

**ONE LOUDOUN NEIGHBORHOOD ASSOCIATION, INC.  
POLICY RESOLUTION NO. 5**

*(Due Process and Enforcement Procedures)*

**WHEREAS**, One Loudoun Neighborhood Association, Inc. (“Neighborhood Association”) was created pursuant to a Declaration (“Residential Declaration”), dated November 28, 2007, and recorded among the Land Records of Loudoun County, Virginia at Instrument Number 20071129-0083003; and,

**WHEREAS**, One Loudoun Master Property Owners Association, Inc. (“Master Association”) was created pursuant to a Declaration (“Master Declaration”), dated November 28, 2007, and recorded among the Land Records of Loudoun County, Virginia at Instrument Number 20071129-0083002; and,

**WHEREAS**, all property located within the Residential Neighborhood is subject to the Neighborhood Declaration, and all property within One Loudoun, including the Residential Neighborhood, is subject also to the Master Declaration; and,

**WHEREAS**, Part IV of the Master Declaration provides that the architectural standards for One Loudoun are governed by the One Loudoun Design Standards (“Design Standards”), which may be amended and revised from time-to-time by the Design Review Committee (“DRC”), and Chapter 4 of the Residential Declaration reiterates that the Master Declaration and the Design Standards apply to the Residential Neighborhood; and,

**WHEREAS**, in addition to the Residential Declaration, the Neighborhood Association is governed by, among other things, its Articles of Incorporation (“Neighborhood Articles”) and Bylaws (“Neighborhood Bylaws”) (together, the Neighborhood Articles, Neighborhood Bylaws, and Residential Declaration, along with any rules and regulations adopted by the Neighborhood Association Board of Directors, are referred to herein as the “Neighborhood Governing Documents”); and,

**WHEREAS**, Article III, Section 3.5 of the Neighborhood Bylaws states that the “Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Neighborhood Association and may do all such acts and things as are by applicable law or the Residential Declaration or Articles required to be exercised and done by the Neighborhood Association;” and

**WHEREAS**, Article III, Section 3.5(vii) of the Neighborhood Bylaws further provides that the Board of Directors shall have the power to “Enact and amend Rules and Regulations from time to time; provided however, that no such Rules and Regulations so adopted shall be in conflict with the Residential Declaration;” and

**WHEREAS**, Chapter 2, Section 2.2 of the Residential Declaration provides that the Board of Directors has the authority to enforce the covenants, conditions, and restrictions

contained in the Neighborhood Governing Documents and the Design Standards, including, among other things, by assessing “charges up to the maximum allowed by law”; and,

**WHEREAS**, Chapter 5, Section 5.2 of the Residential Declaration provides that the Board of Directors has the authority to enforce the collection of assessments due to the Residential Association, including by, among other things, suspending certain rights and privileges of the delinquent Owner; and,

**WHEREAS**, Section 55-515.A of the *Virginia Property Owners’ Association Act*, Va. Code § 55-508, et seq. (the “Act”), requires that all Owners and their tenants, guests and invitees comply with the Residential Declaration and all provisions of the Act; and

**WHEREAS**, Section 55-513.B of the Act authorizes the Board to suspend a delinquent Owner’s right to vote and use the facilities or nonessential services offered by the Residential Association during any period in which such Owner’s assessments are more than sixty (60) days delinquent, and to impose monetary penalties against an Owner for violations of the Residential Governing Documents or any rules and regulations adopted pursuant to the same; and

**NOW THEREFORE BE IT RESOLVED THAT** the following due process and enforcement procedures are hereby adopted, which procedures shall supersede and replace any previously adopted policies and procedures relating to the same subject.

**I. Definitions.** Capitalized terms contained herein shall have the meanings set forth in the Residential Declaration.

**II. Complaint.**

A. Any Owner, tenant, management agent, DRC member, Neighborhood Board of Directors member, Master Board of Directors member, or Founder representative who requests that the Neighborhood Board of Directors take action to enforce the Design Guidelines, Neighborhood Governing Documents and/or duly adopted rules and regulations shall complete, date and sign a Complaint in a form similar to and containing the information contained on Exhibit "A" hereto.

B. The Complaint shall be submitted to the Neighborhood Board of Directors to determine whether it appears that a violation has occurred.

C. The Neighborhood Board of Directors reserves the power to hold Owners legally responsible for ensuring that the occupants of their household, their family, employees, guests, tenants, agents and lessees comply with the Design Guidelines, Neighborhood Governing Documents, and all duly adopted rules and regulations.

D. No Complaint is necessary when the issue concerns an Owner’s failure to pay assessments which are more than 60 days past due as set forth in Section VI below. In addition, the Neighborhood Board of Directors may, in its sole discretion, undertake enforcement

proceedings in the absence of a complaint if it otherwise becomes aware of a violation and determines that action thereon is required.

### **III. Notice.**

A. If determined appropriate, a written notice, which may be in a form similar to Exhibit "B" hereto, shall be sent by first class mail or shall be hand-delivered to the offending Owner at the address which the Owner has provided the Neighborhood Association or at the Lot address if no other address has been provided. A notice will typically be sent in response to a complaint as described in Section II above, but the Neighborhood Board of Directors may, in its sole discretion, direct the issuance of a notice even in the absence of such a complaint.

B. The notice shall specify the alleged violation, the action required to correct the violation and a date, usually not less than ten (10) days after the date of the demand letter, by which the alleged violation must be remedied. Provided, however, when the violation may constitute a health, safety or fire hazard, demand may be made to remedy the violation within twenty-four (24) hours or such shorter time as the Neighborhood Board of Directors deems appropriate in its discretion.

C. The notice shall state that if the violation is not remedied, the Owner will be given an opportunity for a hearing, if requested in writing within ten (10) days from the date of the notice, before the Neighborhood Board of Directors to avoid imposition of charges and/or suspension of use rights, services, or privileges. The letter shall also state that if no hearing is requested, the Owner will be deemed to have waived the opportunity for a hearing and suspension of services and/or rules violation charges may be assessed without a hearing. The notice may be combined with the notice of hearing referenced in Section IV if of a serious nature or if previous notices of violation have been sent to the Owner.

D. No notice shall be required in the case of an Owner who is more than 60 days past due in paying assessments as set forth in Section VI below. In that instance, a letter notifying said Owner of such delinquency may be sent, which letter shall also advise said Owner that he/she has the right to request a hearing prior to the suspension of access to facilities or services being imposed. The letter shall also state that if no hearing is requested, the Owner will be deemed to have waived the opportunity for a hearing and suspension of privileges and access to facilities or services may be assessed without a hearing.

### **IV. Notice of Hearing.**

A. If the alleged violation is not remedied within the date or time specified in the notice referenced in Section III and the Owner requests a hearing or if the Neighborhood Board of Directors determines a hearing is necessary, a notice of hearing shall be sent. Notice of a hearing shall be hand delivered or mailed by registered or certified United States mail, return receipt requested, at least fourteen (14) days in advance of the hearing date, or within such other time as may be required by the Act, to the Owner at the address which the Owner is required to provide to the Neighborhood Association, or to the Lot address if no other address has been provided.

Service by mailing shall be deemed effective upon depositing the notice into a regular depository of the United States Postal Service. The notice referenced in Section III may be combined with the notice of hearing.

B. The notice of hearing may be similar to Exhibit "C" attached hereto and shall specify:

- 1) The time, date and place of the hearing.
- 2) That the Owner shall be given an opportunity to be heard and to be represented by counsel before the Neighborhood Board of Directors.
- 3) The alleged violation(s).
- 4) That charges for violations may include assessment of up to Fifty Dollars (\$50.00) for a single offense or Ten Dollars (\$10.00) per day for up to ninety (90) days, for any offense of a continuing nature, or such greater amounts as may be authorized by the Act.
- 5) That other appropriate remedies may be taken, such as suspension of use of any facilities, services, or privileges, including suspension of parking privileges and voting rights.

**V. Hearing.**

A. The hearing shall be scheduled at a reasonable and convenient time and place within the Neighborhood Board of Directors' discretion.

B. The Neighborhood Board of Directors, within its discretion, may grant a continuance for good cause shown, but no such continuance shall be required in any particular situation. If the Owner for which the hearing is scheduled requests a different time or date, no further notice shall be required.

C. The hearing need not be conducted according to technical rules of evidence applied in a court of law. The hearing shall provide the Owner with an opportunity to be heard and to be represented by counsel. The hearing shall be conducted according to reasonable procedures, including time limits, established by the person presiding over the hearing.

D. The hearing shall be conducted in executive session unless the Owner requests that the hearing be open to owners and residents and further provided that the chairman of the hearing body may impose a reasonable limit on the number of such persons who can be accommodated in the hearing room. The Neighborhood Board of Directors may determine to hold the hearing in open session in its discretion. During the course of any hearing held, the Neighborhood Board of Directors, within its discretion, may afford those residents involved with the dispute or violation an opportunity to be heard within reasonable time limits.

E. After proper notice has been given, if the Owner fails to appear at the hearing or if no hearing is requested, the hearing or meeting may continue as scheduled and the Neighborhood Board of Directors may assess charges or suspensions as indicated herein from the final compliance date of the letter or take such other action as may be authorized by the Neighborhood Governing Documents or by law.

F. If the Owner acknowledges responsibility for the violation charged, or does not wish to contest the alleged charge or suspension, the Neighborhood Board of Directors may, in its discretion, dispense with a hearing after having afforded the Owner with an opportunity for a hearing.

G. Within seven (7) days of the hearing, or such other time period as may be required by the Act, the Neighborhood Board of Directors shall notify the Owner of its decision, the suspension of any use of facilities or services, the assessment of any charges and the date from which those assessments shall accrue and be due. A sample Notice of Decision is attached as Exhibit "D", but it is not required that such form be used in all cases.

H. If a decision is made by a committee or body other than the Neighborhood Board of Directors, any aggrieved party may appeal any action, ruling or decision of such committee to the Neighborhood Board of Directors. For purposes of this paragraph, an aggrieved party is a: (i) Owner upon whom sanctions have been imposed by the committee; and (ii) any other party who in the sole discretion of the Neighborhood Board of Directors is deemed to be an aggrieved party. The aggrieved party must deliver a written notice of appeal to the Managing Agent within fifteen (15) days of the date of the notice of decision letter. The Neighborhood Board of Directors shall review the appeal at the next regularly scheduled meeting of the Board following the receipt of the notice of appeal. The Neighborhood Board of Directors may, in its discretion, conduct a hearing. The Neighborhood Board of Directors may affirm, modify or reverse the decision of the committee. The decision of the Neighborhood Board of Directors is final.

#### **VI. Non-Payment of Assessments.**

Section 55-513.B of the Act gives the Neighborhood Association the power to suspend an Owner's right to use facilities or services, including utility services, provided directly through the Neighborhood Association for nonpayment of assessments which are more than 60 days past due, to the extent that access to the Lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any Owner, tenant, or occupant.

Any Owner who is more than 60 days past due on the payment of any assessments or portions thereof shall be provided with a notice of a right to request a hearing and the opportunity for a hearing as set forth above. Any Owner who fails to request a hearing upon receiving notice of a right thereto or who fails to appear for a noticed hearing will be deemed to have waived his/her right to a hearing and the Neighborhood Board of Directors may take further action thereafter in said Owner's absence.

Any Owner who is found to be more than 60 days past due on the payment of any assessments or portions thereof may be subject to the suspension of access by him, his tenants, or guests to facilities and services, including denial of access to parking and other facilities and services until all amounts due have been paid in full.

**VII. Records.**

The Neighborhood Board of Directors shall keep copies of all correspondence related to rules violations in the Owner's file or in a separate file for rules violations. Minutes of each hearing or meeting shall be kept and a form similar to that attached hereto as Exhibit "E" shall be completed and placed in the Owner's file and appropriate Neighborhood Association files.

**VIII. Assessment of Charges.**

Pursuant to Section 55-513.B of the Act, any charges assessed for violations of rules after notice and hearing shall be in amounts authorized by the Act and shall be treated as an assessment against such Owner's Lot for all purposes, including liens. Such charges also shall be the personal obligation of the Owner.

**IX. Miscellaneous.**

A. The procedures outlined in this Resolution may be applied to all violations of the Neighborhood Governing Documents and/or the Rules and Regulations relating to the use and enjoyment of the Common Area, payment and collection of assessments, and the personal conduct of the members and their guests, but do not preclude the Neighborhood Association from exercising other enforcement procedures and remedies authorized by the Neighborhood Association's Governing Documents and/or Rules and Regulations, including, but not limited to, the initiation of suit or self-help remedies (e.g. towing of vehicles from Common Area parking lots), and shall not constitute an election of remedies.

B. The Neighborhood Board of Directors reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to its manager or managing agent.

C. Nothing contained herein shall be deemed to restrict or infringe upon any powers or authority of the Master Board of Directors.

**X. Effective Date.**

The effective date of this Resolution shall be October 1, 2014. This Resolution shall supersede and replace any previously adopted policies and producers relating to the same subject.

**Exhibit "A" to the  
RESOLUTION ON DUE PROCESS AND ENFORCEMENT PROCEDURES  
ONE LOUDOUN NEIGHBORHOOD ASSOCIATION, INC.**

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**Rules Violation Complaint**

Date:

1. Name of person(s) violating rules:
  2. Address of person(s) violating rules:
  3. Are the person(s) named in question 1 tenants or owners?
  4. Describe in detail how and where the rules were violated:
  5. When did the violation(s) occur?
  6. Have you personally requested the lot owner or tenant to cease the rules violation?  
\_\_\_ Yes, \_\_\_ No, \_\_\_ Verbally, \_\_\_ By written request. When?
  7. Name and address of person(s) making complaint:
  8. Signature(s) and Date
- 

**FOR ASSOCIATION USE ONLY**

9. Registered name(s) of Owner(s):
10. Lot Address:
11. Provision(s) of Governing Documents or Rule(s) violated:
12. Owner's address if non-resident:
13. Registered name(s) of tenant(s):
14. Comment(s):

15. Date notice sent to Owner:

16. Owner/Tenant \_\_\_ does/\_\_\_ does not request a hearing.  
Date request received:

17. Referred to Board on \_\_\_\_\_.

18. Date notice of hearing sent:

cc: Owner File  
Rules Violation File

**Exhibit "B" to the  
RESOLUTION ON DUE PROCESS AND ENFORCEMENT PROCEDURES  
ONE LOUDOUN NEIGHBORHOOD ASSOCIATION, INC.**

DEMAND TO CEASE AND CORRECT

(Owner)

You are hereby notified that a complaint has been made against you (or your tenants) for the alleged violation of the following rules and regulations of the Association:

Perhaps you were not aware of the Association's rules or do not believe you are in violation, however, the rules are enforced for the benefit of all residents and to maintain property values. You are requested to immediately cease and correct all of the above violations within ten (10) days from the date of this letter and/or to avoid any additional violations. If you wish to contest the alleged violation and avoid imposition of charges or suspension of use rights or services you must request a hearing before the Board of Directors in writing within ten (10) days from the date of this letter. If you request a hearing, complete the bottom portion of this letter and return a copy. The Board of Directors will send you a certified, return receipt notice stating the hearing time and place. Alternatively, if you elect to cease and correct the violation within ten (10) days, please send a copy of this letter to the Board of Directors noting that the violation has been stopped or corrected. If you fail to respond to this letter and the violation persists, you may be assessed rules violation charges of up to Ten Dollars (\$10.00) per day for up to ninety (90) days for each continuing violation or up to Fifty Dollars (\$50.00) for each single violation without further notice or other remedies may be pursued. In addition your Association privileges may be suspended including suspension of parking privileges and access to facilities.

Sincerely,

Board of Directors

cc: Owner file

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**Return to:**

\_\_\_\_\_  
Name: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_ I hereby request a hearing before the Board to contest the violation.

\_\_\_\_\_ I have ceased and/or corrected the violation and will refrain from further violations.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Exhibit "C" to the  
RESOLUTION ON DUE PROCESS AND ENFORCEMENT PROCEDURES  
ONE LOUDOUN NEIGHBORHOOD ASSOCIATION, INC.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAND DELIVERY OR  
CERTIFIED MAIL RETURN RECEIPT  
REQUESTED

**Re: Notice of Rules Violation Hearing**

Dear \_\_\_\_\_:

You are hereby notified that a hearing will be held before the Board of Directors of the One Loudoun Neighborhood Association at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m., pursuant to Section 55-513 of the Virginia Property Owners' Association Act and the Governing Documents for your or your tenant's alleged violation of the following rules of the Association:

You may be present at the hearing, may but need not be represented by counsel, may present any relevant evidence, and you will be given full opportunity to examine and cross-examine all witnesses. You are entitled to request the attendance of witnesses.

If the Board determines that you are in violation of the Governing Documents and rules and regulations, charges of up to Fifty Dollars (\$50.00) for each one-time violation or Ten Dollars (\$10.00) per day for a continuing violation up to ninety (90) days may be assessed against you and your Lot. Further, your access to Association facilities and privileges may be suspended. In addition to these charges and/or suspensions, the Board may elect such other remedies as are authorized by the Virginia Property Owners' Association Act, the Governing Documents, and by law as provided in the resolution on due process and enforcement procedures, including without limitation, referral to County Authorities, injunctive action or a claim for civil damages. We hope such actions will not be necessary with your cooperation and appreciate your understanding of the need for all owners to comply with the Association's rules to maintain a pleasant living environment for all owners and residents.

If you plan on attending the hearing, please advise:

\_\_\_\_\_.

Sincerely,

cc: Owner File  
Rules Violation File

**Exhibit "D" to the  
RESOLUTION ON DUE PROCESS AND ENFORCEMENT PROCEDURES  
ONE LOUDOUN NEIGHBORHOOD ASSOCIATION, INC.**

**SAMPLE NOTICE OF DECISION**

\_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Unit Address

**Hand Delivered or  
Certified Mail Return Receipt Requested**

**RE: Notice of Decision**

Dear \_\_\_\_\_:

(Thank you for attending the rules violation hearing held \_\_\_\_\_, 20\_\_\_. Or As you know a hearing regarding your rules violation(s) was held on \_\_\_\_\_, 20\_\_.)

The Board's decision is as follows:

\_\_\_\_\_  
Rules violation charges have been assessed of \$10.00 per day from \_\_\_\_\_, 20\_\_ through the date the violation is corrected or for up to ninety (90) days. Please notify the Board of Directors when you have corrected violation so that charges will no longer accrue.

AND/OR

As a result of the \_\_\_ incidents on \_\_\_\_\_, 20\_\_ and \_\_\_\_\_, 20\_\_, you are also responsible for a rules violation charge of \$50 for each of the \_\_\_ incidents, bringing the total amount due through today to \$ \_\_\_\_\_. Any subsequent violation will result in an additional charge of \$50.00 per violation.

Rules violation charges are treated for all purposes as assessments and are subject to the same collection and enforcement procedures. If the violation(s) continue, the Association may be forced to file for injunctive relief in the Loudoun County Circuit Court or take other appropriate steps as described in the Resolution on Due Process and Enforcement Procedures. The attorneys' fees and costs of such a proceedings may be assessed against you.

We hope that such an action will not be necessary with your cooperation. If you have any questions, please call me.

Sincerely,

Board of Directors

cc: Board of Directors

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**Exhibit "E" to the  
RESOLUTION ON DUE PROCESS AND ENFORCEMENT PROCEDURES  
ONE LOUDOUN NEIGHBORHOOD ASSOCIATION, INC.**

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**RECORD OF HEARING**

Hearing Date and Time:  
Lot Owner(s):  
Lot Address:  
Address if other than Lot:

Alleged Violation:

Provisions of Governing Documents Violated:

Persons in Attendance:

Decision of Board and Reasoning:

Charges Imposed (date commencing):

Other Sanctions Imposed:

Comments:

**ONE LOUDOUN NEIGHBORHOOD ASSOCIATION**

**POLICY RESOLUTION NO.   5**

(Procedures Related to Due Process and Enforcement Procedures)

Duly adopted at a meeting of the Board of Directors held September 18, 2014.

Motion by: P. WILES      Seconded by: K. KIDDER

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
William T. May	President	✓			
Ken Kidder	Vice President	✓			
Jake Oates	Treasurer	✓			
Malcolm Haith	Assistant Treasurer	✓			
Pamela A. Wiles	Secretary	✓			

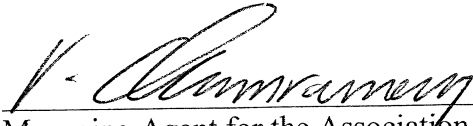
ATTEST:

      9/18/14  
Secretary                                      Date

Resolution effective: October 1, 2014.

**Certificate of Posting of Rules and Regulations**

I, Vann Chounramany, Managing Agent for the One Loudoun Neighborhood Association, Inc., hereby certify that copies of this Policy Resolution No. 5, were reasonably published or distributed throughout the development in accordance with Section 55-513.A of the Act, prior to the effective date of the resolution.

  
Managing Agent for the Association