

Enforcement Policy

1. Purpose

This Calvert's Glen Homeowner's Association (CGHOA) policy defines a uniform, fair, and legally acceptable procedure for enforcement of HOA covenants, policies, and guidelines. This policy will ensure fair and consistent treatment of all association members. Finally, this policy will make the necessary task of enforcement easier for future HOA volunteer Board of Directors (BOD) members, thus protecting the appearance and value of our community.

2. Scope

This policy applies to all members (property owners) of the CGHOA and to all properties within the boundaries of Calvert's Glen.

3. Policy

In order to preserve property values and satisfy the requirements of the CGHOA Covenants and By-Laws, CGHOA policy is to:

- i. Maximize compliance with all CGHOA covenants, policies, and guidelines
- ii. Encourage voluntary compliance
- iii. Involve all affected members in resolving non-compliance issues
- iv. Use every available means to obtain compliance, escalating only as lesser measures fail.
- v. Minimize the use of punitive enforcement measures

This policy will be implemented according to the procedures defined herein.

4. Background

Perceived and actual non-compliance with community rules and guidelines, along with the associated enforcement actions, are a frequent problem for homeowner's associations. The CGHOA BOD believes this enforcement policy will minimize these problems. This policy will reduce the potential for animosity and strengthen our community, in addition to improving our community's appearance, appeal, and value.

Each deed for properties within Calvert's Glen references binding "Covenants" that provide the homeowners, through their Association, a means of enforcing uniform standards and rules throughout the community. These Covenants and the associated By-Laws, guidelines, and other relevant documents were provided to each homeowner at or before closing on their home purchase and have been updated by the HOA in letters or other distributions to homeowners as changes have occurred.

Basic standards for all association properties are established in the CGHOA Covenants. Procedures for management and operation of the association are defined in the CGHOA By-Laws. The provisions of these CGHOA documents are clarified in supplementary policies and guidelines, such as the ACC guidelines, which have been adopted by the CGHOA BOD

acting for the general membership. The Virginia Property Owners Association Act establishes the legal basis for enforcement of Association covenants and provides standards to ensure fair treatment for all homeowners.

This policy clarifies the enforcement provisions of the CGHOA covenants and by-laws.

5. Enforcement Procedure Summary

At each regular meeting of the BOD, action will be taken on all new and unresolved non-compliance complaints. For each valid complaint not resolved by the next regular BOD meeting, the homeowner will be invited to discuss the complaint with the BOD. If still unresolved, an official enforcement hearing will be scheduled within 2 weeks, where the homeowner and other affected homeowners will be offered an opportunity to address the complaint with the BOD. If the hearing produces no agreement for restoring compliance that is satisfactory to the BOD, the BOD will take action to encourage the homeowner to restore compliance. At each subsequent BOD meeting, the complaint will be reviewed and, if unresolved, additional actions will be taken to restore compliance. Compliance actions available to the HOA are substantial and will only be limited by the Covenants, By-Laws, and Laws of the Commonwealth of Virginia.

6. Enforcement Procedure

At each monthly meeting of the BOD, action will be taken on all new and outstanding non-compliance complaints. Homeowners in attendance may participate in the discussion regarding each complaint. Any BOD or ACC member may receive new complaints from any association member at any time to report the perceived non-compliance of any association property. New complaints may also be received from the ACC as a result of a homeowner's failure to remedy violations noted during the annual or periodic inspections.

The BOD will review new complaints to determine if they need further clarification, have already been addressed or resolved, and are actual violations. The Secretary will notify the originator of each new complaint of its disposition, including any reason for invalidation, within 14 days of the final disposition. For each valid complaint, a BOD member will be identified to investigate the complaint, including an attempt to contact the property owner directly. If the investigation does not invalidate the complaint, the Secretary will notify the homeowner of the complaint by US First Class mail and invite the homeowner to appear at the next regular BOD meeting. The Secretary will also invite other homeowners identified by the assigned BOD member.

All other unresolved complaints will be reviewed and the property owner's plans to come into compliance assessed, if those plans are known. For those unresolved complaints for which no credible and acceptable plan to restore compliance has been received, the BOD will schedule an enforcement hearing within 30 days to determine what action to take to compel compliance and to provide an opportunity for the homeowner to contest the finding of non-compliance. The homeowner will be notified via certified mail within 3 working days after scheduling the hearing of the hearing date, time, and place. All other affected homeowners will be notified of the hearing by US First Class mail and encouraged to attend.

The Vice-President of the HOA will be responsible for implementation and administration of the enforcement procedures. The Vice-President will be assisted by all members of the

BOD, specifically by the Secretary in preparing and delivering notices and by the Treasurer in administering collections and disbursements for enforcement costs.

7. Enforcement Hearing Procedures

A panel of BOD members will hold enforcement hearings using standard BOD procedures. The Vice-President or the BOD's designee will chair the hearing. The Secretary or the BOD's designee will produce minutes for each hearing. Three BOD members are required for a quorum. The homeowner is strongly encouraged to attend, but is not required to be present. Hearings will be open to any current CGHOA member. Hearings will be scheduled at a time and place designated by the board.

The Chair will call the meeting to order. The agenda will be as follows:

- 1) Reading of the complaint
- 2) Presentation of investigation findings
- 3) Homeowner presentation (if present)
- 4) Other presentations
- 5) Discussion (Speakers to be recognized by the Chair)
- 6) Final homeowner statement (if present)

In determining whether to take enforcement action, the panel will consider all items deemed by the panel to be appropriate and in the community's best interests.

Approved enforcement actions will take effect immediately upon imposition by the panel, regardless of any delay in notification of the association member. The homeowner will be notified of the enforcement action via certified mail within 3 working days after the hearing. Any sanctions imposed will cease upon the association member's credible notification to the BOD that the complaint has been resolved.

8. Procedure Details

If desired, each BOD or panel may establish additional detailed procedures to satisfy current legal requirements or other established procedures of the BOD.

9. Definitions

Complaint – In the context of this policy, a complaint is any notification to any member of the HOA BOD or ACC of a perceived violation of HOA covenants, guidelines, policies, or other valid rules or restrictions.

Non-compliance - In the context of this policy, a property is non-compliant if it or its owners, occupants and/or visitors have not consistently met all requirements of HOA covenants, guidelines, policies, or other valid rules or restrictions.

Resolved – In the context of this policy, a complaint is resolved if the BOD determines that compliance has been restored or that it is not in the best interest of the HOA to compel compliance.