

**Wooded Glen Section I HOA, Inc.**  
c/o PMI Prince William  
4893 Prince William Pkwy., Ste 102  
Woodbridge, VA 22192  
P (703) 221-5405  
info@pmiprincewilliam.com

**Due Process Resolution**

February 25, 2022

Wooded Glen Section I HOA  
c/o PMI Prince William  
4893 Prince William Pkwy., Ste 102  
Woodbridge, VA 22192

Dear Owner(s):

We are writing on behalf of the board of directors representing Wooded Glen Section I HOA to provide the recently adopted Due Process Procedures Resolution 2022 - 01.

Please familiarize yourself with this document and retain it with your other Association documents for future reference.

Please feel free to reach out to our office with any questions.

Sincerely,  
PMI Prince William  
On behalf of the Board of Directors

Enc: Due Process Procedures Resolution 2022 - 01

# WOODED GLEN, SECTION 1 HOMEOWNERS' ASSOCIATION, INC.

## RESOLUTION NO. 2022 - 01

### *Due Process Procedures*

**WHEREAS**, Section 4.08 of the Bylaws of Wooded Glen, Section 1 Homeowners Association, Inc. ("By-Laws") provides the Board of Directors ("Board") of Wooded Glen, Section 1 Homeowners Association, Inc. ("Association") shall have all the powers, duties and authority vested in or given to the Association or the Board of Directors by the Declaration, the Articles of Incorporation or these Bylaws or by any Resolution of the Members that hereafter may be adopted in accordance with the provisions of these Bylaws;

**WHEREAS**, Section 4.03 of the Declaration for Wooded Glen, Section 1 ("Declaration") establishes authority of the Association to adopt, promulgate, amend and repeal Rules and Regulations consistent with the provisions of the Declaration and the Bylaws governing operation and use and enjoyment of the Common Areas and establishing penalties for infractions of the Rules and Regulations;

**WHEREAS**, Section 55.1-1819 of the Virginia Property Owners' Association Act ("Act") authorizes the Board to establish, adopt, and enforce rules and regulations with respect to the use of the Common Areas and such other areas of responsibility assigned to the Association by the Declaration;

**WHEREAS**, Section 55.1-1819 of the Act establishes certain requirements for due process procedures that must be met prior to initiation of enforcement action;

**WHEREAS**, for the benefit and protection of the Association and its Members, the Board deems it necessary and desirable to establish a procedure to assure due process in cases where there is a question of compliance by a Member or occupants of Lots with provisions of the Act and the Association's Governing Documents (including the Declaration, By-Laws, Articles of Incorporation and the Rules and Regulations), thereby attempting to minimize the necessity of seeking action in or through a court of law; and

**WHEREAS**, it is the intent of the Board to establish procedures where action must be taken relative to questions of compliance by an individual with the provisions of the Act or the Governing Documents.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby adopts the following Due Process Procedures.

**ARTICLE 1**  
**NON-COMPLIANCE WITH THE GOVERNING DOCUMENTS**

**Section 1.1 Informal Requests**

Any owner, officer or director of the Association has authority to request that a lot owner, resident, tenant or occupant (collectively “Respondent”) cease or correct any act or omission which appears to be in violation of the Act or the governing documents or Association rules and regulations. Such informal requests should be made before formal Due Process Procedures are initiated.

**Section 1.2 Complaints**

A. Formal Complaint. If an informal request proves unsuccessful, the Due Process Procedure may be initiated upon the filing of a complaint (“Complaint”) by a owner, occupant, managing agent or employee with the Association Management or the Board. A Complaint must be made in writing and should be substantially in the form of Exhibit A to the Resolution.

B. Contents of Complaint. The Complaint shall identify the specific provisions of the Act, governing documents or rules and regulations that the Respondent is alleged to have violated and shall contain basic supporting facts. Where possible and appropriate, supporting documentation showing the date and a description of the violation shall be provided. The Complaint must be as specific as possible as to times, dates, places, acts or omissions and persons involved.

C. Disputes between Owners. The Association will generally not become involved in disputes between owners and occupants regarding activities on a lot unless two or more owners complain.

D. Confirmation. Upon receipt of a Complaint, a member of the Board or Association Management will inspect the lot, or otherwise make inquiry to determine whether the Complaint accurately identifies a violation of the governing documents or Association rules and regulations.

E. Non-Continuing Violation. If the Complaint alleges a violation of a non-continuing nature that cannot be readily confirmed, the Board will take no action unless the violation is independently reported at least twice.

F. Corrected Violation or Invalid Complaint. If the violation has been corrected or the Complaint is invalid for any reason, the Board or Association Management will respond in writing to the Complainant.

**Section 1.3 Notice of Violation and Opportunity to Cure**

A. Notice. If the Complaint identifies a violation of the governing documents or Association rules and regulations, the Board will notify the Respondent in writing that a violation has been noted (“Notice of Violation”).

B. Contents of Notice. The Notice of Violation will include the time, date, place and nature of the violation, a reasonable opportunity to cure the alleged violation, and the proposed action that may be taken if the violation is not cured. The Notice of Violation should be substantially in the form attached hereto as Exhibit B, offering the owner the opportunity to take corrective action and specifying the time period for corrective action to be taken.

C. Delivery of Notice. The Notice of Violation shall be sent by first class mail or shall be hand-delivered to the lot owner at the address which the lot owner has provided to the Association or at the address, if no other address has been provided.

#### **Section 1.4 Notice of Hearing**

A. Notice. If a violation is not remedied within the time period specified in the Notice of Violation, a hearing shall be scheduled at least 14 days or more from the end of the designated correction period.

B. Delivery of Notice. The Board shall provide notice of the time, date and place of the hearing to all parties at least 14 days prior to the date of the hearing by hand-delivery or registered or certified mail, return receipt requested (“Notice of Hearing”).

C. Contents of Notice. The Notice of Hearing shall be sent to the Respondent at the address appearing on the books of the Association. The Notice of Hearing may be substantially in the form attached hereto as Exhibit C and shall include a description of sanctions that may be imposed. A copy of the Notice of Violation shall be provided along with the Notice of Hearing.

#### **Section 1.5 Hearing**

A. Hearing Details. A hearing shall be held prior to any enforcement action being initiated against the Respondent.

B. Legal Counsel. Association legal counsel may attend the hearing at the request of the Board. The Respondent may, but is not required to, be represented by counsel at the hearing.

C. Procedures. The Board may determine the manner in which the hearing will be conducted, so long as the rights set forth in this Resolution are protected. The hearing need not be conducted according to technical rules relating to evidence and witnesses. At the request of either the Complainant or the Respondent, the Board may agree to conduct the hearing in closed session.

D. Attendance. Neither the Complainant nor the Respondent need be in attendance to conduct the hearing. If the Respondent does not appear at the hearing and has not requested an alternate date for the hearing, the hearing shall proceed in the Respondent’s absence.

E. Rescheduling. The Board may reschedule any hearing within its discretion upon good cause shown by any party. Notice of the rescheduled hearing date will be provided to the Respondent at the Respondent’s address of record by certified mail.

F. Statement. During the hearing, the Respondent may make a statement to the Board in response to the Complaint.

**Section 1.6 Decisions/Notice of Hearing Result**

A. Deliberation. Following the hearing, the Board may deliberate in closed session and shall determine whether the information provided is sufficient to confirm the alleged violation. The Board may determine appropriate action to be taken to prompt correction of the violation and achieve compliance with the governing documents. All decisions shall be made by majority vote, in open session.

B. Notice. Within seven days of the hearing, a Notice of Hearing Result shall be mailed by registered or certified mail, return receipt requested or hand-delivered to the Respondent summarizing any decision made by the Board at the hearing.

**Section 1.7 Records**

Copies of all correspondence related to the due process procedures shall be maintained in the file.

**ARTICLE 2  
TENANTS**

If the person charged with a violation of the Act, governing documents or Association rules and regulations is a tenant or occupant, the owner of the lot in which the tenant or occupant resides shall be considered the Respondent and, as a party to the action, shall receive certified copies of all correspondence or other documents sent to the tenant or occupant pursuant to this Resolution. The owner shall have all rights provided in Article 1.

**ARTICLE 3  
SANCTIONS**

The Board may take the following enforcement actions, among others:

- (1) Enter the lot as to which, such violation or breach exists and summarily to abate and remove, at the expense of the defaulting owner, any structure, thing or condition that may exist therein contrary to the intent and meaning of the provisions of the governing documents (and the Board shall not be deemed guilty of trespass);
- (2) Authorize Association legal counsel to file legal action for damages or injunctive relief in general district court or circuit court; or
- (3) Refer the matter to appropriate Fairfax County or government authorities.

**ARTICLE 4**  
**PROCEDURES SPECIFIC TO SELF-HELP**

**Section 4.1 Initiating Self-Help**

A. If the Respondent fails to correct the violation and the violation threatens another lot or the common area, the Board may enter the lot to abate the violation as permitted by Section 55.1-1819.F of the Act.

B. Before entering the lot, the Board or its designee shall give reasonable notice of the intent to enter the lot to correct the violation, and to charge all costs of self-help and correcting the violation to the lot owner. In the event of an emergency, notice requirements are waived and entry may be made immediately.

**Section 4.2 Legal Action**

A. If the Respondent objects or bars entry to the lot, the Board may seek injunctive relief or entry of a court order from the Fairfax County General District or Circuit Court allowing entry into the lot for abatement of the violation.

B. If the Board secures a court order allowing entry into the lot for abatement of the violation, the Board or its designee shall give at least 10 days' notice of its intent to enter the lot to correct the violation and to charge all costs of self-help and correcting the violation to the lot owner.

**ARTICLE 5**  
**CONSTRUCTION**

**Section 5.1 Proceedings**

This Resolution is intended to assure that due process is provided to members and occupants in proceedings before the Board to enforce the Act, the governing documents and Association rules and regulations and to serve as guidelines for such proceedings.

**Section 5.2 Implementation**

The Board may determine the specific manner in which the provisions of this Resolution are to be implemented, provided that due process is ensured.

**Section 5.3 Severability**

Any inadvertent omission or failure to conduct proceedings in exact conformity with this Resolution shall not invalidate the results of such proceedings, so long as a prudent and reasonable attempt has been made to assure due process according to the general steps set forth in the Resolution.

#### **Section 5.4 Emergency Circumstances**

The procedures set forth herein do not preclude the Association from taking accelerated measures if a violation creates an emergency circumstance, including, but not limited to, manifest danger to life or property, or immediately necessary for the preservation and safety of the Association or residents, provided that the member in violation has been provided such adequate notice as circumstances permit, and the Association's actions are consistent with the governing documents.

#### **Section 5.5 Due Process Defined**

“Due Process” as used in this Resolution refers to the following basic rights:

- (1) Notice;
- (2) Opportunity to cure or take corrective action;
- (3) Opportunity to be heard; and
- (4) Fairness.

#205929

**WOODED GLEN, SECTION 1 HOMEOWNERS' ASSOCIATION, INC.**

RESOLUTIONS ACTION RECORDED

Resolution Type: Policy No. 2022 -01

Pertaining to: Due Process Procedures

Duly adopted at a meeting of the Board of Directors held: February 23, 2022

Motion by: Jonathan Gressel Seconded by: Lonny Bradley

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Jonathan Gressel</u> President	<u>X</u>			
<u>Lonny Bradley</u> Vice President	<u>X</u>			
<u>Allison Ritman</u> Secretary	<u>X</u>			
<u>Margaret Hoeffler</u> Treasurer	<u>X</u>			
<u>Erin Percy</u> Director	<u>X</u>			

ATTEST:

Allison Ritman  
Secretary

02 / 24 / 2022  
Date

Resolution effective: February 24, 2022.

**WOODED GLEN, SECTION 1 HOMEOWNERS' ASSOCIATION, INC.**

**RECORD OF COMPLAINT**

Date: \_\_\_\_\_

1. Name of person(s) involved in alleged violation: \_\_\_\_\_
2. Address of person(s) involved in alleged violation: \_\_\_\_\_
3. Is the person(s) charged with violation a tenant or owner? \_\_\_\_\_
4. Describe in detail how and where the violation occurred: \_\_\_\_\_  
\_\_\_\_\_
5. Describe in detail the provision of the governing documents or rules violated:  
\_\_\_\_\_  
\_\_\_\_\_
6. When did the violation(s) occur? \_\_\_\_\_
7. Have you personally requested the owner or tenant to cease the violation?  
 Yes    No    Verbally    Written Request.  
When? \_\_\_\_\_
8. Name and address of person(s) filing the Complaint: \_\_\_\_\_
9. Signature(s) \_\_\_\_\_

Use additional sheets of paper if necessary and include additional documentation, if appropriate.

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**FOR ASSOCIATION USE ONLY**

10. Owner: \_\_\_\_\_ Tenant: \_\_\_\_\_
11. Provision(s) of governing documents violated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. Registered name(s) of owner(s): \_\_\_\_\_
13. Owner's address if non-resident: \_\_\_\_\_
14. Registered names(s) of tenant(s): \_\_\_\_\_

15. Comment: \_\_\_\_\_

16. Date Notice of Violation sent to owner: \_\_\_\_\_

17. Referred to Board on \_\_\_\_\_, 20\_\_\_\_\_

18. Date Notice of Hearing sent: \_\_\_\_\_

cc: Owner File

**WOODED GLEN, SECTION 1 HOMEOWNERS' ASSOCIATION, INC.**

[Date]

**VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED &  
FIRST CLASS MAIL**

(Owner) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Notice of Violation

Dear (Owner/ Resident):

Pursuant to the Due Process Resolution of the Wooded Glen, Section 1 Homeowners' Association, Inc. ("Association"), this is to serve as notification that according to information provided to the Association, a condition or behavior on your lot or on the Common Area of the Association has been noted as a violation of:

\_\_\_\_\_  
\_\_\_\_\_

The specific action/condition has been described as follows:

\_\_\_\_\_  
\_\_\_\_\_

Before proceeding forward under the Due Process Procedure, we encourage you to address this condition. Please take action within \_\_\_\_\_ days/week(s)/month(s) from the date of this letter to correct all above noted conditions. If you need more time, you may request additional time by notifying the Board in writing as to when the condition will be corrected. Please advise the Board of the action you have taken to address this matter. If you fail to take corrective action, the matter will be scheduled for a hearing before the Board, and the following actions may be taken, among others:

- (1) Suspension of the owner's right to use the Common Area and recreational facilities for a period not to exceed sixty days;
- (2) Entry onto the Lot on which, or as to which, such violation or breach exists and summarily to abate and remove, at the expense of the defaulting owner, any structure, thing or condition that may exist therein contrary to the intent and meaning of the provisions of the governing documents (and the Board shall not be deemed guilty of trespass);
- (3) Authorize Association legal counsel to file legal action for damages or injunctive relief in general district court or circuit court; or
- (4) Refer the matter to appropriate Fairfax County or government authorities.

Thank you for your prompt attention to this matter and your cooperation. If you have questions, please contact \_\_\_\_\_ at \_\_\_\_\_.

Sincerely,

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cc: Owner file

**WOODED GLEN, SECTION 1 HOMEOWNERS' ASSOCIATION, INC.**

[Date]

**VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED &  
FIRST CLASS MAIL**

(Owner) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Notice of Hearing

Dear (Owner/ Resident):

Pursuant to the Due Process Resolution of the Wooded Glen, Section 1 Homeowners' Association, Inc. ("Association"), this is to serve as notification that according to information provided to the Association, you are in violation of the following:

- 
- 
- 

A Notice of Violation was previously provided to you by letter dated \_\_\_\_\_, 20\_\_\_. A copy of the letter is enclosed for your reference. The specific allegations are also set forth in the enclosed Complaint.

You are hereby notified that a hearing will be held before the Board at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_.m., to address the violations noted above. You may be present at the hearing and may be represented by counsel, and you may present any relevant information including witnesses concerning the violation. You will be given a full opportunity to ask questions of any witnesses.

Please confirm your attendance by calling \_\_\_\_\_ at \_\_\_\_\_ or if you have a reason why you cannot attend the hearing on the scheduled date, so that an alternative date may be scheduled.

If no response is received from you, or if you confirm attendance but fail to attend the hearing, the hearing will proceed in your absence.

If you are found in violation of the allegations set forth in the Notice of Violation, the Board has authority to take the following enforcement actions:

- (1) Suspension of the right to use Common Area and recreational facilities;
- (2) Entry into the lot on which, or as to which, such violation or breach exists and summarily to abate and remove, at the expense of the defaulting owner, any structure, thing or condition that may exist therein contrary to the intent and meaning of the provisions of the governing documents (and the Board shall not be deemed guilty of trespass);
- (3) Authorize Association legal counsel to file legal action for damages or injunctive relief in general district court or circuit court; or
- (4) Refer the matter to appropriate Fairfax County or government authorities.

If you have any questions or wish to communicate with the Board regarding this matter, please call \_\_\_\_\_ at \_\_\_\_\_.

Sincerely,

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cc: Owner File