

## APPROACH TO COMMUNITY RULE ENFORCEMENT

The Board of Directors wants to ensure that any enforcement of community rules is fair, consistent, equitable, applicable to all residents equally and understood by the community. Toward that end the Board is publishing this general approach to rule enforcement. It will also serve as a guideline for current and future Boards.

The purpose of these rules is to ensure that a homeowner/tenant would not be permitted to demonstrate great insensitivity toward his/her immediate neighbors or community quality of life. The sense of these rules is that they will be interpreted, when necessary, to always give the homeowner/tenant every benefit of the doubt and will come into play only if a clear violation exists, i.e., the situation is sharply out of line. The Board will neither patrol nor police the community looking for transgressions but will generally rely on written complaints from the community which will be responded to in kind. Verbal complaints registered at the monthly Board meetings are also appropriate.

The Board of Directors is responsible to determine, by majority vote, if a violation has occurred. If it has, the Board then becomes the complainant. How the Board became aware of a violation is not relevant to its resolution. What counts is whether or not a truly serious violation exists.

In the case of a serious violation, the violator will, as a first step, *be informed by mail or* approached informally by a board member(s) and the problem and resolution discussed. The owner/tenant will be given every opportunity to present his/her views. It is anticipated that this informal discussion will usually result in compliance and the matter will end there.

If informal procedures do not work, however, formal procedures will be initiated; but the opportunity for compliance and/or expressing an alternate point of view will continue to be available. Formal enforcement will begin with the Board sending a written notice, return receipt requested, of the violation to the offender. The notice will include: a statement of the violation, a statement of the rule(s) in question and the authority for it, a statement of what needs to be done to comply, a statement of the maximum penalty for failure to comply, a description of the procedure for a hearing should the person desire one and a deadline for response. If the person would like to be heard and/or represented by counsel before the Board, they will be given written notice at least 14 days prior to the hearing which will be open to all members.

If no response is received or compliance obtained within the specified time, a letter from the Association's attorney will be sent outlining the legal steps that will be taken to obtain compliance. Under current Virginia law, the amount of any charges assessed shall not exceed fifty dollars for a single offense or ten dollars per day for any offense of a continuing nature and shall be treated as an assessment against the members lot. This final legal step is a serious last resort that will be exercised only when all other reasonable attempts at persuasion and negotiation as well as every opportunity to be heard and respond positively have failed.

Board of Directors