



STAFFORD OAKS HOMEOWNERS ASSOCIATION, INC.
(Creation of Procedures to Ensure Due Process in Enforcement Cases)
Resolution: 2018-2

WHEREAS, pursuant to its authorities in Articles VII and XV of the Bylaws, the Board of Directors, and/or its Legal Compliance Committee (LCC) and Architectural Control Committee (ACC) who shall act on behalf of the Board (collectively, the "Board"), is obligated to enforce the rules and regulations adopted by the Board of Directors as well as the Covenants set forth in the Bylaws, architectural guidelines and Resolutions of the Association ("regulations"); and

WHEREAS, Articles VII and XV of the Association's Bylaws authorizes the Board of Directors to manage the affairs of the Association, including those functions necessary to operate, maintain and improve the Association, including adopting any Rules and Regulations deemed necessary for the administration of the affairs of the Association; and

WHEREAS, the Board of Directors has determined that it is in the best interest of the Association and its members for the Board to clarify and refine its enforcement procedures and the rights of the members to due process in connection with those procedures;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors adopts the following policy:

1. **General Compliance Efforts:** The Board of Directors will attempt to resolve issues regarding compliance with the Association regulations through a mix of formal and informal means. Phone calls, personal contacts and other efforts may be used to try and resolve compliance issues as quickly and neighborly as possible.

2. **Request for Compliance Notice:** If general efforts are unsuccessful or if the circumstances warrant immediate formal enforcement action, the Board shall send a first Request for Compliance in writing and deliver it personally or via certified mail, to the member at his/her address listed in the Association's records (and to the property address, if the member's listed address is different from the property address).

- The Request for Compliance shall advise the member of the nature of the non-compliance and, if a continuing violation, specify a remedy and the number of days within which the member must complete corrective action.
- If the violation is not "continuing", the notice will inform the member that future Violations may result in the possible imposition of charges or other action.

3. **Hearing Notice:** If the member does not remedy the offense within the number of days requested in the Request for Compliance or repeats a "non-continuing" violation, the Board of Directors reserves the power to issue a violation/hearing notice (2nd Notice), which shall follow the basic form of the Request for Compliance and may include any additional

information deemed important by the Board of Directors concerning the offense. The 2nd Notice shall also generally warn the member of the following:

- the possible imposition of monetary charges as sanctions for violations of the Association's regulations; the revocation of active membership status, which, among other things, suspends the member's rights and privileges with regard to vehicle decals, the common areas and amenities of the Association, and voting privileges; such status not to be activated until all violations are remedied, any charges are paid and the proper reinstatement fee is paid by the member;
- that the member has a right to request a hearing before the Board of Directors to contest the citation and a date by which the member must submit a written request for a hearing before the Board of Directors.
- The Board shall deliver the 2nd Notice in the same manner as the Request for Compliance.

4. Non-Response to Hearing Notice: If the member does not remedy the violation within the number of days requested in the 2nd Notice, and the member has not requested a hearing in writing by or before the date set in the 2nd Notice, the member shall be deemed to have waived the right to a hearing and the Board shall have the power to impose monetary charges, revoke the member's active membership status, or otherwise suspend the member's privileges as a sanction for the violation, as well as any other remedy available under the law. The Board of Directors shall not be required to conduct a hearing unless the member formally requests a hearing in writing by or before the date set forth in the second notice of citation.

5. Hearing: When a member requests a hearing in writing by or before the date set in the 2nd Notice, the Board of Directors shall set the time, date and place of the hearing at its discretion, and then it shall deliver written notice of the time, date and place of the hearing to the member by hand or mailed by registered or certified mail, return receipt requested, at least fourteen (14) days in advance of the hearing date. At the hearing, the Board of Directors shall provide the member with a reasonable amount of time to present any and all defenses to the citation. The member may have counsel present at the hearing and the Board reserves the right to also have counsel present.

- Following the hearing, the Board of Directors shall meet in executive session to determine whether it received satisfactory proof of the alleged violation(s) and the appropriate remedy or sanction.
- When the Board's judgment is unfavorable to the member, the Board may impose monetary charges as an assessment against the owner's lot, revoke the member's active membership status and/or otherwise suspend the member's privileges. The Board may levy monetary charges for a single offense in amounts up to \$50 and for continuing offenses in amounts up to \$10 a day for up to ninety (90) days.

6. Notice of Results of Hearing/Decision: Notice of the Board of Directors decision regarding the imposition of monetary assessments, revocation of active membership status, or suspension of a member's privileges must be delivered to the owner by hand or by registered or certified mail, return-receipt requested within seven (7) days of Board's vote on the matter, as required by the Virginia Code.

7. Appeal: In the event the Board has authorized the LCC or ACC to schedule and conduct the hearing described above, an aggrieved member may, within 10 days of the date of the Committee's action, make a written appeal of such action to the Board and the Board may, in its discretion, consider reversing, modifying or affirming, in whole or part, the action of the Committee.

8. Member Responsibility: Members are legally responsible for ensuring that the members of their household, and their tenants, guests, or invitees comply with the Association's Covenants and Regulations.

9. Procedures Not Exclusive: The procedures outlined in this Resolution may be applied to all violations of the Association's regulations. Upon good cause, however, the Board of Directors reserves the right to pursue, on an expedited basis, enforcement procedures and remedies authorized by the Association regulations, 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 a standing or special committee of its choice or to its manager or managing agent.

The effective date of this Resolution shall be July - 2, 2018.

Signature: _____


Board Secretary