

FAWN LAKE COMMUNITY ASSOCIATION, INC.
BOARD OF DIRECTORS
Compliance Violation Escalation Process & Procedures
RESOLUTION NUMBER 12-19-1

WHEREAS, the name of the corporation is Fawn Lake Community Association (the “Association”), which is incorporated as a Virginia nonstock corporation pursuant to Chapter 10 of Title 13.1 of the Code of Virginia (1950) as amended (the “Act”). The duration of the corporation is perpetual;

WHEREAS, the Association is governed by recorded covenants and restrictions including the Bylaws of the Fawn Lake Community Association, which includes in Section 4.1(4) the duty “to adopt and amend any reasonable Rules and Regulations not inconsistent with the Associations Documents.”

WHEREAS, Section 55-515 of the Act and Article 4 and Article 5 of the Declaration require all lot owners (“Owners” or “Residents”) to comply with the provisions of the Declaration and provides the Association with the right to enforce all restrictions, conditions, covenants, reservations, rules, regulations, and liens imposed by the provisions of the Declaration; and

WHEREAS, Article 2, Sections 2.6(c) and 2.7(c) of the Declaration require the Lot Owners to maintain their Lots in a neat and attractive manner, which includes but is not limited to, the Owners’ responsibility to properly cut grass, to keep lots free from weeds and trash, and to maintain, repair and rebuild improvements on their Lots in a condition comparable to the condition at the time the improvements were constructed; and

WHEREAS, Article 2, Sections 2.6(c) and 2.7(c) of the Declaration authorize the Board, the managing agent, and any other Persons authorized by the Board of Directors, the right of access over and through any Lot to repair, maintain or restore the Lot, all improvements thereon, and the exterior of the Dwelling Unit and any other improvements located thereon if such is not performed by the Owner of the Lot, and to assess the Owner of the Lot the costs thereof, such assessment to be a lien upon the Lot; and

WHEREAS, the Compliance Committee and the Board of Directors wish to inform residents of the FLCA compliance criteria and encourage them to take appropriate actions to correct violations and meet established compliance standards;

NOW THEREFORE, IT IS HEREBY RESOLVED that the attached Compliance Violation Escalation Process & Procedures be adopted by the Board of Directors.

AMENDMENTS BY THE BOARD OF DIRECTORS (if any):

DISPOSITION:

This request for a Resolution was withdrawn or did not receive necessary Motion and Second to bring it to a vote by the Fawn Lake Community Association Board of Directors on _____ (date).

This Request for a Resolution was voted upon by the Fawn Lake Community Association Board of Directors on 12-16-19 (date).

Passed as Proposed.

Passed as Amended

Tabled

Rejected

Returned to Committee for further consideration

RESOLUTION ACTION RECORD

Duly adopted by the Board of Directors of the Fawn Lake Community Association on 12-16-19.

Motioned by Jim O'Donnell Seconded by: Helen Bradley

NAME	TITLE	YES	NO	ABSTAIN	ABSENT
Steve Gress	President & Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Wells	Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helen Bradley	Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neil Mitchell	Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Pitchford	Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill McGrath	Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim O'Donnell	Director	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Helen A. Bradley (Secretary)

Date: 12-16-19

Resolution effective as of date of adoption.

FLCA COMPLIANCE COMMITTEE

COMPLIANCE VIOLATION ESCALATION PROCESS & PROCEDURES

The FLCA routinely places articles in the Communicator and weekly bulletin to remind Fawn Lake homeowners and residents of compliance criteria for areas such as but not limited to, poor lawn, shrub and weed maintenance; unauthorized trash cans, trailers, BBQ grills, sports equipment, and other equipment or materials stored in driveways; unmaintained mailboxes; and home repair requirements such as repainting, roof repairs, or power washing where physical appearance is significantly degraded.

The information outlined below is intended to inform residents of the FLCA compliance criteria and encourage them to take appropriate actions to correct violations and meet established compliance standards.

Although the FLCA desires to avoid litigation, the Board of Directors shall have the discretion at all times, and on a case by case basis, to bypass these compliance violation escalation procedures and to initiate injunctive relief action for enforcement of the Declaration and duly adopted Rules and Regulations to serve the best interests of the FLCA.

When a compliance violation is identified, generally the following compliance escalation process is followed:

STEP ONE (1): **“A Friendly Reminder” (AFR)** initial written notification is mailed to the homeowner describing the compliance violation being cited specifying a specific suspense “cure” date for correction, and which may include a picture of the violation.

STEP TWO (2): A **“ Follow-up Notification Letter”** requiring correction of the uncorrected compliance violation by a specific future suspense “cure” date is mailed to the homeowner **“X” days after the initial Step 1 (AFR) Notification Letter**. This follow-up notification letter will also inform the homeowner that if the violation is not corrected by this specified suspense “cure” date, the violation will be referred to the Violation Review Panel (VRP) and a charge may subsequently be imposed on the homeowner by the FLCA.

STEP THREE (3): A **“Violation Review Panel (VRP) Letter”** is sent to the homeowner via registered mail **“X” days after the Step 2 Follow-up Notification Letter**. This letter serves notice of a hearing at least fourteen (14) days in advance before the VRP on a specific date to determine if the homeowner is in violation of the Declaration of Fawn Lake or FLCA Rules and Regulations, and to levy a charge of \$10.00 a day for an uncorrected violation of a continuing nature for up to ninety (90) days retroactive to the date of the VRP letter, but with the charge to start

no sooner than thirty (30) days from the date of the original Step 1 AFR letter. The homeowner may attend the VRP hearing to be heard, but the hearing will be held whether or not the homeowner appears.

“X” days refers to the “days to correct” for a specific type of violation contained in the “Guidelines for Days to Fix Compliance Violations” for the above Phase Letter dates; e.g., seven (7) days for a trailer in driveway. Letter release dates directly coincide with days to fix compliance violations/categories. An exception to the above directive will apply to any violation over fifteen (15) days; e.g. 30 days, to remedy on the original Step 1 “A Friendly Reminder” (AFR) notification. In this case, all subsequent letter notifications (Step 2) will have a fifteen (15) day compliance correction suspense date.

NOTES:

1. FLCA Corrective Action Plan Requests and Homeowner Submissions: For violations with a correction suspense “cure” date of thirty (30) days or more, the Step 1 “A Friendly Reminder” (AFR) initial written notification letter sent to a homeowner **will suggest that a written corrective action plan/schedule be submitted to the FLCA HOA** and/or the homeowner provide any extenuating circumstances as to why it is felt that the violation cannot be corrected by the stated Step 1 suspense “cure” date. A simple written plan providing a brief description of work to be performed and schedule of events is acceptable, however, physical proof to confirm that planned actions are taken will be required before a violation is considered closed. Verbal comments in place of the written requirement herein will not be considered.

For violations with an original correction suspense “cure” date of thirty (30) days or more that proceed to a Step 2 “Follow-up notification letter sent to the homeowner, **the letter will request that a written corrective action plan/schedule be submitted to the FLCA HOA** and/or the homeowner provide any extenuating circumstances as to why it is felt that the violation cannot be corrected by the stated Step 2 suspense “cure” date. Again, a simple written plan providing a brief description of work to be performed and schedule of events is acceptable, however, physical proof to confirm that planned actions are taken will be required before a violation is considered closed. Verbal comments in place of the written requirement herein will not be considered.

2. “Repeat Offense” is defined as any homeowner violation for a similar violation within the last two (2) years. For any repeat offense, Virginia case law and/recent court rulings require that the escalation process for a new compliance violation **must start anew at Step One (1)** and proceed through all subsequent steps. However, a chronic case of repetitive similar violations can be referred to the FLCA attorney for possible initiation of an injunctive relief action.

3. The FLCA Manager of Resident Services or FLCA Board of Directors has the authority to (1) address extenuating circumstances and (2) recommend policy exceptions to the Compliance Committee on a case-by-case basis.