

Reflection Homes Association, Inc.  
Policy Resolution 2000-5  
Creation of Procedures to Ensure Due Process in Enforcement Cases

**WHEREAS**, Article VII, Section I of the By-Laws of Reflection Homes Association (Association) charges the Board of Directors (Board) with the powers and duties of administration of the Association; and

**WHEREAS**, Virginia Code Section 55-513 empowers the Board to assess charges against owners for violations of the Association's Governing Documents for which the member or his family members, tenants, guests or other invitees are responsible; and

**WHEREAS**, for the benefit and protection of all of the members, the Board deems it desirable to establish a procedure for enforcement of the Association's governing documents consistent with principles of due process and Virginia law;

**NOW THEREFORE BE IT RESOLVED THAT** the following procedures to ensure due process in enforcement cases are enacted:

1. On behalf of the Association, the Board of Directors may issue a citation to any member whose behavior or use of property does not conform with the Association's Declaration, Bylaws or Regulations. At the discretion of the Board, initial enforcement action may take the form of oral or informal written notification to the offending member.
2. If the Board chooses not to send informal notification to a member or if informal notification proves unsuccessful, the Board may issue a formal notice in writing. The Association's first formal notice of citation shall be issued in writing and delivered by hand or by first class mail to the member at his/her address listed in the Association's records, as well as to the address of the property within the Association, if the member's listed address is different from the property address.
3. In the first notice of citation, the Association shall generally advise the member of the nature of the offense, cite the specific provision within the Association's Declaration, Bylaws or Regulations that the member has allegedly violated, specify the remedy required, and, if applicable, state the number of days the member has to complete corrective action. This notice will also advise the member of their right to request, in writing, a hearing before the Board of Directors to contest the substance of the citation or any penalty imposed as a result of the citation.
4. If the member does not remedy the alleged offense within the number of days requested in the notice of citation, the Board of Directors reserves the power to issue a second notice of citation, which shall follow the basic form of the first notice of citation and shall include any additional information deemed important by the Board of Directors concerning the offense.
5. In the second notice of citation, the Association also shall inform the member of the Board's monetary charge for the offense of the Association's Declaration, Bylaws or Regulation and of

his/her right to request a hearing before the Board of Directors to contest the citation to avoid the charge. In the second notice of citation, the Association shall request the member to confirm in writing by a certain date his desire for a hearing to contest the citation.

6. The Association shall deliver the second notice of citation by hand or by certified mail, return receipt requested, to the member at his/her address listed in the Association's records, as well as to the property address, if the member's listed address is different from the property address. The Association will deem notification effective even if any member fails or refuses to sign for any registered or certified mailing from the Association.
7. If the member does not remedy the offense within the number of days specified in the second notice of citation, and the member has not requested a hearing in writing by or before the hearing confirmation date, the Association shall deem the member to have waived the right to a hearing, and the Board of Directors shall have the power to impose monetary charges in the same manner as outlined in paragraph 10 below.
8. When a member requests a hearing in writing by or before the deadline the Board of Directors shall set the time, date and place of the hearing at its discretion, and shall deliver written notice of the time, date, and place of the hearing to the member by hand or by certified mail, return receipt requested, at least 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 be represented by counsel at the hearing.
9. Following the hearing, the Board of Directors shall meet in executive session to determine whether it believes satisfactory proof of the alleged violation exists, and if so, whether it should impose monetary charges.
10. When the Board's judgment after a hearing is unfavorable to the member, the Board levies monetary charges as an assessment against the member's lot. Monetary charges may not exceed \$50.00 for a single offense or \$10.00 per day for any offenses of a continuing nature, although the Board reserves the power to increase these maximum sanctions if the General Assembly enacts legislation in the future that permits the Board to do so. The Board shall treat monetary charges as an assessment against the member's lot.
11. Following a hearing held under this policy, the Board of Directors shall deliver its decision to the member at his address of record by hand or by certified mail, return receipt requested within three days of the hearing.
12. The Board of Directors reserves the power to hold members legally responsible for ensuring that their tenants, or tenant's guests or invitees comply with the Association's Declaration, Bylaws and Regulation.
13. The Board of Directors reserves the power to hold members legally responsible for ensuring that their guests or invitees comply with the Association's Declaration, Bylaws or Regulations.

14. If the Board of Directors or Management Company receives correspondence from one member alleging a violation of the Association's Declaration, Bylaws or Regulations by another member, the Management Company will attempt to verify the violation. If the alleged violation can be verified independent of the member's correspondence, such correspondence will be kept confidential. In the event the alleged violation can not be independently verified, the member citing the potential violation shall be notified the confidentiality of their correspondence may be compromised through the enforcement process if enforcement action is to be continued based on their allegation. Should the complaining member then seek to withdraw their allegation, the matter will remain confidential and the allegation record removed from both Board and Management files and destroyed.
15. The Board may apply procedures outlined in this Resolution to all violations of the Association's Declaration, Bylaws or Regulations, and it is not precluded from exercising other enforcement procedures and remedies authorized by the Association's legal documents including, but not limited to, all remedies available under Article X, Sections 1 of the Declaration, all remedies available under the Association's Book of Regulations and policy resolutions, as well as all remedies available under the Virginia Property Owners' Association Act. 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.
16. The Board shall use the following definitions:
  - A. Single offense: A one-time act or omission by a member (or his family, tenant, guest or invitee) determined by the Board to constitute a violation of any provision of the Association's rules and regulations.
  - B. Continuing Offense: The failure of a member (or his family, tenant, guest or invitee) to rectify an act or omission determined by the Board to constitute a violation of any provision of the Association's rules and regulations for more than one day after receipt of any written notice from the Board. Daily charges for continuing offenses may accrue up to the date when the member notifies the Board in writing that correction of the violation has occurred (subject to later confirmation by the Board). If the correction of a continuing offense has been confirmed by the Board, the monetary charge levied against the member's lot through the day of correction will remain in place.

*Location: This Policy Resolution shall be filed in Section I, Board Responsibilities and Limitations, of the Book of Resolutions.*

The effective date of this resolution is **October 10, 2000**.