

Newington Community Association Assessment of Charges for Rule and Architectural Violations

Notification: The process involving rule architectural violations may begin with a complaint, observations of a community member, or normal Architectural walk-through inspection. Initially, a doorhanger and/or a letter may be given to a resident or homeowner notifying them of the violation(s).

The Newington Community Association (NCA) Board of Directors will notify the homeowner (and resident if it is rental property) in writing. The notice will identify the violation(s), cite the rule and authority, explain what must be done, state the charges that may be assessed for failure to comply, and describe the process for contesting the claimed violation(s).

Vote on Probable Cause: If the violation is not corrected by the requested date listed in the written notification, the Board of Directors will discuss the alleged violation, taking into consideration any response or appeal that may have been presented by the owner or resident, and the Board of Directors will vote on whether or not probable cause exists to assess charges.

Opportunity for a hearing: If the Board of Directors determines that probable cause does exist to assess charges, the owner shall be given an opportunity to be heard and to be represented by counsel before the Board of Directors. Notice of a hearing, including the charges or other sanctions that may be imposed, 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 at least 14 days prior to the hearing.

Board action and decision: After the hearing, the Board of Directors will consider all of the evidence and arguments presented and determine whether any charges shall be assessed, and any other action NCA will take in connection with the violation. The owner will be informed in writing of the Board of Directors' decision and will be given 10 days to begin efforts to comply, unless the violation endangers the health and safety of residents and guests. If the homeowner does not correct the violation(s) and/or refuses to pay the charges assessed, the matter will be turned over to the NCA attorney who may take action, including but not limited to, filing a lien against the property.

Amount of assessed charges: In accordance with the Commonwealth of Virginia's Property Owners' Association Act, the amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed fifty dollars for a single offense or ten dollars per day for any offense of a continuing nature and shall be treated as an assessment against the member's lot for the purposes of 55-516. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding ninety days. After the date a lawsuit is filed challenging any such charges, no additional charges shall accrue. If the court rules in favor of the association, it shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to this section against the lot owner prior to the action.

The above is in accordance with the [Commonwealth of Virginia's Property Owners' Association Act](#).

Community Association was incorporated in January 1972 to "promote the interests of the owners of properties" in the Newington family of communities. The properties involved are 524 townhouses and 85 single family homes located in Springfield, Virginia, Co