

Rules Enforcement/Due Process Procedure *Effective July 1, 2001*

Whenever a violation of *Fairlington Villages' duly adopted rules and regulations is deemed to have occurred, the following procedures shall be followed:

NOTE: If a violation poses a threat to the safety of any individual, could cause damage to property if unabated, or is a trash violation, then Management shall immediately go to the *Third Notice of Violation*.

First Notice of Violation

If a violation does not pose a threat to the safety of any individual or potential damage to property, Management will send a *First Notice of Violation* letter to the resident/occupant of the unit who is accused of the violation. This *First Notice of Violation* letter should be written as a friendly reminder outlining the nature of the violation, the action required to abate the violation, and the time frame required to remedy the situation. In addition, if the resident/occupant is not the *owner* of the unit, Management will mail a *copy* of the letter to the owner of the unit.

Second Notice of Violation

If a second violation occurs or if a continuing violation goes unabated, Management will send a *Second Notice of Violation* directly to the *owner* of the unit from which the violation occurred or exists. If the owner of the unit is not the resident/occupant, Management will mail a *copy* of the letter to the resident/occupant. This letter will take a firmer tone and will again advise of the alleged violation noting the specific sections of the rules and regulations that are being violated, the action required to abate the violation, and a time frame of not less than *ten days* during which the violation may be abated without further sanction. If the violation is a continuing one or if further violation of the same rule occurs, the result will be the mitigation of the offense at the risk and expense of the *owner* of the unit or imposition of sanction. The letter should state that sanctions may include, but are not limited to, the suspension of the owner's right to use facilities and/or services, assessments for the violation not to exceed \$50.00 for a single offense, or \$10.00 per day for any violation of a continuing nature.

Third Notice of Violation

Management will notify the owner of the unit by letter (certified mail-return receipt requested) if: (1) the violation poses a threat to the safety of any individual or could cause damage to property if unabated, (2) a third notice violation has occurred within 12 months, (3) a continuing violation has gone unabated, or (4) it is a trash violation. If the owner of the unit is not the resident/occupant, Management will mail a *copy* of the letter to the resident/occupant. If the owner of the unit is not the resident/occupant, Management will mail a *copy* of the letter to the resident/occupant. The letter should note the specific sections of the rules and regulations that are being violated and that either a \$50.00 assessment will be levied for the violation or in the case of a continuing violation, a \$50 assessment for the initial violation and a \$10.00 per day assessment for as long as the violation continues (up to 90 days) **and/or** mitigation of the offense at the risk and expense of the unit owner without further notice. This letter shall advise the unit owner that a request may be made, **in writing**, for a hearing before the Board of Directors to contest the citation, provided such request is made within 15 calendar days of notification of the violation. If a written request is not made within the 15 calendar days, the unit owner shall be deemed to have waived the right to a hearing and any assessment shall be due immediately and shall be treated as an assessment against the unit owner's condominium for the purpose of §55-79.84 of the Virginia Condominium Act. The failure of the unit owner to pay any assessment within 15 calendar days will subject the assessment to late fees and penalties as provided for in the Association's collection procedure.

*A Condominium Association (FVACA)

If, in the opinion of Management, the imposition of assessments and/or removal of the item is not the most appropriate way of addressing the violation or if the unit owner requests, in writing, a hearing to contest the assessment within 15 calendar days of receiving the *Third Notice of Notification*, then a hearing shall be held by the Board of Directors at the next regularly scheduled Board of Directors meeting, which allows 14 days notice to the owner. Management will send a letter by certified mail-return receipt requested, to the owner of the unit at least 14 days in advance of the hearing date, stating the date, time, and place of the hearing. This letter shall again advise the unit owner that the alleged violation has not been corrected or that a third or continuing violation has occurred (noting the specific sections of the rules and regulations which are being violated). This letter will further state that before any suspension of privileges or imposition of assessments, the unit owner will have an opportunity to be heard, to present any and all defenses and to be represented by counsel before the Board of Directors. The unit owner should also be advised that at this hearing sanctions may be imposed which include, but are not limited to, the suspension of the owner's right to use facilities and/or services, assessments for the violation not to exceed \$50.00 for a single offense or, \$10.00 per day for any violation of a continuing nature. Further, any sums assessed shall be treated as an assessment against the owner's condominium unit for the purpose of §55-79.84 of the Virginia Condominium Act. Any assessment levied as a result of the hearing will be due within ten calendar days. Delinquent assessments will be subject to late fees and penalties as provided for in the Association's collection procedures. The result of any hearing shall be hand-delivered or mailed to the unit owner by registered/certified mail-return receipt requested, within three days of the hearing.

Restrictions on Assessments

It is understood that the total assessment for any offense of a continuing nature shall not be assessed for a period exceeding 90 days. Further, after the date a lawsuit is filed challenging any such assessments, no additional charges against the homeowner shall accrue. If the court rules in favor of the Association, the Association shall be entitled to collect such charges from the date the action was filed, as well as all other charges assessed against the unit owner prior to the lawsuit. All assessments collected are considered to be a material benefit received by all unit owners.

June 1, 2001