

**APPENDIX E**  
**THE UNIT OWNERS ASSOCIATION OF**  
**HERITAGE HUNT CONDOMINIUM I**

POLICY RESOLUTION NO. 1  
ENFORCEMENT PROCEDURES

Relating to Enforcement of the Governing Documents

WHEREAS, Article III, Section 2 of the Bylaws of the Unit Owners Association of Heritage Hunt Condominium I (Bylaws) permits the Board of Directors of the Heritage Hunt Condominium I (Condo Board) to adopt any rules and regulations deemed necessary for the benefit and enjoyment of the Heritage Hunt Condominium I Unit Owners Association (Condo Association), and

WHEREAS, pursuant to such authority, the Condo Board has adopted Rules and Regulations (Rules), which Rules have been approved by the Heritage Hunt Homeowners Association, Inc. (HOA), and which Rules may be amended from time to time, and

WHEREAS, the terms Unit and Unit Owners used in this Policy Resolution shall be defined as such terms are defined in the Rules, and

WHEREAS, Section 55-79.53 of the Code of Virginia and Article I, Section 2 of the Bylaws requires all Unit Owners to comply with the Bylaws, and

WHEREAS, Article X of the Bylaws provides remedies to the Condo Board to enforce compliance with various governing documents, including but not limited to the Bylaws, the Rules, any other rules, regulations, policies, and resolutions, as well as any amendments to such documents (collectively, Governing Documents), and

WHEREAS, Article X, Section 1(i) of the Bylaws permits the Condo Board to establish penalties, including, but not limited to, the imposition of charges, and

WHEREAS, the Condo Board deems it necessary and desirable to establish enforcement procedures to assure reasonable and timely enforcement of the Governing Documents applicable to the Condo Association and to Unit Owners:

NOW, THEREFORE, BE IT RESOLVED THAT the procedures detailed below are adopted by the Condo Board:

I. DETERMINATION OF COMPLIANCE

- A. Complaint. Any Unit Owner or other resident (Complainant) may initiate the enforcement process by filing a written complaint against another Unit Owner or resident (Respondent) with the Condo Board or the Managing Agent designated by the Condo Board. The complaint must include a concise statement of charges setting forth in clear language the provision(s) of the Governing Documents the Respondent is alleged to have violated. If the complaint is filed against a tenant, the Unit Owner who owns the Unit also shall be deemed to be a Respondent and

(1) shall receive all notices and other documents relevant to the complaint, (2) shall be permitted to participate in the hearing procedures described below, and (3) shall be subject to the same Enforcement Remedies as the tenant Respondent..

- B. Preliminary Investigation. Upon receipt of the complaint, the Condo Board or its designated investigator may make a preliminary investigation as to the validity of the complaint. If the alleged violation has been corrected, or the complaint is deemed to be invalid for any reason, the designated investigator shall advise the Complainant of such determination in writing and shall send a copy to the Condo Board and the Managing Agent. If the preliminary investigation indicates the need for enforcement action, the Condo Board shall proceed as provided below. If it is not clear whether any violation exists, the designated investigator shall ask the Condo Board to investigate further and provide direction.
- C. Notice. If the preliminary investigation reveals the need for enforcement action, the Condo Board shall, direct any designee of its choosing including but not limited to the Condo Covenants Committee or the Managing Agent to mail a notice by certified mail, return receipt requested, to the Respondent(s) at the address(es) of such Respondent(s) listed in the records of the Condo Association and to the Unit address, if the Unit address is different. If a Respondent refuses or fails to pick up the notice, it shall be deemed delivered four days after mailing. If the alleged violation is not of an urgent nature, as determined by the Condo Board, an informal notice may be sent to the Respondent(s) prior to mailing the notice by certified mail. The notice shall advise the Respondent(s) of the nature of the alleged violation, the provision(s) of the Governing Documents alleged to have been violated, the specific action(s) by the Respondent(s) necessary to remedy the violation(s), and the deadline for compliance by the Respondent(s) to avoid imposition of monetary penalties or other remedies. In addition, if an alleged violation is a violation of Article II of the Rules and Regulations or of any of the use restrictions established in Article IV of the Rules and Regulations that might affect the HOA, the Condo Board's designee shall send a notice to the HOA Covenants Committee in order that HOA may make any investigation it deems appropriate.

## II. ENFORCEMENT REMEDIES

If a Respondent fails to comply with the notice, the Condo Board may seek enforcement and may impose the remedies established in Article X of the Bylaws, as well as any or all of the following measures or any combination thereof:

- A. The right to request that the HOA suspend the right to use all or any portion of the common facilities as provided in Article II, Section A of the HOA Policy Resolution No. 4, as the same may be amended from time to time. The suspension shall be for a period of time determined by the HOA Board of Directors (currently a maximum of 120 days).
- B. Assessing charges of up to \$50.00 for a single violation or up to \$10 per diem for any offense of a continuing nature. The total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days. Any charges imposed shall be treated as an assessment against the unit owner's unit.
- C. Tagging and towing of any vehicles in violation of the Rules and Regulations and/or the HOA

Policy Resolution No. 6, Vehicle Policies, as the same may be amended from time to time.

- D. The initiation of legal action against the Respondent(s).
  - E. Any other remedy permitted or provided by state law.
  - F. In the event a violation constitutes a violation of both the Governing Documents and any HOA rules, regulations, policies, or procedures, the Condo Board may, in its sole discretion, impose the Enforcement Remedies established in this Policy Resolution in addition to any sanctions imposed by the HOA.

### III. HEARING RULES AND REGULATIONS

The Condo Board may not pursue the Enforcement Remedies listed in Article II above until the Respondent(s) has/have been provided an opportunity for a hearing. The following Rules and Regulations apply to the hearing procedure:

- A. The Condo Board's designee shall mail a written notice, by registered or certified mail, return receipt requested, to the Respondent(s) advising the Respondent(s) of his/her/their right to contest the complaint at a hearing before the Condo Board.
- B. The notice shall advise the Respondent(s) of the date, time, and location of the hearing, and of the Respondent(s)' right to be represented by counsel. The hearing shall be no sooner than 14 days from the date the notice is mailed. Within five days of receipt of the notice, the Respondent(s) shall notify the Condo Board's designee that sent the aforesaid notice in writing if he/she/they will attend the hearing or to request that the hearing be rescheduled. The request to reschedule the hearing may be granted by the Condo Board if the Respondent(s) present(s) reasonable and satisfactory justification for the request. A Respondent also must notify the same Condo Board's designee in writing if he/she will be accompanied by counsel at the hearing.
- C. If a Respondent fails to respond to the notice as provided in this Article, or if a Respondent confirms attendance, but fails to attend the hearing without providing reasonable and satisfactory explanation, the Respondent shall be deemed to have waived the right to a hearing. In such event, the Condo Board may impose such Enforcement Remedies as it deems appropriate, consistent with the provisions of Article II above. The minutes of the hearing shall contain the results of the Condo Board's vote, the Enforcement Remedies imposed, if any, and a certification that the notice to the Respondent(s) was duly mailed in accordance with the provisions of this Policy Resolution.
- D. In the event a Respondent exercises his/her right to a hearing, the

Respondent may present evidence and may present and cross examine witnesses. In lieu of attending the hearing, a Respondent may present written evidence and argument.

- E. Following the evidentiary portion of the hearing, the Condo Board may conduct its deliberations in executive session to determine whether satisfactory proof of the alleged violation(s) exists and, if so, the Condo Board shall report its findings in open session and shall, by appropriate motion and vote, make a final disposition of the matter, including the imposition of Enforcement Remedies.
- F. Notice of the decision of the Condo Board shall be mailed to the Respondent(s) by certified mail, return receipt requested, within 10 calendar days of the hearing.
- G. If the Condo Board's decision is unfavorable to the Respondent(s), the Condo Board shall instruct the Managing Agent or the Condo Association's legal counsel to commence any Enforcement Remedies specified by the Condo Board. If the Condo Board finds that a Respondent has not violated the Governing Documents, the allegations contained in the complaint shall not be included in determining whether any subsequent alleged violations are regarded as continuing violations.
- H. If the Condo Board concludes that a Respondent has committed or is committing a continuing violation and that monetary penalties should be imposed, the period for calculation of such penalties shall commence on the day following the date on which the Respondent receives notice of the decision made at the hearing and shall end on the date on which the Condo Board or its designated investigator determines that all violations have ceased. Daily monetary penalties may not be assessed for a period longer than 90 days.

#### IV NOTICE TO MANAGING AGENT

Copies of any notices, disposition resolutions or other actions taken in implementing the provisions of this policy resolution shall be furnished to the Managing Agent of the Association for record keeping purposes.

#### V APPLICABILITY

The procedures established herein may be applied to violations of the Governing Documents, but do not preclude the additional independent application of any other specialized and more expeditious enforcement procedures and remedies as provided by state law.