

Little River Mews Homeowners Association**EXTERIOR MODIFICATION APPLICATION****APPLICANT:** _____**PROPERTY ADDRESS:** _____**OWNER'S NAME:** _____**OWNERS ADDRESS:** _____**CITY, STATE, ZIP:** _____**TELEPHONE: DAY** _____ **EVENING** _____**DATES:****SUBMITTED TO ARB:** _____ **APPROVED BY ARB:** _____**DISAPPROVED BY ARB:** _____ **FURTHER ACTION:** _____**REASON FOR DISAPPROVAL:** _____**APPLICATION FOR EXTERIOR MODIFICATION TO: (Check)****TOWNHOUSE:** _____ **STORM/SCREEN DOOR** _____ **LANDSCAPING** _____**FENCE** _____ **DECK** _____ **YARD** _____ **OTHER** _____**DESCRIPTION: ATTACH: SITE PLAN, DETAILED DRAWING, PICTURES****SIGNATURES: MOST AFFECTED HOMEOWNERS**

	Y/N	NAME	ADDRESS
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION ARCHITECTURAL STANDARDS REVISED MAY 2018

The following standards are not absolute; they are designed to serve as guidelines for homeowners seeking to maintain and improve their properties and to provide uniform guidelines to the Board of Directors of the Little River Mews Homeowners Association (and/or the Architectural Review Board) in performing their bi-annual inspection of homes in the MEWS and in reviewing applications for home modifications

PROTECTIVE COVENANTS

The basic authority for these guidelines is found in the Articles of Incorporation, the Association's By-Laws, and the Declaration of Covenants, Conditions and Restrictions of Little River Mews (the covenants). The purpose of covenant enforcement is to assure residents that the standards of design quality will be maintained, which will serve to protect and enhance property values. Specifically, the covenants provide that the Board shall "regulate the external design, appearance and locations of the properties and improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography."

Every property owner receives a copy of these covenants at settlement, and, since these covenants "run with the land", they are binding on all residents whether or not they have been read. The covenants establish the Board of Directors and the Architectural Review Board. The Architectural Review Board is comprised of either the Board of Directors or a committee of 3 or more persons appointed by them. Historically the Board of Directors of the MEWS has assumed the responsibilities of the Architectural Review Board, but per the covenants, they have the authority to appoint other persons to carry out the duties/responsibilities required by the covenants.

ABSOLUTE REQUIREMENTS

Article VII of the covenants requires that every owner shall maintain his lot and premises and every part thereof in good repair and condition. The requirements contained in Articles VIII and Article XII of the covenants are absolute and may not be modified by the Board. Violations of any of these enumerated requirements also cannot be waived by the Board, regardless of when the violation transpired and regardless of when it is brought to a homeowner's attention. Although the Board has the authority to establish additional standards as are necessary to fulfill their obligations to enforce the

covenants, such additional standards cannot conflict with any requirements laid out in the covenants.

MODIFICATIONS WHICH REQUIRE BOARD APPROVAL

Article XII Section 3 of the covenants describes the types of home modifications and improvements which require Board approval. As stated, pursuant to this section, the Board has the authority to establish such additional standards as are necessary to carry out the intended purposes of the covenants. Should the Board decide to exercise its authority and establish additional standards, they should be clearly laid out in future revisions of the attached Architectural Standards, in order to put homeowners on notice of changed standards.

It should be noted that Board approval is not required solely for major alterations, but must be obtained prior to changing the paint color, materials or other items on the exterior of the home.

Obtaining Board approval does not obviate the need to obtain appropriate county building permits prior to initiating a project and the Board assumes no liability for the failure of a resident to obtain any approvals required by the county.

ENFORCEMENT PROCEDURES:

As stated, the covenants require all homeowners to maintain their homes in good repair and set forth certain requirements for homes in the community. Pursuant to these covenants, the Board is empowered and required to enforce these standards and such other standards as it may adopt in order to preserve and enhance property values and to maintain a harmonious relationship among structures and the topography.

Toward this end, the Board shall conduct bi-annual inspections of all homes in the community and shall send written notice to all homeowners of any violations and of any items which need repair. Each notice shall include a written diagram detailing the problems and shall direct homeowners to contact the management company for the MEWS with any questions or concerns. Such notices shall provide a reasonable time within which to

perform the repairs and modifications as determined by the Board. Upon expiration of the stated time period, the Board shall re-inspect each property. Upon re-inspection, if the Board determines that some or all of the repairs have not been done, the Board is empowered to either:

1. Send the homeowner a letter advising them of the repairs that were not performed but indicating that no further action would be taken due to the minor nature of the continuing violations. Such letters shall notify the homeowners that further action could be taken if the repairs are not completed by the time of the following inspection
2. Send the homeowner a letter advising them of the ongoing violation and advising them of their right to request a hearing and of the procedures involved. Such letters shall further advise the homeowner of the consequences of failing to contest the violation notice by requesting a hearing. Specifically, per the MEWS parking regulations, homeowners who fail to complete required repairs or to request a hearing will forfeit all but one parking permit

The timing and procedures to be followed in conducting such inspections shall be left to the discretion of the Board. In all circumstances the Board should endeavor to be flexible if homeowners simply need additional time to complete the required repairs.

The fact that violations were not noticed previously shall not be an excuse for failing to maintain one's property or for failing to follow the requirements of the covenants or other standards established by the Board for the good of the community.

EXTERIOR MODIFICATION APPLICATIONS

Under each of the following sections in this document, an explanation of when an application is required is set forth as well as additional information about the current standards which the Board enforces when inspecting properties. Although all exterior modifications must conform to community standards and are subject to review by the Board, these guidelines also describe certain designated modifications which do not require submission of a formal application.

APPLICATION FORMAT

Applications for exterior modifications must contain the following where applicable:

- a. A completed application (see attached sample)**
- b. Description of materials**
- c. Color**
- d. Dimensions**
- e. Site plan (a scaled drawing of the lot involved which shows the dimensions of the property and adjacent properties and the proposed improvements or alteration)**
- f. Estimated start and completion dates**
- g. Required signatures**
- h. Detailed drawing, picture or photograph of the proposed modification**

APPLICATION PROCEDURE

All applications shall be filed with the management company of the MEWS who shall promptly notify the Board. As soon as practical, the homeowner shall be notified of any missing information, and upon receipt of a complete application, the Board should endeavor to notify the homeowner of the approval or denial of the application within 2 weeks of the receipt of a complete application. In the case of an approval, no official written notice is required and the homeowner shall be notified promptly. In the case of a denial, the Board shall provide written notice to the homeowner of the reasons for the denial of the exterior modification application and of the right of the homeowner to appeal the denial within 10 days and to request a hearing.

HOUSE EXTERIORS

PAINT COLORS

According to Article XII Section 3 of the covenants, no person shall paint the exterior of any building a color different from the original color without Board approval. Only colors from the Colonial Colors chart (available at McCormick Paint) are acceptable. Doors (and where applicable matching shutters) MAY NOT be painted the same color as the doors/shutters of adjoining houses. No home shall have exterior items (doors, shutters, trim etc.) painted in more than 2 different colors and repainting of doors/shutters and trim even in the same color shall necessitate the repainting of the other item if the paint has faded and no longer matches the newly painted color. For houses with shutters, the door and shutters must be painted in the same color. Trim around doors must be painted the same color as the trim around windows and/or bay windows.

APPLICATION REQUIRED FOR ANY CHANGES IN COLOR- NO APPLICATION REQUIRED WHEN RE-PAINTING WITH THE SAME COLOR

ROOFS

Replacement of roofs and shingles on roofs must be done using materials as similar as possible (in color and in material) as those being replaced

APPLICATION REQUIRED FOR ANY CHANGES IN COLOR OR MATERIAL- NO APPLICATION REQUIRED WHEN REPAIRING OR REPLACING ROOF WITH THE SHINGLES OF THE SAME OR SIMILAR COLOR AND MATERIAL

WINDOWS

The replacement of windows and sliding glass doors with the same style and color of window/glass door does not require an application. Any changes to

style, design or color require Board approval. All windows in the front and back of houses must have grills/grids. Window casings can be white or off-white, but all casings on any home (front and back) must be of the same color. Sliding glass doors do not have to (but may) contain grills/grids.

Attachments to windows which are visible from the outside, such as heating or air conditioning units, planters, window boxes or any other additions /modifications are not allowed.

APPLICATION REQUIRED FOR ANY CHANGES IN COLOR OR STYLE- NO APPLICATION REQUIRED WHEN REPLACING WINDOWS AND SLIDING GLASS DOORS WITH ITEMS OF THE SAME STYLE AND COLOR

LANDSCAPING IN FRONT YARDS

Homeowners are expected to keep their yards well maintained; free of garbage or overgrowth.

Landscaping which consists of planting grass, small plant, flowers, shrubs, or small trees or putting down mulch is acceptable without a formal application. Any other borders such as rocks, timbers, blocks, bricks, etc. require Board approval

APPLICATION REQUIRED EXCEPT AS LISTED ABOVE

LANDSCAPING IN BACK YARDS

No backyard structures may extend above the fence line without Board approval. Backyards must be maintained in harmony with the community. Any permanent modification visible to the neighborhood requires Board approval

APPLICATION REQUIRED EXCEPT AS LISTED ABOVE

STORAGE SHEDS

No sheds may be attached to the house. Sheds designed as an integral part of the fence shall have the same finish material and color as the fence and the roof of the shed shall not exceed the height of the fence.

APPLICATION REQUIRED FOR ALL SHEDS

FENCES

Fence styles must match in all relative details the original fences in the community; the materials and colors must be compatible with the materials and colors prevailing within the community. Fences and gates must be replaced and/or repaired if they become structurally unsound.

APPLICATION REQUIRED FOR ALL FENCES

DECKS

Elevated decks may extend a maximum of 12 feet from the rearmost portion of the house provided that they are not less than 5 feet from the rear property line. All new decks and modifications and additions to existing decks must be constructed with materials compatible in color and style with other decks in the community. Decks must be replaced and/or repaired if they become damaged or structurally unsound.

APPLICATION REQUIRED FOR ALL DECKS AND ALL MODIFICATIONS TO DECKS

REAR DECK LIGHTS AND DECORATIONS

Any rear deck lights attached to the rear of the house is acceptable without submitting a formal application. Any non-permanent decoration attached to an elevated rear deck is acceptable without a formal application. All exterior awnings which are not attached to lawn furniture require Board approval.

NO APPLICATION REQUIRED EXCEPT AS SPECIFIED

CONCRETE STEPS AND WALKWAYS

Concrete steps and walkways must be maintained in good condition; free from holes or cracks. Replacement and repair of steps and walkways with the same or similar material does not require an application. Changes to the existing structures or changes in material requires an application.

NO APPLICATION REQUIRED EXCEPT AS SPECIFIED

COMMON PROPERTY

Under no circumstances are homeowners to make any changes or improvements to common property, including removing or planting any trees, bushes, flowers etc. or installing or modifying any existing structures.

Homeowners are encouraged to bring problems on common property to the attention of the Board who will promptly consult with experts in deciding how to address issues which arise. Similarly, any suggestions for improvements or modifications to common property should be directed to the Board.

POLICIES AND REGULATIONS.pdf

LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION
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Annandale, Virginia 22003
nvm@northernvirginiamanagement.com
(703) 941-9002

Little River Mews Regulations for Common Area - Paved

Amended and Effective October 2, 2013

1. General

- a. These regulations are established by the Board of Directors in accordance with provisions of Article VII, Section 1, LRMHA By-Laws, State of Virginia laws, and Fairfax County guidelines for associations.
- b. The primary purposes for establishing these regulations are to (1) provide the Board of Directors with a basis for the enforcement of the provisions of this Regulation and (2) distribute parking spaces for the residents who are domiciled in the Mews.
- c. The Members of the Board may adopt special rules as required to respond to special, unanticipated needs.

2. Compliance

- a. Willing compliance with the provisions of these Regulations will demonstrate the necessary consideration to make do with the **93 parking spaces** provided for the use of **42 households**, including the three at the front of the Mews.
- b. Unit owners and tenants are responsible for ensuring guests obey these regulations.
- c. Failure to comply with these regulations shall be met with actions described in Section 9 of these regulations, or other actions as determined by the Board.

3. Safety

- a. Within the common paved area of Little River Mews, the maximum speed limit is 15 miles per hour.

4. Parking Space Distribution

- a. There are 42 parking spaces in Little River Mews marked RESERVED. Each unit is allotted one RESERVED space. In general, the RESERVED space should be used first before other spaces are used.
- b. There are 51 parking spaces marked PERMIT REQUIRED. There are no open parking spaces in Little River Mews. Homeowners/residents who have more than one registered vehicle may use additional spaces available on a first come-first served basis.

5. Vehicle Registration

- a. Limitations on the number of vehicles allowed: each of the 42 units in Little River Mews is allowed a maximum of THREE registered vehicles.
- b. **If an owner is in arrears (behind) in payment of HOA dues by 3-4 payments, said owner will receive one (1) parking sticker for the allotted RESERVED space and NO GUEST PASSES. NO OTHER PERMITS WILL BE ALLOWED. IF YOU ARE NOT SURE IF A LIEN HAS BEEN PLACED ON YOUR PROPERTY, PLEASE CONTACT THE MANAGEMENT COMPANY. The HOA board will work with Dominion Towing to strictly enforce this rule, should other owners become in arrears of their obligation to pay HOA dues. However, if your dues are subsequently paid, you will receive the amount of registrations or passes as stated above.**
- c. **If an owner is found, following legally sufficient notice which includes the right to request a hearing before the Board to contest the violations found, to have failed to maintain his or her property in good repair, as required by Article VII of the Little River Mews Declaration of Covenants, Conditions and Restrictions, said owner (and/or the residents of the owner's property) will receive one (1) parking sticker for the allotted RESERVED space and NO GUEST PASSES. NO OTHER PERMITS WILL BE ALLOWED. The HOA board will work with Dominion Towing to strictly enforce this rule. However, if the repairs are subsequently performed, you will receive the amount of registrations or passes as stated above.**
- d. All vehicles (this includes motorcycles) owned by each homeowner/resident must be registered with the Board via a decal system as follows:
 - i. Subject to the limitations noted above in 4(a), each household will be issued a serialized LRMHA decal for vehicles owned, leased or regularly used by permanent residents and normally parked in the Mews. Decals may be obtained by calling, e-mailing or writing Northern Virginia Management.
 - ii. It is the responsibility of the homeowner or resident to obtain a LRMHA decal.
 - iii. To obtain a decal, each vehicle legally operable on state and local roads must be registered with the Board as a permanent resident's vehicle.
 - iv. Only properly registered LRMHA decals are valid.
 - v. LRMHA decals must be removed from the vehicle when no longer permanently parked in the Mews.
 - vi. Damaged or worn decals when no longer legible may be turned in for replacement.
 - vii. LRMHA decal must be clearly displayed on the driver's side rear bumper or, in the case of a motorcycle, the rear bumper.
 - viii. Decals are not transferable from one vehicle to another, even by the same owner/operator. A new decal must be affixed to any new vehicle.

6. Parking

- a. Each vehicle shall be parked so that only one space is occupied. Double parking is restricted.
- b. Parking in fire lanes (painted yellow) and off-road parking in common areas is strictly prohibited.
- c. No markings or signs other than those provided by the LRMHA may be placed on or near parking spaces.

7. Guest Parking

- a. Effective July 15, 2010, the following policies apply to guest parking:
 - i. Homeowners or renters with one (1) registered vehicle will receive two (2) guest passes.
 - ii. Homeowners or renters with two (2) registered vehicles will receive one (1) guest pass.
 - iii. Homeowners or renters with three (3) registered vehicles will receive NO guest passes.
 - iv. All previous versions of guest passes shall be null and void.
 - v. **Guest passes are not to be used by residents to park an additional car. Guest pass usage is strictly for guests only.**
- b. All vehicles (this includes motorcycles) owned by each homeowner must be registered with the Board via a decal system as follows:
 - i. Initial guest parking passes will be distributed free of charge. Replacements will require a \$25 fee, payable to the management company.
 - ii. Guests may park in spaces marked PERMIT REQUIRED, provided a proper hangtag is displayed in the windshield. Hangtag must be hanging from rearview mirror and be visible.
 - iii. Long-term guest parking is strictly prohibited. Vehicles observed using a guest parking pass for longer than one week will be towed at owner's expense.
 - iv. In cases of special circumstances, upon request the Board may choose to issue a Special Parking Permit (hang tag) that shall be valid for a set duration not to exceed 6 weeks.
 - v. Multiple guest parking (for parties or other gatherings) in Little River Mews is strictly prohibited after 5pm. Units who will have more than two guests attending a function should have the guests park outside Little River Mews—there are not sufficient parking spaces in Little River Mews for multiple guest parking in the evening.

8. Authorized Vehicles

- a. Only vehicles displaying a LRMHA decal or other LRM Board-authorized permit may be parked in the Mews during restricted hours: 6:00 p.m. to 9:00 a.m. At

other times, parking in PERMIT REQUIRED spaces is available to invited guests and tradesmen.

- b. No commercial vehicle may be parked overnight in the Mews. The Board defines a commercial vehicle as (i) any vehicle used for the carriage of merchandise, goods, or persons for hire, and (ii) any vehicle displaying advertising lettered thereon. Storage of boats and trailers in the Mews is prohibited. However, temporary parking of a moving vehicle/trailer/pod for the purposes of a resident moving in or out of the Mews is permitted, subject to permission from a Board member and that parking the moving vehicle does not pose a hazard or danger to other residents and visitors.
- c. Common area paved spaces may not be used to store any other property. Such materials shall be removed at the expense of the owner.
- d. No derelict or stored vehicles shall be parked in the Mews. Units violating this rule shall be notified via mail that vehicle will be towed at owner's expense.
- e. Storage of an unregistered/unauthorized vehicle in any parking space or on any common area is absolutely prohibited. Such vehicles are subject to immediate towing.

9. Vehicle Maintenance

- a. Maintenance and repair of any vehicle involving the draining of any vehicular fluids is strictly prohibited.
- b. Vehicle repair requiring the use of large or noisy equipment that could damage adjacent vehicles, impede the flow of traffic, or damage common property, is strictly prohibited.
- c. Owners will clear away all tools and parts when not actively working on their vehicles.

10. Enforcement

- a. These regulations of the common paved area of Little River Mews shall be enforced by the Board through verbal warnings, or one of the following actions:
- b. Violation Letters: Board members who observe violations of these regulations may issue a VIOLATION LETTER OR WARNING STICKER to the owner of the unit in question. Owners are responsible for the actions of all guests and/or tenants.
- c. Towing:
 - i. Towing violations include:
 - A resident decal is not located on the left hand side of the rear bumper and is clearly visible. If the decal is located, any other spot other than the left hand rear bumper, you will be towed for an improperly displayed decal.
 - A guest is visiting but a guest hangtag is not properly displayed from the rearview mirror. All guest and service persons need a guest tag

M – F and weekends after 6:00pm.

- A vehicle that does not have resident decal or guest hangtag visible.
 - Vehicles that are improperly parked or are in violation of any of the LRMHOA regulations.
 - It is each homeowner's responsibility to make sure they receive the decals from a Board member and that decals are properly displayed. Residents should contact Northern Virginia Management concerning obtaining required permits.
 - Any motorcycles that do not display a resident decal or guest pass or are double-parked will be towed.
- ii. In addition to issuing a violation letter or warning sticker, a LRMHA Board member may order the towing of any vehicle that is parked in willful violation of these regulations.
- iii. You may now have vehicles towed from YOUR OWN RESERVED SPOT. To do so, you must call Dominion Towing. Their phone number is (703) 730-1177. Dominion Towing has a procedure for towing vehicles out of RESERVED parking spots. **YOU MAY NOT HAVE ANY VEHICLE TOWED FROM ANY OTHER PARKING SPOT BUT YOUR OWN RESERVED SPOT FOR ANY REASON**
- The person calling Dominion Towing (see information below) needs to provide their name, and call back number. The caller also needs to provide Dominion Towing with their address and space number, and the make, model and tag number of the vehicle. The caller meets the tow truck driver, and signs a towing ticket.
- Disclaimer: Any vehicle improperly towed is the liability of the person who signs the tow ticket. The Little River Mews Board and Homeowner's Association are not liable for any vehicle an owner/renter has improperly towed out of the homeowners/renters RESERVED spot or any other parking spot in the Little River Mews Development.
- Dominion Towing**
Phone: 703-730-1177
Hours of Operation – 24 hour access
Address: 2898 Gallows Road, Falls Church, VA
- iv. Towing shall be at the risk and expense of the owner of the towed vehicle.
- v. **Anyone (owner, tenant, or guest) who in any way harasses or threatens a Board member while said Board member is exercising his or her authority to enforce these regulations shall be reported to the Fairfax County Police IMMEDIATELY. Further legal action may be pursued.**

LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION

REGULATORY RESOLUTION NO. ____

Rule Violations: Complaint and Due Process Procedures

WHEREAS, Article VII, Section 1(a) of the Bylaws of the Little River Mews Homeowners Association ("Association") grants the Board the power to adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infractions thereof; and

WHEREAS, Section 55-515 of the Virginia Property Owners' Association Act (the "Act"), requires all lot owners to comply with the provisions of the Declaration and the Governing Documents; and

WHEREAS, Section 55-513 of the Act, Article IV, Section 1(e) of the Declaration, and Article VII, Section 1(b) of the Bylaws provides the Association with the power to enforce the Governing Documents by suspending services or voting rights and/or assessing charges against any member for any violation of the Declaration or the Rules and Regulations for which the member or his family members, tenants, guests, or other invitees are responsible; and

WHEREAS, Section 55-513.B of the Act provide that certain procedures must be followed before suspensions or charges may be assessed; and

WHEREAS, it is the intent of the Board of Directors, to enforce the Governing Documents for the benefit and protection of the Association's members and residents by establishing procedures which ensure due process and consistency of enforcement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors by the Act, the Governing Documents and this Resolution are adopting the ability to suspend voting rights and the use of Association facilities for up to sixty days and/or assess charges, for any

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violation of the Act, the Governing Documents, or duly adopted Rules or Regulations and are hereby further empowered to suspend voting rights and use of Association facilities for up to sixty days and/or assess such charges pursuant to Section 55-513 of the Act, after the following procedures have been followed:

I. Complaint.

A. Any lot owner, tenant, management agent, employee, Architectural Review Board member, or Board member who requests that the Board take action to enforce the Governing Documents and Rules 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 management agent to determine whether it appears that a rule or provision of the Governing Documents allegedly has been violated.

C. The management agent shall then submit the Complaint to the Board for appropriate action, such as directing that a demand letter be sent or that it be referred to counsel or county authorities.

II. Demand.

A. If determined appropriate, a written demand letter 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 lot owner at the address which the owner has provided the Association or at the lot address, if no other address has been provided. A copy may be sent to the tenant if there is a tenant.

B. The demand letter 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.

C. The demand letter shall state that if the violation is not remedied, the lot owner must request in writing a hearing before the Board to avoid imposition of charges and/or suspension of voting rights or use rights or services for up to sixty (60) days. 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 voting rights or services and/or rules violation charges may be assessed. The demand letter may be combined with the notice of hearing referenced in Section III if of a serious nature or if previous notices of violation have been sent to the owner.

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III. Notice of Hearing.

A. If the alleged violation is not remedied within the date or time specified in the demand letter referenced in Section II and the owner requests a hearing or if the Board 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 lot owner at the address which the lot owner is required to provide to the Association. Service by mailing shall be deemed effective two (2) days after the notice has been mailed in a regular depository of the United States mail. The demand letter referenced in Section II. B 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 lot owner and tenant, if applicable, shall be given an opportunity to be heard and to be represented by counsel before the Board.
- 3) The alleged violation, citing provisions of the Governing Documents or rules which allegedly have been violated.
- 4) That charges for violation of the Governing Documents and Rules may include assessment of up to Fifty Dollars (\$50.00) for a single offense or Ten Dollars (\$10.00) per day up to ninety (90) days, for any offense of a continuing nature, or such greater amounts as may be authorized by the Virginia Property Owners Association Act.
- 5) That other appropriate remedies may be taken.

IV. Hearing.

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

B. The Board, within its discretion, may grant a continuance. 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 lot owner with an opportunity to be heard and to be represented by counsel.

D. The management agent, lot owner, tenant, any person lodging a complaint, and members of the hearing panel shall have the right: (1) to call, examine, and cross-examine witnesses, (2) to introduce testimony and evidence, and (3) to rebut testimony and evidence, all within reasonable time limits imposed by the Board of Directors.

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E. The hearing shall be conducted in private unless the lot 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. During the course of any hearing held, the Board, within its discretion, may afford those residents involved with the dispute or violation an opportunity to be heard within reasonable time limits.

F. After proper notice has been given, if the lot owner fails to appear at the hearing or if no hearing is requested, the hearing or meeting may continue as scheduled and the Board 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 Governing Documents or by law.

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

H. Within seven (7) days of the hearing, or such other time period as may be required by the Act, the Board shall notify the lot owner of its decision, the suspension of voting rights for up to sixty (60) days, suspension of any use of facilities or services for up to sixty (60) days, the assessment of any charges and the date from which those assessments shall accrue and be due, which shall not be earlier than the date given in the demand letter by which the violation must cease in the case of a continuing violation. A sample Notice of Decision is attached as Exhibit D.

V. Records.

The Board, or the management agent, shall keep copies of all correspondence related to rules violations in the lot 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 lot owner's file and appropriate Association files.

VI. Assessment of Charges.

Pursuant to Section 55-513 of the Act, any charges assessed for violation 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 the purpose of Section 55-516 of the Act regarding liens. Such charges also shall be the personal obligation of the owner.

VIII. Other Remedies.

This Resolution shall not be deemed to require a hearing prior to assessment of rules violation charges or suspension of services if a hearing is not requested, prior to use of other

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remedies, or to prevent the Association from exercising any other remedies authorized or available under the Act, the Governing Documents or by law, and shall not constitute an election of remedies.

**Exhibit "A" to the
RESOLUTION ON RULES VIOLATIONS AND ENFORCEMENT PROCEDURES
LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION**

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 lot number of person(s) making complaint:
8. Signature(s)

FOR ASSOCIATION USE ONLY

9. Registered name(s) of lot 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 demand letter sent to lot owner:

16. Owner/Tenant ____ does/____does not request a hearing.
Date request received:

17. Referred to Board on _____, 200__.

18. Date notice of hearing sent:

cc: Lot Owner File
Rules Violation File

**Exhibit "B" to the
RESOLUTION ON RULES VIOLATIONS AND ENFORCEMENT PROCEDURES
LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION**

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 throughout the community. 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 voting rights 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 in care of the Management Agent 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 a continuing violation or up to Fifty Dollars (\$50.00) for each single violation without further notice or other remedies may be pursued. In addition, you may be assessed the administrative costs incurred by the Association as a result of the violation.

Sincerely,
Board of Directors or Management Agent

cc: Lot Owner file/(Tenant)

Return to: _____

Name: _____ Lot# _____

_____ 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.

Signature

**Exhibit "C" to the
RESOLUTION ON RULES VIOLATIONS AND ENFORCEMENT PROCEDURES
LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION**

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 Little River Mews Homeowners 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. In addition to 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 rules violations and enforcement procedures, including without limitation, referral to County Authorities, injunctive action or a claim for civil damages. You may also be assessed the administrative costs incurred by the Association as a result of the violation of the Governing Documents. 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: Lot Owner File
Rules Violation File
(Tenant)

**Exhibit "D" to the
RESOLUTION ON RULES VIOLATIONS AND ENFORCEMENT PROCEDURES
LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION**

SAMPLE NOTICE OF DECISION

Lot Address

**Hand Delivered or
Certified Mail Return Receipt Requested
RE: Notice of Decision**

Dear _____:

As you were previously notified, a hearing was held before the Board of Directors of the Little River Mews Homeowners Association on the ____ day of _____, 20__, at _____.m., in accordance with Section 55-513.B of the Virginia Property Owners' Association Act and the Association's Notice and Hearing Procedures.

The Board of Directors decided as follows:

- ___ Violation charges totaling \$_____ (not to exceed \$50 per violation) is imposed.
- ___ An ongoing violation charge of \$_____ (not to exceed \$10 per violation) per day for a period not to exceed ninety (90) days is being imposed, commencing on: _____, 20__, and you must immediately cease or correct the violation.
- ___ The use of the following facilities and/or nonessential services are suspended until the violation is corrected, for up to 60 days: _____.
- ___ Voting rights have been suspended until the violation is corrected, for up to 60 days.
- ___ The Board found that a covenant or rule violation occurred but decided not to assess violation charges or suspend use rights or voting rights at this time.
- ___ The Board concluded that no covenant or rule violation occurred.

Please be advised that if daily violation charges are being assessed against you or if your use rights have been suspended for a continuing violation, it is **YOUR** responsibility to correct the violation and notify the Association's management agent of that action. The Association will then promptly inspect your Lot to confirm that it is in compliance with the Declaration and/or Association rules and regulations. Finally, please note that regardless of whether suspensions have been imposed or violation charges have been assessed or paid, the Board reserves the right to take any additional enforcement action it deems appropriate to ensure compliance with the Association's governing documents.

If you have any questions or wish to communicate with the Board regarding this matter, please call: _____.

Sincerely,

Board of Directors /Managing Agent

cc: Board of Directors
Managing Agent

**Exhibit "E" to the
RESOLUTION ON RULES VIOLATIONS AND ENFORCEMENT PROCEDURES
LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION**

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:

**LITTLE RIVER MEWS HOMEOWNERS ASSOCIATION
RESOLUTION ACTION RECORD**

Resolution Type: Regulatory No.

Pertaining to: Rules Violations and Enforcement Procedures

Duly adopted at a meeting of the Board of Directors held July 19, 2011.

Motion by: Julie Elkins Seconded by: Pamela Rinehart

VOTE:

☒ YES ☐ NO ☐ ABSTAIN ☐ ABSENT

Julie Elkins
Director

Frank Francis Owen
Director

Pamela Jane Rinehart
Director

Nichelle Estadt
Director

Lynda Senn
Director

ATTEST:

Pamela Jane Rinehart
Secretary

Date July 19 11

FILE:

Book of Minutes – 20

Book of Resolutions:

Book No. Page No.

Policy _____
Regulatory _____
Special _____
General _____

Resolution effective: July 19, 2011