

Bay Breeze Point Homeowner's Association

Violations Enforcement Procedures

Violations to the Bay Breeze Point HOA governing documents, policies and resolutions will be enforced as follows:

- **Immediate corrective actions needed:** Actions within this area include violations that can be remedied immediately, e.g., lawn care, vehicles (like RVs, boats, trailers), pets, trash & trash containers, non-approved signage.
 - **Lawn Care** -- It should be noted that "lawn care" includes all aspects of the exterior landscaping of a lot, e.g., lawn, shrubs, trees, mulched areas, and will use BOD Resolution titled "Lawn Care" and Norfolk Code as enforcement guides. Basically, the following procedures will be used to enforce "lawn care" violations:
 - Violation identified and documented by Association Manager and/or Board members
 - All BOD members and association management will be informed of the violation
 - Association Manager will notify registered property owner(s) of the violation and need for immediate corrective actions -- an official written notification will also be sent to the registered owner(s) even if they were notified by telephone
 - If this lawn care violation is a first ever lawn care violation (first offense) for this lot, the property owner(s) will be given a maximum of seven calendar days from the date of the official violation notification letter to perform corrective actions
 - If lawn care corrective actions for "first offense" violations are not accomplished within seven (7) calendar days, Association Manager will arrange to have corrective actions accomplished on the eighth day and all costs associated with these corrective actions (including \$45 to cover HOA administrative costs) will be invoiced to the property owner(s)
 - Property owner(s) have ten (10) calendar days to pay the invoice for first offense lawn care corrective actions.
 - If a property owner(s) receives a subsequent lawn care violation (*see note below), whether immediately or at some future time, Association Manager will use the first offense procedures above except that: 1) Property owner(s) will have only five (5) calendar days to correct the lawn care violation; 2) Property owner(s) will be responsible for initial administrative costs related with this violation (\$25); 3) Then, if corrective actions are not taken within five (5) calendar days, the Association Manager will arrange for corrective actions to be taken on the sixth calendar day and all costs associated with these corrective actions (including an additional \$45 to cover HOA administrative costs) will be invoiced to the property owner(s); and a Due Process Hearing may be scheduled (see Due Process Hearing information below)

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*Note: If a property owner is repeatedly violated for lawn care and then is found in violation again, the following enforcement procedures will be followed: 1) Property owner(s) will have only three (3) calendar days to correct the lawn care violation; 2) Property owner(s) will be responsible for initial administrative costs related with this violation (\$25); 3) Then, if corrective actions are not taken within three (3) calendar days, the Association Manager will arrange for corrective actions to be taken on the fourth calendar day and all costs associated with these corrective actions (including an additional \$45 to cover HOA administrative costs) will be invoiced to the property owner(s); and 4) a Due Process Hearing will be scheduled (see Due Process Hearing information below)

- **Other Violations subject to immediate corrective actions:** The following procedures will be used as a guideline to enforce "violations subject to immediate corrective actions":
 - Violation identified and documented by Association Manager and/or Board member
 - All BOD members and association management will be informed of the violation
 - Association Manager will notify registered property owner(s) via telephone of the violation and the requirement for immediate corrective actions and then follow that notification up with an official written notification to the registered owner(s) to document the violation
 - Association Manager will stress that immediate corrective actions are required -- normally within 48 hours except for violations that have been identified as "zero tolerance violations" (vehicles, trash & trash containers). See Zero Tolerance Violations section below.
 - If timely corrective actions are not accomplished, the Association Manager will use all tools available, including City of Norfolk assets, to facilitate corrective actions
 - After pursuing timely corrective actions for the initial violation, if property owner(s) continue to violate existing Bay Breeze Point HOA governing documents, policies and resolutions, Association Manager will notify the BOD immediately, the property owner(s) will reimburse HOA administrative costs related to enforcing second and/or subsequent violations (\$45) and a Due Process Hearing may be scheduled (see below).

Zero Tolerance Violations: "Zero Tolerance Violations" include: 1) placing trash on the curb or in the street before BBP and Norfolk guidelines allow (prior to 5pm the day before scheduled collection) and/or leaving trash containers out after trash pickup (after 11:30pm on the day of collection); 2) storing trash containers where they are in public view; and/or 3) parking commercial vehicles and/or RVs in violation of BBP and Norfolk Codes. The following procedures will be used to enforce "zero tolerance violations" subject to immediate corrective actions:

- Violation identified and documented by Association Manager and/or Board member
- All BOD members and association management will be informed of the violation

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- Association Manager will notify registered property owner(s) via telephone of the violation and the requirement for immediate corrective actions and the fact that the violation is a "zero tolerance violation" and a "due process hearing" may be scheduled. Association Manager will then follow the immediate notification up with an official written notification to the registered owner(s) to further document the violation and the potential scheduling of a "due process hearing"
- Association Manager will stress that immediate corrective actions are required
- If timely corrective actions are not accomplished, the Association Manager will use all tools available, including City of Norfolk assets, to facilitate corrective actions
- After pursuing timely corrective actions for the initial violation, if property owner(s) continue to violate existing Bay Breeze Point HOA governing documents, policies and resolutions, Association Manager will notify the BOD immediately, the property owner(s) will reimburse HOA administrative costs related to enforcing second and/or subsequent violations (\$45) and a Due Process Hearing may be scheduled (see below).
- If a Due Process Hearing is approved, the Association Manager will work with the BOD, as appropriate, to finalize and schedule a Due Process Hearing (see below).

Due Process Hearing

- If an owner has failed at least twice to correct violations requiring immediate action or has been found to violate a zero tolerance item, the Board of Directors may choose to hold a Due Process Hearing at its next regular monthly meeting, in accordance with the Virginia Property Owners Association Act § 55-513.C. In such case, the Association Manager will duly notify the property owners and follow the other procedures outlined in Bay Breeze Point *Policy Resolution 03-01, Due Process Procedures for Enforcement of Covenants and Rules*.
- At the Due Process Hearing, both the Board and the offending owner(s) will be given a chance to present their respective sides of the dispute. Owners may be represented by counsel, if they so choose.
- The Board of Directors will make a decision concerning the dispute after the Due Process Hearing, including the amount of any charges or fines to be assessed against the owner(s). Hearing results may be provided to the HOA legal counsel for legal review -- legal review charges will be assessed to the violator.
- Owner(s) shall be notified of the Board's decision ***within seven (7) days*** of the Due Process Hearing. See Bay Breeze Point *Policy Resolution 03-01, Due Process Procedures for Enforcement of Covenants and Rules* for additional details.

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- **Violations requiring time to correct:** Actions within this area include: storm/weather damages; and general repairs (wood damage, paint issues, fence/wall repairs, etc). The following procedures will be used as a guideline to enforce "violations requiring time to correct":
 - Violation identified and documented by Association Manager and/or Board members.
 - All BOD members and association management will be informed of the violation.
 - Association Manager will notify registered property owner(s) via telephone of the violation and the requirement for corrective actions and then follow that notification up with a written notification to the registered owner(s) to document the violation.
 - The property owner(s) will be given a maximum of sixty (60) calendar days from the date of the official violation notification letter to perform corrective actions.
 - The Association Manager, with BOD concurrence, will forward a formal letter ¹ to the property owner(s) identifying the required maintenance and/or repairs needed. This letter will inform the property owner(s) that the violation must be corrected within sixty (60) days from date of the letter. The formal letter should tell the property owner(s) that if they feel sixty (60) days is insufficient to accomplish the required repairs, the owner(s) can request a reasonable extension based on identified individual constraints.
 - During the process to restore the property to compliance, the Association Manager will keep the BOD informed of the owner's corrective actions progress.
 - Any failure to perform corrective actions will be noted, and a Due Process Hearing may be scheduled - see below.

Due Process Hearing

- If an owner has failed to take corrective actions within the approved time, the Board of Directors may choose to hold/preside over a Due Process Hearing at its next regular monthly meeting or depending on the violation, identify a Due Process Hearing Group to handle the violation in accordance with the Virginia Property Owners Association Act§ 55-513.C and approved HOA policy. In such case, the Association Manager will duly notify the property owners and follow the other procedures outlined in Bay Breeze Point *Policy Resolution 03-01, Due Process Procedures for Enforcement of Covenants and Rules*.

¹ Formal letter's delivery should be documented, e.g., certified mail, UPS, FedEx, regular USPS mail (considered delivered after three days), hand delivered, delivery service, etc.

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- At the Due Process Hearing, both the Board (or Due Process Hearing Group) and the offending owner(s) will be given a chance to present their respective sides of the dispute. Owners may be represented by counsel, if they so choose.
- If executed during a normal monthly meeting, the Board of Directors will make a decision concerning the dispute after the Due Process Hearing, including the amount of any charges or fines to be assessed against the owner(s). If executed by a Due Process Hearing Group, hearing results will be handled via approved HOA procedures (e.g. Bay Breeze Point Policy Resolution 03-01). Hearing results may be provided to the HOA legal counsel for legal review -- legal review charges will be assessed to the violator.
- Owner(s) shall be notified of the Board's decision ***within seven (7) days*** of the Due Process Hearing. See Bay Breeze Point *Policy Resolution 03-01, Due Process Procedures for Enforcement of Covenants and Rules* for additional details.

Association manager will ensure documentation of all violations and produce a spreadsheet for the BOD that depicts all violations and corrective actions taken including the date the violation was cleared.

The above updated procedures were discussed by the BOD and association management and then approved by the BOD on May 21, 2018. Procedures are effective immediately.

These revised Violation Enforcement Procedures supersede all earlier similar procedures, e.g., BBP HOA Violations Enforcement Procedures dated October 17, 2016 is rescinded by these updated procedures.

Jim Casey

**Jim Casey
President**