

COUNCIL OF CO-OWNERS OF KEENE MILL WOODS CONDOMINIUM

POLICY RESOLUTION NO. 2017-02

(Resolution on Enforcement of the Condominium Instruments)

WHEREAS, The Council of Co-Owners of Keene Mill Woods Condominium (“Association”) is a condominium association operating pursuant to the Virginia Condominium Act (“Act”), the Association’s Master Deed (“Master Deed”) and the Association’s Bylaws (“Bylaws”) (collectively, the “Condominium Instruments”); and

WHEREAS, Article V, Section 3 of the Bylaws grants to the Board of Directors (“Board”) all powers and duties necessary for the administration of the affairs of the Association and to do all such acts as are not by law, or the Bylaws, directed to be exercised by the members; and,

WHEREAS, Article V, Section 3(d) of the Bylaws empowers the Board to promulgate and enforce such rules and regulations as may be deemed proper respecting the use, occupancy and maintenance of the Condominium Project and the use of the common elements; and

WHEREAS, Article V, Section 3(b) of the Bylaws empowers the Board to impose and collect charges, in a manner consistent with law and the Condominium Instruments; and,

WHEREAS, Section 55-79.80:2 of the Act empowers the Board to assess charges against owners for violations of the Condominium Instruments or rules and regulations promulgated pursuant thereto, for which the owner or their family members, tenants, guests or other invitees are responsible; and

WHEREAS, for the benefit and protection of the members, the Board deems it desirable to establish a procedure to ensure due process in cases where there exists a question of compliance by a member with provisions of the Act, the Condominium Instruments and/or the Association’s rules and regulations.

NOW, THEREFORE, BE IT RESOLVED THAT:

ENFORCEMENT OF CONDOMINIUM INSTRUMENTS

I. Guidelines

- A. The Board may undertake enforcement action upon detection of an offense by any source. The initial action taken by the Association, if any, may take the form of verbal or other informal notification to the offending member.
- B. When informal notification is not elected or proves unsuccessful, the Association shall send to the offending member an “Opportunity to Cure” letter, which shall give the offending member at least seven (7) days from the date of the letter to come into compliance with the Condominium Instruments and/or rules and regulations. This letter will state the nature of the offense, the provision of the

Condominium Instruments and/or rules and regulations that has allegedly been offended, and the remedy required to come into compliance.

- C. Members shall be legally responsible to ensure that their family members, tenants, guests, and/or invitees comply with the Condominium Instruments and/or rules and regulations.

II. Enforcement & Remedies

- A. If the offending member fails to come into compliance or the Board determines it necessary, a monetary charge may be imposed, in the amounts set forth in Section 55-79.80:2(C) of the Act, against any offending member.
- B. The Association may impose other sanctions for noncompliance consistent with the Act and the Condominium Instruments.

III. Hearing and Assessment Guidelines

- A. If a violation persists after the date of compliance in the Opportunity to Cure letter, the Association shall send a written notice to the member of their right to contest an alleged violation at a hearing before the Board, or appropriate committee, and to be represented by counsel. The notice shall comply with Section 55-79.80:2(B) of the Act, state the nature of the offense, the applicable provision of the Condominium Instruments and/or rules and regulations, and the remedy required to come into compliance.
- B. The member's failure to accept the notice does not alleviate the member from responsibility. The Board may impose a sanction regardless of whether the member attends the hearing.
- C. At the hearing, the member may present any and all defenses to the alleged charge. After the hearing, the Board or committee will meet in Executive Session to determine whether proof of the alleged offense exists and, if so, whether to impose a sanction authorized by law or the Condominium Instruments. The Association will send to the member written notice of the decision, as outlined in Section 55-79.80:2(B) of the Act.

IV. Applicability

- A. This resolution does not preclude any authorized additional application of any other specialized or more expeditious enforcement procedures and remedies.
- B. The effective date of this Resolution shall be July 13, 2017. This Resolution shall supersede Policy Resolution 94-3.

I certify that this Policy Resolution was duly adopted by the Board of Directors at a regular meeting of the Board on July 13, 2017.

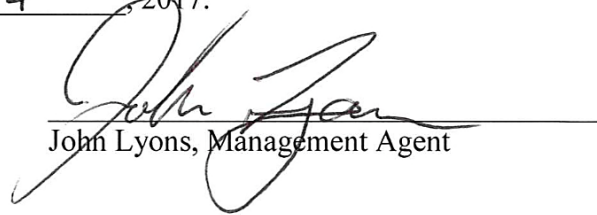
COUNCIL OF CO-OWNERS OF KEENE MILL
WOODS CONDOMINIUM



Michelle Olsen, President

Certificate of Posting

I, John Lyons, certify that a copy of this Policy Resolution No. 2017-02 was posted on the Association website on July 14, 2017.



John Lyons, Management Agent

COUNCIL OF CO-OWNERS OF KEENE MILL WOODS CONDOMINIUM

POLICY RESOLUTION NO. 2017-02

(Resolution on Enforcement of the Condominium Instruments)

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held on July 13, 2017.

Motion by: Michelle Olsen

Seconded by: Kouadio Koko

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Michelle Olsen</u> Director	<u>X</u>	_____	_____	_____
<u>Kouadio Koko</u> Director	<u>X</u>	_____	_____	_____
<u>Kristen Graw</u> Director	<u>X</u>	_____	_____	_____
<u>Michael Bennett</u> Director	<u>X</u>	_____	_____	_____
<u>Antoine Chevalier</u> Director	_____	_____	_____	<u>X</u>
<u>Kara Zirkle</u> Director	_____	_____	_____	<u>X</u>

ATTEST:

Kristen Graw
Secretary

July 13, 2017
Date

Resolution Effective: July 13, 2017