

VILLAGES OF PIEDMONT HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 104

**COVENANT AND RULE ENFORCEMENT:  
NOTICE AND HEARING PROCEDURES**

**WHEREAS**, pursuant to Section 1.3.9 of the Declaration of Covenants, Conditions and Restrictions for Villages of Piedmont (“Declaration”) and Section 4.1 of the Association’s Bylaws, the business and affairs of the Association are managed by the Association’s Board of Directors (“Board”), and the Board has the authority to exercise for the Association all the powers, duties and authority of the Association that are not specifically reserved to the membership by the Project Documents or applicable law; and

**WHEREAS** Section 12.1 of the Declaration provides that each Owner must comply with the Project Documents and Rules and Regulations;

**WHEREAS**, Section 55.1-1819(B) of the Property Owners’ Association Act (“POA Act”) and Sections 12.1.7 and 12.18 of the Declaration authorizes the Association to assess violation charges and suspend the right to use the Association’s Common Area and other Association-provided facilities and services, after first following certain procedures; and

**NOW, THEREFORE, IT IS RESOLVED THAT** the Board of Directors hereby adopts the following amended policies and procedures for assessing violation charges and for suspending use rights in accordance with the POA Act and the Declaration, which serve to amend and supersede Policy Resolution No. 2015-1 and any other policies and procedures pertaining to this subject matter previously adopted by the Board.

**A. Application of this Policy.**

1. This Policy is applicable to alleged violations of the Project Documents or Rules and Regulations of the Association (collectively, the “Governing Documents”) for which the Board is contemplating imposing, or wishes to preserve the right to impose, violation charges against an Owner (for violating the Declaration or Rules and Regulations other than related to nonpayment of assessments) or suspending the right to use Common Area or other Association- provided facilities or services pursuant to the Declaration or the POA Act. However, the notice and hearing procedures in this Resolution are not mandatory prerequisites for taking any other type of enforcement action available to the Association.
2. *Owners are responsible for their own violations and for violations by their family members, tenants, guests, employees, agents and invitees, as may be applicable.*
3. Temporary Compliance / Repeated Violation. Notwithstanding anything in this Policy to the contrary, if the same type of violation occurs again at any time within 180 days from the date of any Notice of Violation or Notice of Hearing to the same Owner, then the reoccurrence of the same type of violation within that 180-day period is deemed to be a failure to cure the previously cited violation, and that temporary compliance will not be considered sufficient to trigger the need for the Association to provide yet another opportunity to cure the same violation before proceeding with a hearing or other enforcement action. In these instances, the Association

is not required to send another Notice of Violation, but may instead proceed directly with a Notice of Hearing as referenced below.

**B. Notices Sent Pursuant to this Policy.**

1. Notices sent pursuant to this Policy are deemed to have been given the *earlier of* (i) the actual delivery of the notice to the applicable Owner's address; or (ii) three business days after the postmark date of mailing. Rejection or other refusal to accept does not invalidate the effectiveness of any notice.
2. The following is a summary of the types of notices that may be sent to Owners under this Policy, as well as the methods of delivery for each:
  - a. **Stage 1 Friendly Reminder** (*optional*).
    - (1) First-class mail and/or email.
    - (2) See Section D below.
  - b. **Stage 2 Notice of Violation** (*for first-time single, non-continuing offense*).
    - (1) First-class mail (plus copy by email if Owner's email address is listed in the Association's records).
    - (2) See Section E below.
  - c. **Stage 3 Notice of Violation with Opportunity for Hearing** (*for continuing offenses, as well as for repeated single offenses that occur within 180 days after a prior formal violation notice pertaining to the same type of violation*).
    - (1) First-class mail and certified mail, return-receipt requested (plus copy by email if Owner's email address is listed in the Association's records).
    - (2) See Section F below.
  - d. **Stage 4 Notice of Hearing** (*if applicable*).
    - (1) First-class mail and certified mail, return-receipt requested (plus copy by email if Owner's email address is listed in the Association's records).
    - (2) See Section I below.
  - e. **Stage 5: Notice of Hearing Results or Notice of Sanctions** (*if applicable*).
    - (1) First-class mail and certified mail, return-receipt requested (plus copy by email if Owner's email address is listed in the Association's records).
    - (2) See Section K below.

**C. Complaints Alleging Owner or Resident Noncompliance.**

1. Submission of Written Complaint. Any Owner or resident who requests that the Association take action against an Owner to enforce the Governing Documents must submit a signed and dated written complaint to the Association's management agent ("Managing Agent") at the Association's onsite office address. The complaint should identify the offending Owner or resident and/or the Lot address, as applicable, and describe the condition, act or omission that constitutes (or is believed to constitute) a violation of the Governing Documents. The complaint should be as specific as possible as to time(s), date(s), and person(s) involved. However, the failure to submit such a complaint does not prevent the Association from taking enforcement action in response to a violation of the Governing Documents that otherwise comes to the attention of the Board or the Managing Agent (e.g., through community inspections).
2. Initial Review of Complaint. The complaint will be reviewed by the Managing Agent (or a designated member of the Covenants Committee when authorized by the Board) for an initial determination as to whether the complaint is sufficiently complete and whether further investigation or proceeding with the below notice and hearing procedures is appropriate based on that complaint. The Managing Agent (or Committee member, as applicable) may forward the complaint to the full Board to make this initial determination if assistance is needed in that

regard, and will do so if requested by the Association's president or the Board.

**D. Stage 1 Friendly Reminder (Optional) / Informal Resolution of Complaints**

1. The Association's directors, officers, Managing Agent and other authorized representatives have the authority to request an Owner, resident, guest or other person within Villages of Piedmont to cease or correct a violation of the Governing Documents for which that person is directly or indirectly responsible. Such informal requests may be made before formal action is initiated by the Association.
2. Before taking formal action against a non-compliant Owner as set forth below (starting in Section E), the Board or the Managing Agent may send a **Stage 1 Friendly Reminder** to a non-compliant Owner or resident (such as for first-time violations involving minor yard maintenance issues). These reminders may be sent by regular mail or email.

**E. Stage 2 Notice of Violation.** (for first-time single, non-continuing offense)

1. Delivery of Notice. Except when otherwise directed by the Board, the Managing Agent may initiate formal enforcement action on behalf of the Association by sending a **Stage 2 Notice of Violation** to the responsible Owner by regular first-class mail to the Owner's address of record on file with the Association. In addition, a copy of the Notice will be sent by email to the Owner if the Owner's email address is listed in the Association's records. If the violation is by a known tenant, the Stage 2 Notice of Violation may also be sent to the tenant by first-class mail to the Lot address or by email.
2. Content. The Stage 2 Notice of Violation will contain the following minimum information:
  - a. The Owner's name(s);
  - b. The alleged violation(s);
  - c. The action required to abate or correct the alleged violation; and
  - d. A demand to refrain from future violations of that nature.

**F. Stage 3 Notice of Violation with Opportunity for Hearing.** (for continuing offenses, as well as for repeated single offenses that occur within 180 days after a prior formal violation notice pertaining to the same type of violation)

1. Delivery of Notice. Except when otherwise directed by the Board, the Managing Agent may initiate or continue formal enforcement action on behalf of the Association by sending a **Stage 3 Notice of Violation with Opportunity for Hearing** to the responsible Owner by regular first-class mail and certified mail, return-receipt requested, to the Owner's address of record on file with the Association. In addition, a copy of the Notice will be sent by email to the Owner if the Owner's email address is listed in the Association's records. If the violation is by a known tenant, this Stage 3 Notice may also be sent to the tenant by first-class mail to the Lot address or by email.
2. Content. This Stage 3 Notice will contain the following minimum information:
  - a. The Owner's name(s);
  - b. The alleged violation(s);
  - c. The action required to abate or correct the alleged violation;
  - d. *For repeated single offenses*, a demand to refrain from future violations of that nature;
  - e. *For a violation of a continuing nature (existing without cessation day after day)*, a demand that the alleged violation be abated or corrected within 14 days after the date of the Notice or such other time period as may be deemed appropriate under the circumstances, in the

discretion of the Board, Covenants Committee or Managing Agent; and

- f. A statement to the effect that the Owner is entitled to a hearing, if desired, for purposes of contesting the citation or the imposition of sanctions (e.g., violation charges or suspension of use rights). The Notice will indicate that if the Owner fails to submit a written hearing request so that it is received by the Managing Agent within 14 days from the date of the Notice, it will be deemed a waiver of the right to a hearing on the matter, and sanctions or other enforcement action may thereafter be imposed or taken without a hearing.

G. **Request for a Hearing.** If the Respondent desires a hearing, the Respondent must request a hearing in writing so that it is received by the Managing Agent within the time period stated in the Stage 3 Notice of Violation with Opportunity for Hearing.

H. **Failure to Request a Hearing.**

1. If the responsible Owner ("Respondent") fails to timely request a hearing in response to the Stage 3 Notice of Violation with Opportunity for Hearing, sanctions may be imposed by the Board against the Respondent without holding a hearing. However, even if the Respondent fails to timely request a hearing, the Board reserves the right to schedule a hearing on the matter if it deems it appropriate under the particular facts and circumstances presented.
2. If violation charges or suspensions of use rights are imposed without a hearing as described above, the Managing Agent will promptly notify the Owner in writing of any sanctions imposed by sending a **Stage 5 Notice of Sanctions**.
3. **Board Authorization to Managing Agent.** When the previously specified deadline has passed and no hearing is timely requested by the Owner (and unless the Board or Covenants Committee has informed the Managing Agent to refrain from taking action on the matter or to schedule a hearing even though not requested by the Owner), then in the circumstances described below, sanctions are automatically assessed or imposed without the need for a case-by-case vote by the Board, and the Managing Agent is authorized to post the charges on the Owner's account and/or implement the suspension of privileges in accordance with the following:
  - a. *In cases of nonpayment of assessments*, if the Association's records indicate that the Owner's assessment account remains more than 60 days past due, the Board hereby authorizes and directs the Managing Agent to promptly send a **Stage 5 Notice of Sanctions** to the Owner to provide notice that the right to use the Association's recreational facilities and off-street Common Area parking spaces is suspended, each effective immediately and lasting until the account is paid in full. The Board also reserves the right to suspend the use of other Common Area and Association-provided facilities and services to the extent permissible under Section 12.1.7 of the Declaration, and to take action to collect the delinquent assessments.
  - b. *In cases of continuing violations of the Declaration and Rules and Regulations*, if the Managing Agent confirms that a previously cited violation has not been corrected, the Board hereby approves the assessment of per diem violation charges (starting from the compliance deadline specified in the prior notice) at a rate of \$10/day, and authorizes and directs the Managing Agent to post the charges to the Owner's account and to promptly send a **Stage 5 Notice of Sanctions** to the Owner to provide notice of the imposition of the violation charges, specifying a 10-day due date for each assessed charge. The Board also reserves the right to suspend the use of Common Area and Association-provided facilities and services to the extent permissible under Section 12.1.7 of the Declaration for a period not to exceed 60 days, and to take other action to enforce the Governing Documents.

c. *For a repeated violation of a non-continuing nature of the Declaration or Rules and Regulations (i.e., those that do not continue uninterrupted day after day), if the Managing Agent determines that the violation cited in the most recent notice is the same type of violation that was cited in a prior Stage 2 or 3 Notice of Violation or Stage 4 Notice of Hearing sent to the same Owner within the previous 180 days (measured from the date of the most recent notice), then the Board hereby approves the assessment of a violation charge (for each such offense cited in the most recent notice) in the amount of \$50 per offense, and authorizes and directs the Managing Agent to post the charge(s) to the Owner's account and to promptly send a **Stage 5 Notice of Sanctions** to the Owner to provide notice of the imposition of the violation charge(s) and a 10-day due date. The Board also reserves the right to suspend the use of Common Area and Association-provided facilities and services to the extent permissible under Section 12.1.7 of the Declaration for a period not to exceed 60 days, and to take other action to enforce the Governing Documents.*

I. **Stage 4 Notice of Hearing.**

1. **Delivery of Notice.** *After receipt of a timely request for a hearing (or if the Board otherwise decides to hold a hearing), the Managing Agent will send the Respondent a **Stage 4 Notice of Hearing** by first-class mail and by certified mail, return-receipt requested, to the Owner's address of record with the Association. In addition, the Managing Agent will also send a copy of the Notice by email to the Owner if the Owner's email address is listed in the Association's records. This Stage 4 Notice of Hearing must be sent at least 14 days (plus 3 business days, to allow for mailing) prior to the hearing.*
2. **Content.** *This Stage 4 Notice will contain the following minimum information:*
  - i. *The Owner's name(s);*
  - ii. *The hearing's date, time and place;*
  - iii. *The alleged violation(s);*
  - iv. *The potential for violation charges and/ or suspension of use rights, as applicable; and*
  - v. *That the Respondent may be represented by his/her own legal counsel at the hearing.*
3. **Scheduling/Continuances.** *The hearing will be scheduled at a reasonable time and place within the discretion of the Managing Agent (in consultation with the Association's president or Board). The Board or the Association's president may grant a continuance if a written continuance request is received by the Managing Agent prior to the hearing date. A continuance request must describe the reasons for the request. If a continuance is granted, notice of the new date, time and place will be mailed by first-class mail to the Owner at his or her address of record (or with the Owner's consent, sent by email). However, it is ultimately the Owner's responsibility to contact the Managing Agent prior to the originally scheduled hearing date to determine whether a continuance request was granted.*

J. **Hearing Procedures.**

1. **Scheduling/Failure to Appear.** *If a hearing is requested and/or scheduled as set forth above, a hearing will be conducted by the Board to afford the Respondent a chance to present his or her position regarding the alleged violation(s) of the Governing Documents and whether sanctions should be imposed. However, if the Respondent fails to appear at the hearing at the scheduled time, the Board may deem the allegations to have been admitted. Any defects in the hearing notice are deemed waived by the Respondent if the Respondent appears at the hearing (either in person or by legal counsel) for any purpose other than to object to the validity of the notice.*

2. Executive Session. The Board will convene into executive session for purposes of holding the violation hearing, and witnesses and/or complaining parties present at the hearing will be allowed to make presentations during the hearing. The presiding officer at the hearing may determine the particular manner in which the hearing will be conducted, such as setting reasonable time limits on presentations, so long as the procedures are otherwise consistent with the POA Act and the provisions of this Policy. Unless otherwise determined by the presiding officer, the following general format and time limits will be followed:
  - 5 minutes: background summary by Covenants Committee and/or Managing Agent
  - 5 minutes: comments by Respondent
  - 3 minutes each: comments by witnesses brought by Respondent or Association (if any)
  - 10 minutes: questions by Board members and responses to those questions
  - 2 minutes: closing remarks by Respondent (if desired)
  - 2 minutes: closing remarks by Covenants Committee and/or Managing Agent (if desired)
3. Right to Legal Counsel. Respondents have the right to have their own legal counsel represent them at the hearing, but attorney-representation is not required. Respondent's failure to have an attorney at the scheduled hearing will constitute a waiver of such right for purposes of the hearing.
4. Decision.
  - a. After all presentations have been made within the allotted time period, the Board will request others who are present to leave the room (except for the Managing Agent and/or the Association's legal counsel, if applicable) and, while still in executive session, discuss whether it believes that there is satisfactory evidence of the violation and whether sanctions should be imposed.
  - b. *After reconvening back into open session*, the Board will decide the matter by majority vote; however, if additional time is needed to reach a decision, the Board may continue the hearing to an announced date and time for purposes of additional deliberation, with no further written notice required.
  - c. Within seven (7) days after the hearing (including any continuances), the Managing Agent will send a **Stage 5 Notice of Hearing Results**.

K. **Stage 5 Notice of Hearing Results or Notice of Sanctions.**

1. Delivery of Notice. When required after following the above procedures, a **Stage 5 Notice of Hearing Results or Notice of Sanctions**, as applicable, will be sent to the Respondent by first-class mail and by certified mail, return receipt requested, to the Respondent's address of record with the Association. In addition, a copy of the Notice will be sent by email to the Owner if the Owner's email address is listed in the Association's records.
2. Content. This Stage 5 Notice will contain the following minimum information:
  - a. The Owner's name(s);
  - b. A reference to the prior hearing date (if applicable);
  - c. The confirmed violation(s);
  - d. The action required to abate or correct the violation (if applicable);
  - e. The timeline required to abate or correct the violation (if applicable); and
  - f. The sanctions imposed, if any, for failure to comply and applicable due dates for violation charges (if applicable).

- L. **Sanctions**. After complying with the procedures in this Policy, the Board has the authority to impose

the following sanctions (in addition to, or instead of, other remedies available to the Association):

1. Impose violation charges for violations other than nonpayment of assessments. In accordance with the POA Act and the Declaration, the Board may assess charges for violations of the Declaration or Rules and Regulations (other than nonpayment of assessments, the consequences of which are addressed in other sections of the Governing Documents). Violation charges are treated as an Individual Assessment against the Owner and the Owner's Lot for the purposes of collection and filing liens. As of the date this Policy was adopted, the POA Act provides that for each single violation, a charge of up to \$50.00 can be assessed; or for a violation of a continuing nature, a charge of up to \$10 per day can be assessed for up to 90 days or until the violation ceases, whichever occurs first.
  2. Suspension of Use Rights.
    - a. *For Owners more than 60 days' past due in the payment of assessments,* the Board may suspend the right to use Common Area and Association-provided facilities and services to the extent permissible under Section 12.1.7 of the Declaration. The suspension remains in place until the account is paid in full, unless a different arrangement is agreed to by the Board in writing as part of an approved payment plan to settle the debt.
    - b. *For violations of the Governing Documents other than nonpayment of assessments,* the Board may suspend for up to 60 days the right to use Common Area and Association-provided facilities and services to the extent permissible under Section 12.1.7 of the Declaration.
    - c. *Suspensions apply* not only to the Owner but also to all occupants of, and visitors to, the Owner's Lot. It is the Owner's obligation to notify his/her tenants, guests and household members of the suspension; however, the Association reserves the right to notify them as well.
    - d. *If the use of Common Area off-street parking spaces is suspended,* then once written notice of the suspension is mailed to the Owner (by first-class mail and by certified mail, return-receipt requested), vehicles parked in violation of the suspension become subject to immediate towing or booting at the vehicle owner's sole risk and expense.
- M. **Other Remedies.** This Policy is not to be interpreted to require the use of the above notice and hearing procedures prior to the Association exercising any available remedies other than assessing violation charges or suspending use rights. The exercise of any one or more remedies does not constitute an election of remedies. Remedies may be cumulative and also include, for example, the following:
1. Abatement and Removal of Violations in Lot. The Board (and any person authorized by the Board) has the authority under Sections 7.4 and 12.1.5 of the Declaration to enter an Owner's Lot (but not a dwelling) to abate and remove any structure, thing or condition that violates the Governing Documents, with the costs of such action being assessed against the Owner as an Individual Assessment.
  2. Specially Assessing Costs against Owner. Under Section 12.1.1 of the Declaration, the Board may assess an Owner an Individual Assessment for costs incurred by the Association (not covered by insurance) for any Upkeep rendered necessary by that Owner's act or negligence, and for any costs and legal fees incurred by the Association as a result of a failure to comply with the Governing Documents.
  3. Legal Action. The Board has the authority to file a lawsuit for monetary damages and/or injunctive relief, and to seek recovery of legal fees;

4. Resale Disclosure Packet. Pursuant to the POA Act, violations of the Governing Documents may be disclosed in any resale disclosure packet issued by the Association in conjunction with the sale or other transfer of a Lot; and/or
5. Reporting to Government Officials. Violations that appear to violate local, state or federal laws, ordinances or regulations may be reported to the appropriate government official, agency or department.

N. **Records**. The Managing Agent will keep copies of all correspondence related to violations in the Owner's file, as well as a record of each hearing (including proof of notice or indication that the Respondent appeared at the hearing). For the record of the hearing, the sample form attached as Exhibit A may be used.

EFFECTIVE DATE OF POLICY

The effective date of this Policy is: 9/25, 2024.

**VILLAGES OF PIEDMONT HOMEOWNERS ASSOCIATION, INC.**  
**EXHIBIT A**  
**Policy Resolution (Covenant and Rule Enforcement: Notice and Hearing Procedures)**

**RECORD OF HEARING** (executive session document/confidential)

Hearing Date and Time: \_\_\_\_\_

Owner(s): \_\_\_\_\_

Lot Address: \_\_\_\_\_

Mailing Address if other than Lot: \_\_\_\_\_

Alleged Violation(s): \_\_\_\_\_

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

Provision(s) of Declaration/Rules Allegedly Violated: \_\_\_\_\_

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

Persons in Attendance: \_\_\_\_\_

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

Date Hearing Notice given: \_\_\_\_\_ (by certified mail, return-receipt requested)

Decision of Board and Reasoning: \_\_\_\_\_

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

Sanctions Imposed (date commencing): \_\_\_\_\_

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

Additional Comments: \_\_\_\_\_

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

**VILLAGES OF PIEDMONT HOMEOWNERS ASSOCIATION, INC.  
RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 104  
 Pertaining to: COVENANT AND RULE ENFORCEMENT

Duly adopted by the Board of Directors on 9/25, 2024 by [check applicable]:

- majority vote at a Board meeting, or
- by unanimous written consent through an action without a meeting.

Motion by: Ben Pearson Seconded by: Robert Young

DIRECTORS' PRINTED NAMES	VOTE			
	YES	NO	ABSTAIN	ABSENT
<u>Ben Pearson</u> Director	✓			
<u>Amanda Murphy</u> Director	✓			
<u>Robert Young</u> Director	✓			
<u>Pat Johnson</u> Director	✓			
 Director				

ATTEST: Patricia Johns 9/27/2024  
 Secretary Date

Policy Effective: September 25, 2024.

**Certificate of Mailing**

I hereby certify that on 9-27-2024, 2024, a copy of the above-referenced policy was mailed by first-class, postage prepaid, US Mail to all Owners as reflected in the Association's books and records (or emailed to those Owners who have consented to email communications).

[Signature]  
 Managing Agent