

Signal Hill Homes Association

Policy Resolution Number 3

Procedures for Architectural Inspection and Resolution of Violations

WHEREAS, it is the duty of the Board of Directors to consistently and fairly enforce the community's By-Laws and Restrictive Covenants.

WHEREAS, this procedure was adopted by a majority vote of the SHHA Board of Directors, and may be modified by a majority vote of the SHHA Board of Directors.

WHEREAS, Fairfax County and Virginia statute changes have modified and / or clarified the legal and accepted methods for enforcement of violations.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Signal Hill Homes Association ("Association"), acting through its Board of Directors, hereby adopts and establishes the following Procedures for Architectural Inspection and Resolution of Violations:

In order to preserve the appearance of the community, and to protect the property values for all homeowners, the SHHA Board of Directors is responsible for enforcement of the community's By-Laws and Restrictive Covenants. This requires that the Board of Directors (or its appointees) perform periodic community wide inspections, which are to be completed for all properties at least once per quarter.

Violations may be observed and documented at any time, during periodic inspections, during re-inspections of surrounding properties, or as a result of homeowner reports to the Property Management Company or the Board of Directors.

In the event that a violation is missed by the periodic inspections, or requires attention of the Board of Directors on an urgent basis, homeowners may contact the Property Management Company or the Board of Directors by phone, e-mail, or mail to report issues.

Although the Board of Directors strives to document and resolve all violations in a timely manner, violations may exist for some period of time prior to being noticed by an inspector.

Per The Restrictive Covenants of the Association, Article VI, Section 12:

"Failure by the Association or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter."

The By-Laws and Restrictive Covenants are available through the community website: www.shha-burke.org - under the Governing Documents section, or by contacting the Property Management Company or the Board of Directors.

The Board of Directors recognizes that there are different types of violations, and that these different types of violations are best dealt with via differing methods of resolution and enforcement. Therefore, violations will be classified as either:

1. **Continuing Violations** – Continuing Violations are those that persist for an extended period of time. Examples include, *but are not limited to*: moldy siding, fading or peeling paint, damaged roofs, damaged garage doors, broken windows
2. **Spot Violations** – Spot Violations are those that may recur frequently, and are not of a lasting nature. Examples include, *but are not limited to*: uncut grass, un-raked leaves, trash or recycle bins left out or stored in public view, lawn debris placed out on non-pick-up days

The Board of Directors will employ the following procedures to ensure resolution of all violations:

Resolution process for Continuing Violations:

1. For violations which will require a significant expenditure (defined as \$500 or more) to correct, the inspector will present the alleged violation to the Board of Directors for review. This review may be done at a monthly meeting of the Board of Directors, or may be conducted via e-mail or other means. A majority of the Board of Directors (three or more members) must agree that the violation is significant enough to warrant enforcement before the resolution process continues.
2. Homeowners of each property found to be in violation of By-Laws or Restrictive Covenants will be notified by mail and / or e-mail of the nature of violation(s) and the date observed (First Notice of violation). The homeowners will be asked to correct the violation(s) within 30 days, and may contact the Property Management Company or Board of Directors if clarification or more information is required. The homeowner may also dispute the violation letter in writing or via e-mail - providing supporting data to the Board of Directors, which will be reviewed and considered.
3. Each property with a documented violation will be re-inspected – no sooner than 30 days after the First Notice of violation is sent out.
 - a. Homeowners who have corrected the violation(s) will receive a confirmation letter and / or e-mail
4. For violations that have NOT been resolved at the time of the follow-up inspection, the homeowner will be sent by mail and / or e-mail a Second Notice of violation. The homeowners will be asked to correct the violation(s) within 30 days, and may contact the Property Management Company or Board of Directors if clarification or more information is required. The homeowner may also dispute the violation letter in writing or via e-mail - providing supporting data to the Board of Directors, which will be reviewed and considered.
5. Each property with a documented violation will be re-inspected – no sooner than 30 days after the Second Notice of violation is sent out.
 - a. Homeowners who have corrected the violation(s) will receive a confirmation letter and / or e-mail
6. For violations that have still NOT been resolved, a Hearing Notice will be sent to the homeowner by certified mail. The homeowner will be asked to appear for a hearing at the next monthly Board of Directors meeting to discuss the violation and the path to resolution. The homeowners may contact the Property Management Company or Board of Directors if clarification or more information is required. The homeowner may also dispute the violation letter in writing or via e-mail - providing supporting data to the Board of Directors, which will be reviewed and considered.
7. A hearing will be conducted, as scheduled, either with or in absence of the homeowner. The Board of Directors will attempt to work with the homeowner to establish a resolution plan and schedule for the cited violation(s).

8. The homeowner will be notified of the result of the hearing. This notification will document the resolution plan (if established), and the date by which the violation must be resolved (if established) in order to avoid additional enforcement actions.
9. Violations that remain unresolved after the above steps are completed will be turned over to the association's legal counsel for resolution. All documentation from the process above (letters, and correspondence with the homeowner) will be provided to the attorneys. SHHA and our attorneys will pursue all legal remedies available to ensure resolution of the cited violations and compliance with the Restrictive Covenants.
10. SHHA will attempt to recover any legal expenses incurred during the enforcement process through the Fairfax County court system.

Resolution process for Spot Violations:

1. Homeowners of each property found to be in violation of By-Laws or Restrictive Covenants will be notified by mail and / or e-mail of the nature of the Spot Violation and the date observed (First Notice of violation). The homeowners will be asked to correct the Spot Violation immediately, and may contact the Property Management Company or Board of Directors if clarification or more information is required. The homeowner may also dispute the violation letter in writing or via e-mail - providing supporting data to the Board of Directors, which will be reviewed and considered.
2. Each property with a documented Spot Violation will be re-inspected - no sooner than 10 days after the First Notice of violation letter is sent out.
 - a. Homeowners who have corrected the violation(s) will receive a confirmation letter and / or e-mail
3. For Spot Violations that have NOT been resolved (or exist again) at the time of the follow-up inspection, the homeowner will be sent by mail and / or e-mail a Second Notice of violation. The homeowners will be asked to correct the Spot Violation(s) immediately, and may contact the Property Management Company or Board of Directors if clarification or more information is required. The homeowner may also dispute the violation letter in writing or via e-mail - providing supporting data to the Board of Directors, which will be reviewed and considered.
4. Each property with a documented Spot Violation will be re-inspected – no sooner than 10 days after the Second Notice of violation is sent out.
 - a. Homeowners who have corrected the violation(s) will receive a confirmation letter and / or e-mail
5. For Spot Violations that have still NOT been resolved, a Hearing Notice will be sent to the homeowner by certified mail. The homeowner will be asked to appear for a hearing at the next monthly Board of Directors meeting to discuss the Spot Violation and establish a path to resolution. The homeowners may contact the Property Management Company or Board of Directors if clarification or more information is required. The homeowner may also dispute the violation letter in writing or via e-mail - providing supporting data to the Board of Directors, which will be reviewed and considered.
6. A hearing will be conducted, as scheduled, either with or in absence of the homeowner. The Board of Directors will attempt to work with the homeowner to establish a resolution plan.
7. The homeowner will be notified of the result of the hearing. This notification will document the resolution plan, which must be followed in order to avoid additional enforcement actions.
8. Spot Violations that remain unresolved after the above steps are completed, or that continue to occur after the hearing, will be turned over to the association's legal counsel for resolution. All documentation from the process above (letters, and correspondence with the homeowner) will be provided to the attorneys. SHHA and our attorneys will pursue all legal remedies available to ensure resolution of the cited violations and compliance with the Restrictive Covenants.

9. SHHA will attempt to recover any legal expenses incurred during the enforcement process through the Fairfax County court system.

SIGNAL HILL HOMES ASSOCIATION

RESOLUTION ACTION RECORD

Resolution Type: Policy NO. 3

Pertaining to: Procedures for Architectural Inspection and Resolution of Violations

Duly adopted by the Board of Directors of the Association on February 18th, 2015.

Motion by: Kevin Martin

Seconded by: David Masterman

NAME	TITLE	YES	NO	ABSTAIN	ABSENT
Kevin Martin	President	<i>km</i>			
Peter Seigman	Vice President	<i>P.S.</i>			
Edwin Rahme	Treasurer				X
Linda Wirth	Secretary	<i>LW</i>			
David Masterman	At-Large	<i>DM</i>			

Attest: Linda Wirth (Secretary)

Date: February 18, 2015

Resolution effective as of date of adoption.

This is an update / amendment to Policy Resolution NO. 3, originally issued on November 7th, 2012.