the Owner has ten (10) days from the date of the notice to issue a written appeal to the Board. The appeal letter shall be in writing, addressed to the Board and sent via U.S. Mail to the Association management office. The Owner shall state in the appeal letter the reason an appeal is being requested. The reasons must fall within one of the following three categories: 1) the initial allegation of the violation was without merit; 2) the decision of the committee was capricious or arbitrary; 3) the Committee did not act within the policies set forth in this resolution or the Governing Documents.
16. The Board has forty-five (45) days from the date of its receipt of the appeal request to decide whether or not to hear the appeal. Should the Board choose to hear the appeal, it will schedule an appeal hearing. Notice of the appeal hearing shall be sent to the owner of record at his or her last known address via U.S. mail, First Class and Certified Mail, Return Receipt Requested, at least fourteen (14) days in advance

of the hearing date. A copy of the notice shall also be sent to the Chair of the Committee. If the Board declines to hear the appeal, it shall provide written notice of its decision to decline to hear the appeal the appellant by U.S. Mail, First Class and Certified Mail, Return Receipt Requested.

17. The Board shall conduct the appeal hearing according to the same procedures established herein for a Committee hearing. At least one representative from the Committee must be present at the hearing to respond to questions and present information as requested by the Board.
18. The Board shall render a decision based upon the reason provided for the appeal. The Board may uphold the Committee's decision, modify, or reverse the Committee decision. If the decision is to uphold the Committee's decision, the decision stands effective retroactive to the date of the Committee's regular hearing.
19. While all cases will be treated in a similar manner following the above procedures, the Board reserves the right to suspend privileges or refer a matter to legal counsel to seek legal remedy at any time, based upon the nature of the allegation. In matters of direct threat to the safety, welfare and well being of people or property, the Committee may send a case directly to the Board, which may act immediately. If any notice of citation is issued by the Board under these circumstances, said notice shall notify the Owner of the violation and the monetary charges imposed for the violation. The notice shall also advise the Owner that they may submit a written request for a hearing on or before the hearing confirmation date set forth in the letter to contest the violation and the monetary charges assessed for the violation. Any such notice of violation shall be delivered to the Owner via hand-delivery or Certified Mail, Return Receipt Requested.
20. All Owners are responsible for ensuring that their lot is occupied and used in accordance with the Architectural Review. In the case of matters against a tenant renting a home in Cameron Station, all notices will be mailed to the Owner of record with a copy to the tenants in question, if they are known. If tenants are not known, the tenant copy will be mailed to the address of record care of "current resident". The copies to tenants need not be mailed certified, return receipt requested; they may be mailed via regular, first class U.S. mail. Furthermore, as stated in Section 7.8 of the Declaration, any failure on the part of a lessee to comply with the Association's restrictions shall constitute a default under the lease and be grounds for termination therefore, which shall be enforceable by the Association.
21. 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. The Board of Directors reserves the power to assign all of its powers and responsibilities herein to the Architectural Review Committee.

22. The Association management is authorized to file complaints with the Committee for violations observed by the management staff.

This Resolution was adopted and approved by the Board of Directors of Cameron Station Community Association on this 23rd day of September, 2008.

The effective date of this Resolution shall be October 15, 2008.

CAMERON STATION COMMUNITY ASSOCIATION, INC.

By: 

President

CAMERON STATION COMMUNITY ASSOCIATION, INC.

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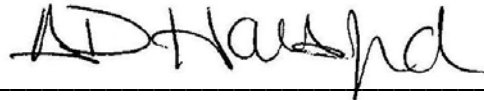
Duly adopted at a meeting of the Board of Directors September 23, 2008

Motion by: Michael Kuhl Seconded by: Mindy Lyle

| VOTE: | YES | NO | ABSTAIN | ABSENT |
|---|----------|-------|----------|----------|
| _____ John J. Sullivan, Jr., President | <u>X</u> | _____ | _____ | _____ |
| _____ Brad Holsclaw, Vice President | _____ | _____ | <u>X</u> | _____ |
| _____ Manuel Avila, Secretary | <u>X</u> | _____ | _____ | _____ |
| _____ Michael Kuhl | <u>X</u> | _____ | _____ | _____ |
| _____ Mindy Lyle | <u>X</u> | _____ | _____ | _____ |
| _____ Tom McClimon | <u>X</u> | _____ | _____ | _____ |
| _____ Sarah Townes | _____ | _____ | _____ | <u>X</u> |

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the members of Cameron Station Community Association on this 8th day of October, 2008.

A handwritten signature in black ink, appearing to read "Airielle Hansford". The signature is written in a cursive style with a horizontal line underneath it.

Airielle Hansford, Community Manager