

Westwood Towns Homeowners Association, Inc.

**Policy Resolution No. 2016-02
Procedure for Assessing Charges for Rules Violations**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Westwood Towns Homeowners Association, Inc. (the "Declaration"), the By-Laws of Westwood Towns Homeowners Association, Inc. (the "By-Laws") and the Articles of Incorporation of Westwood Towns Homeowners Association, Inc. (the "Articles of Incorporation"), as amended, collectively known as the Governing Documents, provide that the Lots are subject to the Governing Documents and the rules and regulations of the Association; and

WHEREAS, the Declaration and Bylaws provide that all Owners and occupants shall abide by the Governing Documents and Rules and Regulations and that any Owner, his or her tenants, guests or other invitees who violates the Governing Documents or the Rules and Regulations shall be assessed a charge pursuant to Section 55-513 of the Virginia Property Owners' Association Act (the "Act"); and

WHEREAS, Article II, Section 1(c) of the Declaration and Article VII, Section 1(a) of the Bylaws gives the Board of Directors (the "Board") the authority to adopt Rules and Regulations; and

WHEREAS, Article VII, Section 1(e) of the Bylaws authorizes the Board to employ a managing agent; and

WHEREAS, pursuant to the Act, the Association has the power, to the extent that the Governing Documents or the Rules and Regulations duly adopted pursuant thereto expressly so provide, to assess charges against any Owner for any violation of the Governing Documents or the Rules and Regulations for which an Owner or his family members, tenants, guests or other invitees are responsible; and

WHEREAS, Article VI, Section 11 of the recorded Declaration *expressly* provides that the Association may adopt a Resolution for the imposition of charges, pursuant to Section 55-513 of the Act; and

WHEREAS, the Board finds that it is in the best interest of the Association to adopt a resolution allowing the Board to enforce the rules set forth in the Governing Documents and the Rules and Regulations duly adopted pursuant thereto, by the assessment of charges as allowed in Section 55-513 of the Act.

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Board shall have the authority to assess charges against any Owner for any violation of the Governing Documents or Rules and Regulations for which an Owner or his/her family members, tenants, guests or other invitees are responsible.

2. In accordance with Section 55-513(C) of the Act, the Owner shall be given a reasonable opportunity of not less than fifteen (15) days to correct the alleged violation after written notice of the alleged violation to the Owner at the address on record with the Association.

3. If the alleged violation remains uncorrected, before any such charges can be assessed, the Owner shall be given an opportunity to be heard and to be represented by counsel at a hearing before the Board or other tribunal specified in the Act, Governing Documents, and Rules and Regulations of the Association.

4. Notice of the hearing shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association, at least fourteen (14) days prior to the hearing. The notice shall state the possible consequences of being found in violation, including charges, injunction, and suspension of privileges.

5. At the hearing, the Owner shall be given the opportunity to review the evidence against him/her, to cross-examine witnesses, to make arguments and to present evidence and witnesses on his/her behalf, and to be represented by counsel.

6. The Board may determine the manner in which the hearing is conducted, so long as the rights set forth in this Resolution are protected. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence is admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used to support a finding.

7. The result of the hearing shall be mailed to the Owner at the address on record with the Association, by certified mail, return receipt requested, within seven (7) days of the hearing.

8. Nothing in this Resolution shall preclude the Association from undertaking whatever additional enforcement action is authorized by the Governing Documents or Rules and Regulations of the Association for the violations.

This Resolution is effective November 1, 2016.

The Board directs that this Resolution shall be reasonably published or distributed to the Owners of the Association.

This Resolution supersedes any prior adopted Resolution pertaining to the policy for assessing charges for rule violations.

Adopted at a meeting of the Board of Directors on 19 September 2016.

**Westwood Towns Homeowners
Association, Inc.**

S Fairbrother
President

9/22/2016
Date

Attested By:

[Signature]
Secretary

9/22/2016
Date

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