

SOUTH RIDING PROPRIETARY

POLICY RESOLUTION NO. R2001-1

(Amended August 2026)

RULE VIOLATIONS: COMPLAINT AND DUE PROCESS PROCEDURES

WHEREAS, Article 4, Section 4.1 (4) of the Bylaws and Article 8, Section 8.3 of the Declaration of the South Riding Proprietary (hereinafter “Declaration” and “Association” respectively) grant the Board of Directors (“Board”) the power to adopt, amend and publish rules and regulations governing the use of the property and the conduct of the Association members and their guests therein;

WHEREAS, Article 9, Sections 9.1 (a) and (b) (1) of the Declaration requires the Board to establish a Covenants Committee (“Committee”) and that said Committee shall regulate the external design, signage, appearance, use and Upkeep of the property;

WHEREAS, the Virginia Property Owners’ Association Act (“Act”), VA Code 55.1-1800 et seq., authorizes the Association, acting through its Board of Directors, to adopt and enforce rules and regulations, impose charges for violations, and suspend privileges, provided that members are afforded notice and an opportunity to be heard; ~~WHEREAS, Section 55-515 B. of the Virginia Property Owners’ Association Act, Code of Virginia (1950, as amended) (the “Act”), charges all lot owners and their tenants, guests and invitees with compliance with Declaration, Bylaws, Rules and Regulations (the “Governing Documents”) of the Association as amended;~~

WHEREAS, the Virginia Common Interest Community Ombudsman Regulations require associations to establish reasonable procedures for resolving alleged violations of governing documents and for addressing member complaints, including the issuance of written determinations following notice and an opportunity to be heard; and

WHEREAS, Article 9, Section 9.1 (b) (3), and Article 12, Section 12.1 (h) of the Declaration provide for the Association, through its Board and Committee, with the power to assess charges against lot owners for violations of the Governing Documents, for which the lot owner or his family members, tenants, guests or other invitees are responsible; ~~WHEREAS, Section 55-513 B. of the Act and Article 9, Section 9.1 (b) (3), and Article 12, Section 12.1 (h) of the Declaration provide for the Association, through its Board and Committee, with the power to assess charges against lot owners for violations of the Governing Documents, for which the lot owner or his family members, tenants, guests or other invitees are responsible;~~

~~WHEREAS, Article 12, Section 12.1 (i) of the Declaration further provides that certain procedures must be followed before such charges may be assessed; and WHEREAS, Section 55-513 B. of the Act and Article 12, Section 12.1 (i) of the Declaration further provide that certain procedures must be followed before such charges may be assessed; and~~

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

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board, by the Act, the Governing Documents and this resolution, is hereby empowered to suspend use rights and assess charges pursuant to Section 55-513 B. of the Act; that the Board and Committee by the Act, the Governing Documents, and this resolution, is hereby empowered to issue a cease and desist request, to suspend use rights and/or to assess charges pursuant to 55-513 B of the Act; and that the Board and Committee shall assess such charges, suspend such use rights, and issue such cease and desist requests, respectfully, for any violation of the Governing Documents only after the following procedures have been followed:

I. Definitions

Unless otherwise defined in this Resolution, the words, terms or phrases used in this Resolution shall have the same meanings as defined in the Association Documents and Section 55.1-1800, et seq. of the Virginia Code. In the event of conflict, the Association Documents shall control.

Commented [SW1]: Taken from Association Complaint Procedures policy (2025)

I. Complaint

- A. Any lot owner, tenant, Association managing agent, ~~Association employee~~, Board member or Committee member who requests that the Board or Committee take action to enforce the Governing Documents shall complete, date and sign a Complaint in a form similar to and containing information contained on ~~Exhibit "A" hereto.~~
- B. The Complaint shall be submitted to the Committee or to the Board if the Committee does not act for a determination as to whether it appears that a rule or provision of the Governing Documents allegedly has been violated.
- C. The Board or Committee shall then take appropriate action, such as directing that a demand letter be sent or that it be referred to counsel or State or Loudoun County authorities.

Commented [SW2]: Community Standards Complaint Form

II. Reminder (1st Notice)

- A. If determined appropriate, a written reminder letter ~~hereto~~ shall be sent by first class mail (or by certified mail if deemed appropriate) or shall be hand delivered to the lot owner at the address which the owner has provided to 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 reminder letter shall advise the owner that the Association has been made aware of an alleged violation and shall specify the violation and remind the owner of their or their tenants (if applicable) obligations under the governing documents and rules and regulations of the Association. The reminder letter should also specify a date usually not more than ~~ten (10)~~ fourteen (14) days after the date of the reminder letter by which the alleged violation must cease.
- C. Should the reminder letter not cure the alleged violation, the Association shall send the Demand Letter as outlined in Section III hereof.
- D. At its discretion the Association may forgo the reminder letter outlined in this Section and instead send the Demand Letter as outlined in Section III hereof as a first contact with an alleged violator.

III. Demand (2nd Notice)

- A. If the alleged violation has not been cured in response to the Reminder letter, or if otherwise determined appropriate, a written demand letter shall be sent by certified mail or shall be hand-delivered to the lot owner at the address which the owner has provided to 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 abate 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 in less than ten (10) days.
- C. The demand letter shall state that if the violation is not remedied within the specified time period, the lot owner may request in writing a hearing before the Board or Committee to avoid possible imposition of charges. 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 rules violation charges may be assessed. The Demand Letter may be combined with the notice of hearing reference in Section IV if of a serious nature or if previous notices of violation have been sent to the owner.

IV. Notice of Hearing

- A. If the alleged violation is not remedied within the time specified in the Demand Letter referenced in Section III and the owner requests a hearing, or if the Board or Committee 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 thereof, or within such other time as may be required by the Act, to the lot owner at the address which the lot owner is require to provide to the Association. ~~Service by mailing shall be deemed effective three (3) days after the notice has been mailed in a regular depository of the United States mail.~~ The demand letter references in Section III B may be combined with the notice of hearing.
- B. The notice of hearing 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 or Committee.
 3. The alleged violation, citing provisions of the Governing Documents or rules which allegedly have been violated.
 4. That charges for the 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 for any offense of a continuing nature or such other amounts as may be authorized by the Virginia Property Owners' Association Act.
 5. That the alleged violation may result in the suspension of right to use the facilities and/or voting rights, as further enumerated in Section 12.1 (h) of the Declaration.

V. Hearing

- A. The hearing shall be scheduled at a reasonable and convenient time and place within the Board's or Committee's discretion.
- B. The Board or Committee, within its discretion, may grant continuance. If either the Association or the lot owner for whom the hearing is scheduled requests a continuance to a different time or date, written notice to the other party shall be required. Once a new hearing date or time has been established both parties shall be given written notice of such date and time, which notice need not necessarily be fourteen (14) days in advance of such rescheduled hearing.

- 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, Association staff, lot owner, tenant, any person lodging a complaint, the Committee, and members of the hearing panel, as appointed by the Board or in absence of such appointment, the Board 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 or Committee.
- E. The hearing shall be conducted in private executive session unless the lot owner requests that the hearing be open to owners and residents and further provided that the chairman of the hearing panel, as appointed by the Board, 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 or Committee, 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 may proceed as scheduled, and the Board or Committee may assess charges from the date of the Demand Letter (as outlined in Section III of this Resolution) 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, the Board or Committee may, in its discretion, dispense with a hearing after having afforded the lot owner with an opportunity for a hearing.
- H. Within ~~three-seven~~ (37) days of the hearing, the Board or Committee shall notify the lot owner of its decision, suspension of use rights and/or the assessment of any charges and the date from which those assessments shall accrue and be due. Said notification shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the Association.
- I. Upon receipt of a written request made within ten (10) days after the date the Committee issues its final decision, the Board shall afford any person deemed by the Board to have standing as an aggrieved party the right to appeal to the Board, and the Board may reconsider, review, modify, or reverse any action taken by the Committee.

J. The decision of the Board of Directors shall be final.

VI. Records

The Board, Committee, or the Management Agent shall keep copies of all correspondence related to rules and violations in the lot owner's file or in a separate file on rules violations. Minutes of each hearing or meeting shall be kept and placed in the lot owner's file or separate file, and appropriate Association files.

VII. Assessment of Charges

Pursuant to Section ~~55-513B~~55.1-1819 of the Act, and 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 the owner's lot for the purpose of Section ~~55-516~~55.1-1833 of the Act regarding liens. Such amounts also shall be the personal obligation of the owner.

VIII. Other Remedies

This resolution shall not be interpreted to ~~require a hearing prior to assessment of rules violation charges if a hearing is not required 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 or remedies.