



KINGSTOWNE RESIDENTIAL OWNERS CORPORATION

POLICY RESOLUTION NO. 4 Enforcement of By-Laws, Rules and Regulations

WHEREAS, Article III, Section 3(b) of the Declaration of Covenants and Restrictions (“Declaration”) of the Kingstowne Residential Owners Corporation (KROC) states that “the Board of Trustees shall have all powers for the conduct of the affairs of the Residential Corporation which are provided by law or the Founding Documents and which are not specifically reserved to members or the Declarant in the Founding Documents”; and

WHEREAS, Article VI, Sections 8(c) and (d) of the By-laws of KROC stipulate it shall be the duty of the Board to:

“Adopt and follow procedures for adoption and publication of board resolutions to be included in the Book of Regulations, including the provision for hearing and notice to Members...”

“Adopt and publish rules and regulations, including fees and a schedule of penalties governing the maintenance and use of the individual lots, and the use of the common area and facilities and the personal conduct of the members and their guests thereon, and include these in the Book of Regulations”; and

WHEREAS, Article III, Section 3(c) (7) of the Declaration stipulates the Board of Trustees shall have the power “to perform acts, as may be reasonably necessary or appropriate, including bringing suit, causing a lien to be foreclosed or suspending membership rights, to enforce or effectuate any of the provisions of the Governing Documents, subject to any appeal which may be filed and is pending”; and

WHEREAS, Article VII, Section 1(f) of the Declaration of KROC provides that “the Board of Trustees shall adopt general rules, including by not limited to, rules to regulate potential problems relating to the use of properties and the well-being of members...” and

WHEREAS, Article V, Section 3(f) of the Declaration permits the Board to adopt rules and regulations governing use of the Common Areas including the imposition of fines for the violation thereof; and

WHEREAS, Section 55-513(B) of the Virginia Property Owners’ Association Act provides the Board of Trustees of the association shall have the power, to the extent the declaration of rules and regulations duly adopted pursuant thereto expressly so provide, to assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible and to suspend a member’s right to use facilities or services for nonpayment of assessments which are more than sixty (60) days past due; and

WHEREAS, KROC is empowered by Section 55-513(A) of the Act and/or the Declaration to commence a lawsuit against a member seeking injunctive relief to correct any violation of the terms of the Governing Documents, including Rules and Regulations; and

WHEREAS, prior to imposing monetary charges, suspending privileges, and/or commencing litigation under Section 55-513 of the Act, KROC is required to afford a member a reasonable opportunity

to correct the alleged violation after written notice and if the violation remains uncorrected, the member shall be given an opportunity to be heard and to be represented by counsel before the Board of Trustees; and

WHEREAS, the Board has determined that it is in the best interest of KROC to adopt procedures and regulations regarding the Board's enforcement of the Association's Governing Documents.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees adopts the following policies and procedures:

- I. Definitions: For the purpose of this Resolution, the following definitions apply:
 - A. **Single Violation**: An act or omission constituting non-compliance with any provision of the Governing Documents, the duration of which is less than or up to twenty-four (24) continuous hours.
 - B. **Continuing Violation**: An act or omission constituting non-compliance with any provision of the Governing Documents, the duration of which extends beyond twenty-four (24) consecutive hours.
 - C. **Governing Documents**: The Association's Declaration of Covenants, Conditions and Restrictions, Bylaws, and duly adopted Rules and Regulations, and any amendments thereto.
- II. Informal and Initial Notifications of Violations:
 - A. KROC may undertake enforcement action upon its own detection of a violation of the Governing Documents or upon its confirmation of a violation reported by any source. Initial action may, at the discretion of the Managing Agent, take the form of verbal or other informal notification to the offending member.
 - B. When informal notification is not elected or proves unsuccessful, written notice of a violation shall be delivered by hand or mailed by registered or certified mail, return receipt requested, to the member at the member's address listed on the records of KROC, and to the property address, if different. Members shall be responsible for the actions or omissions of their tenants, guests, or invitees. Notification will be deemed effective two (2) days after mailing.
 - C. Written notice to the member will advise of the nature of the violation, the identity of the specific provision within the Governing Documents which have allegedly been offended, the specific remedy required, and the number of days by which corrective action must be begun or completed in order to preclude the possible imposition of monetary charges, the suspension of membership privileges, or any other enforcement remedies available to KROC.
- III. Enforcement Remedies: If the member does not remedy the violation within the deadline requested, KROC may initiate further lawful enforcement remedies. Such enforcement remedies may include, but are not limited to, any one or more of the following measures:
 - A. The suspension of recreational facility use and/or rental privileges for a period not to exceed sixty (60) days for any violation other than non-payment of assessments. KROC may suspend recreational facility use and/or rental privileges, due to non-payment of assessments which are more than sixty (60) days past due, provided that the procedures set forth in Section IV below are satisfied first.

- B. The pursuit of injunctive relief via a lawsuit filed in General District or Circuit Court, provided that the procedures set forth in Section IV below are satisfied.
- C. The assessment of monetary charges in the amount of \$50.00 per day for a Single Violation or \$10.00 per day for a Continuous Violation with a maximum of \$900.00, or such greater amounts as may be authorized by the Virginia Property Owners' Association Act, to be treated as an assessment against the offending member's lot, for only those violations which relate to the maintenance and use of the individual lots, and the use of the Common Areas and provided that the procedures set forth in Section IV below are satisfied.

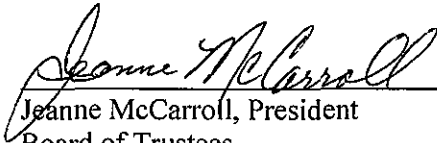
IV. Hearing Guidelines: The hearing procedures set forth herein shall only be required of the Board of Trustees if it wishes to consider the imposition of monetary charges, the suspension of recreational facility use or rental privileges, or commencement of a lawsuit for injunctive relief. The following guidelines apply to the hearing procedure:

- A. KROC shall issue a written notice delivered by hand or mailed by registered or certified mail, return receipt requested, to the member at his or her address of record with KROC advising him of his right to attend a hearing to contest the alleged violation before the Board of Trustees. The notice shall include:
 - a. The time, date, and location of the hearing.
 - b. The alleged violation(s), citing applicable provisions of the Governing Documents.
 - c. If applicable, that charges for the violation may include assessment of no more than up to Fifty Dollars (\$50.00) for a Single Violation or Ten Dollars (\$10.00) per day for a Continuous Violation with a maximum of \$900.00, or such greater amounts as may be authorized by the Virginia Property Owners' Association Act.
 - d. That the Association may suspend the member's (and his or her tenant's) right to use or rent the recreational facilities.
 - e. That the Association may pursue a lawsuit pursuing injunctive relief.
- B. When a member fails to attend the hearing without providing reasonable and satisfactory explanation, the member shall be deemed to have waived the right to such hearing, and KROC may proceed with enforcement action.
- C. The hearing notice shall be issued, via hand-delivery or registered or certified mail, return receipt requested, to the member's address of record, no less than fourteen (14) days prior to the hearing date.
- D. At the hearing, the Board shall permit the member to present any and all defenses to the alleged violation(s). Following such hearing, the Board will meet as soon as practicable in Executive Session to determine whether satisfactory proof of the alleged violation exists and, if so, what remedy shall be taken. KROC shall advise the member of the Board's decision, in writing. The Managing Agent shall advise the member of such decision in writing via hand-delivery or registered or certified mail, return receipt requested, to the member's address of record with the Association, no more than seven (7) days from the date of the hearing.

- V. Applicability: The procedures delineated herein do not preclude the additional independent application of any other specialized or more expeditious enforcement procedures and remedies as authorized in the Governing.

EFFECTIVE DATE OF RESOLUTION

The policy was approved on this 5 day of February, 2020 by the Kingstowne Residential Owners Corporation Board of Trustees.


 Jeanne McCarroll, President
 Board of Trustees
 Kingstowne Residential Owners Corporation

Policy Name	Number	Approved	Revised
Enforcement of By-Laws, Rules and Regulations	4		February 5, 2020
Enforcement of By-Laws, Rules and Regulations	4		March 6, 2019
Enforcement of By-Laws, Rules and Regulations	4		May 2, 2018
Relating to the Enforcement of By-Laws, Rules, Regulations and Guidelines	14		March 2, 2016
Relating to the Enforcement of By-Laws, Rules, Regulations and Guidelines	14		November 11, 1991
Relating to Due Process Procedures	4	August 17, 1987	