

**RESOLUTION OF THE BOARD OF DIRECTORS
OF BROADLANDS ASSOCIATION, INC.**

(Policies and Procedures Regarding Violation of Governing Documents)

WHEREAS, Article 8 of the Declaration of Covenants and Restrictions establishes rules and regulations for the use of the property of the Association; and

WHEREAS, Article 4, Section 4.1 (4) of the Bylaws grants the Board of Directors the power to adopt and publish further 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 infraction thereof; and

WHEREAS, Article 4, Section 4.1 of the Bylaws grants the Board of Directors all powers, duties and authority vested in or delegated to the Association not reserved to the membership by other provisions of the Bylaws, Articles of Incorporation, or Declaration; and

WHEREAS, Section 55.1-1819 of the Virginia Property Owners' Association Act provides the Association with the power to suspend a member's right to use facilities or services and to assess charges against members for violations of the governing documents

WHEREAS, the Board of Directors deems it necessary and in the best interests of the Association to establish orderly procedures for the suspension of privileges and the assessment charges against Members for violations of the governing documents.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures shall be adopted to enforce violations of the governing documents.

I. ACTIONS PRIOR TO INITIATION OF FORMAL RESOLUTION PROCESS

Any Member, Owner or Agent of the Association has the authority to request that a Member, Owner or their family members, guests or invitees cease or correct any act or omission which appears to be in violation of the governing documents.

The Board of Directors, an Association Committee or the Managing Agent may make initial attempts to secure compliance verbally or through correspondence.

II. PRELIMINARY INVESTIGATION

Upon receipt of an oral or written complaint, a committee member, the Managing Agent or a member of the Board of Directors may make a preliminary investigation as to the validity of the complaint. If the preliminary investigation indicates the need for further action, then the Board of Directors or a Committee shall provide written notice to the Member at the address required for notices of meeting which advises the Member of the violation and gives the Member a reasonable opportunity to correct the violation. If the Member does not correct the violation by the date mentioned in the notice of violation, then the Board of Directors or Committee shall establish a hearing date to determine the validity of the complaint. The Association shall then serve the Member(s) charged with violating the governing documents with a Notice of Hearing which shall describe the violation.

III. NOTICE OF HEARING

The Board of Directors or a Committee shall serve a Notice of Hearing on the charged Member at least fourteen (14) days prior to the hearing by hand delivery or certified mail, return receipt requested, at the address of record with the Association. The Notice of Hearing shall be substantially in the following form, but may include other information.

You are hereby notified that a hearing will be held before the Board at _____ (place) _____ on _____ (date) _____, 20____, at _____ (time) _____ the charge that you are in violation of _____ of the governing documents / architectural guidelines. You may be present at hearing, may be represented by counsel, and may present any relevant evidence regarding the alleged violation.

If the charged member advises the Association that they cannot attend the hearing on the scheduled date and indicates times and dates when they would be available, the Association may reschedule the hearing and deliver notice of the new hearing date and time.

IV. HEARING

At the hearing, the charged party may do the following:

- (a) make an opening statement;
- (b) introduce evidence, testimony and witnesses;
- (c) rebut evidence and testimony;
- (d) make a closing statement.

Within seven (7) days of the hearing, the hearing result shall be hand delivered or mailed by registered mail, return receipt requested, to the Member at the address of record with the Association. If charges will be assessed, the hearing result shall indicate the date from which those charges may accrue, which shall not be earlier than the date of the written notice of violation.

V. SANCTIONS

Disciplinary action imposed by the Association may include, but is not limited to (a) the assessment of charges against the Member in accordance with Section 55.1-1819 of the Virginia Property Owners Association Act and (b) the suspension of the Member's right to use the Association's facilities and services in accordance with Section 55.1-1819 of the Virginia Property Owners Association Act.

This resolution was duly adopted by the Board of Directors this 9th day of March, 2021.

Broadlands Association, Inc.

By: 

David Baroody, President