

**FAIRLINGTON GREEN CONDOMINIUM COUNCIL OF CO-OWNERS**

**POLICY RESOLUTION NO. 98-1**

**(Creation of Procedures to Ensure  
Due Process in Enforcement Cases)**

WHEREAS, the Virginia Condominium Act provides the Board of Directors ("Board") of the Fairlington Green Condominium Council of Co-Owners ("Council") with the power to assess monetary charges against Co-Owners of the Council ("Co-Owners") who are responsible for violations of the regulations of the Council;

WHEREAS, the Virginia Condominium Act requires the Board of Directors to formally adopt and publish a written resolution to enact the statutory power to assess monetary charges against Co-Owners for violations of the condominium instruments and rules and regulations ("regulations") of the Council; and

WHEREAS, for the benefit and protection of all of the Co-Owners of the Council, the Board of Directors deems it desirable to formally adopt a resolution to enact the statutory power to assess monetary charges and to establish a procedure for enforcement of the regulations of the Council which are consistent with principles of due process and Virginia law.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

On behalf of the Council, the Board of Directors may issue a citation to any Co-Owner whose behavior or use of property does not conform to the Council's regulations.

A first notice of citation shall be issued in writing and delivered by regular mail to the Co-Owner at his/her address listed in the Council's records. If the Co-Owner's listed address is different from the property address, notice may also be sent to the unit address in the discretion of the Board.

The first notice of citation shall generally advise the Co-Owner of the nature of the offense, cite the specific provision within the Council's regulations which has allegedly been violated and, if the violation is a continuing one, specify the remedy required and time-frame within which corrective action must be completed.

If the offense is not remedied within the time-frame requested in the notice of citation or if a non-continuing violation is repeated, 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 include any additional information deemed important by the Board of Directors concerning the offense.

The second citation shall also warn the Co-Owner of the Board's power to impose monetary charges for violations of the Council's regulations and shall inform the Co-Owner of his/her right to request a hearing before the Board of Directors to contest the citation. The notice of citation shall request that the Co-Owner confirm in writing by a certain date his/her desire for a hearing to contest the citation.

The second notice of citation shall be delivered by hand or mailed by registered or certified mail, return receipt requested, to the Co-Owner at his/her address listed in the Council's records, and may be sent to the unit address, if the Co-Owner's listed address is different from the unit address. Notification will be deemed effective if any Co-Owner fails or refuses to sign for any registered or certified mailing from the Council.

If the offense is not remedied within the number of days requested in the second notice of citation or the Co-Owner has not requested a hearing in writing by or before the hearing confirmation date, the Co-Owner shall be deemed to have waived the right to a hearing and the Board of Directors shall have the power to impose monetary charges. The Board of Directors shall not be required to conduct a hearing unless the Co-Owner formally requests a hearing in writing by the deadline set forth in the second notice of citation.

When a hearing is requested by the Co-Owner by or before the deadline, the Board of Directors shall set the time, date and place of the hearing at its discretion.

Written notice of the time, date and place of the hearing shall be delivered to the Co-Owner by hand or mailed by registered or certified mail, return receipt requested, to the Co-Owner at least 14 days in advance of the hearing date. At the hearing, the Board of Directors shall provide the Co-Owner with a reasonable amount of time to present any and all defenses to the citation. The Co-Owner may have counsel present at the hearing.

Following the hearing, the Board of Directors shall meet in closed session to determine whether satisfactory proof of the alleged violation was presented by the complainant(s), and if so, whether monetary charges should be imposed. The vote on any such matter should be made after the Board reconvenes in open session.

When the Board's judgment is unfavorable to the Co-Owner, the Board shall undertake the administrative actions required to effect the monetary charge as an assessment against the Co-Owner's unit. Monetary charges may not exceed \$50.00 for a single offense (eg., premature trash placement, loud party, parking on grass, etc.) and an additional \$10.00 per day may be assessed for any offense of a continuing nature (eg., failure to

repair broken window, move junk vehicle, etc.) until such offense is corrected.

The Board of Directors reserves the power to hold Co-Owners legally responsible for ensuring that their tenants, guests, or invitees comply with the Council's Regulations.

The procedures outlined in this Resolution may be applied to all violations of the Council's regulations, but do not preclude the Council from exercising other enforcement procedures and remedies authorized by the Council's legal documents, 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.

The effective date of this Resolution shall be January 22, 1998.

I hereby attest that this Policy Resolution was duly adopted at the regular meeting of the Board of Directors of FCR on this 21st day of January, 1998, and that a copy of the foregoing Resolution was mailed or hand-delivered to the addresses of record of the unit owner membership.

Chm WSR pres.  
Secretary/Authorized Officer