

**Waterside Homeowner's Association of Bedford County, Inc.**  
**Enforcement Procedures**  
**Resolution approved by the Board of Directors on January 23, 2023**

### **Background and Rationale for HOA Enforcement**

The Waterside governing documents include the Articles of Incorporation, the Declaration of Covenants, Conditions and Restrictions (CCRs) including three amendments, and the Bylaws. The Waterside CCRs were first recorded in Bedford County on July 22, 2005. Waterside was incorporated on May 1, 2007.

The Waterside CCRs were initially created by the Developer and are in place to maintain property values and preserve the character of the community. In 2022, a majority of the Waterside Lot Owners approved a third amendment to the Waterside CCRs, including updated language on enforcement.

The Waterside Board believes it is important to create an environment of respect and trust within the community. As Lot Owners, we have a legal obligation to adhere to the CCRs for our community; as a Board, we have a legal obligation to enforce the CCRs in a fair and uniform manner – adherence to and fair and consistent enforcement paves the way for a healthy community.

Finally, the HOA Board has a duty to follow federal and state laws and protect the association against lawsuits. Lax or inconsistent enforcement can create a litigation risk for the association. These procedures are aligned with the Waterside CCRs Article V Section 1 "Enforcement" and the Virginia Property Owners' Association Act, Code of VA § 55.1-1819, "Adoption and enforcement of rules".

### **Ensuring Community access to Waterside Governing Documents**

Everyone in the community should have access to and be familiar with the Waterside governing documents. The HOA Board and Townside Property Management work together to ensure easy access and to provide reminders for more common violations. We understand that most violations are unintentional and will work with the community to try to prevent violations to avoid additional frustration and cost for Lot Owners.

- **At the time of Lot purchase**, the Waterside governing documents are included in the closing. The seller/selling agent is required to inform the buyer that the Lot is in an HOA and to obtain a disclosure packet with updated financials and governing documents from Townside Property Management at (540) 750-6506 or kathy@townside.com. The closing agent is responsible for collecting any fees for the HOA.
- **On an ongoing basis**, the Waterside governing documents are available to the public on the Waterside Website at <http://www.watersidesml.com/> and to Lot Owners on the Townside Property Management website at <https://www.townside.com/>. Lot Owners can register to gain access by contacting Townside at (540) 750-6506 or kathy@townside.com.
- **Regular reminders** will also be shared at HOA meetings, via community wide emails, and included in Architectural Review documents/communications regarding the most common violations to avoid confusion and help members maintain compliance.
- **Upon request** – HOA members and/or perspective buyers can request access to the Waterside governing documents by sending an email to [info.watersidesml@gmail.com](mailto:info.watersidesml@gmail.com) or contacting Townside Property Management at (540) 750-6506 or kathy@townside.com.

## Identifying Violations within the Waterside Community

- Any **HOA member** may raise potential violations or concerns to the HOA Board at any time via email at [info.watersidesml@gmail.com](mailto:info.watersidesml@gmail.com).
- The **HOA Board and/or Townside Property Management** will conduct community walk throughs (on public property only) as needed – we hope to address violations as early as possible to minimize frustration for the Lot Owner and community.
- The **Architectural Review Committee** may raise potential violations to the HOA Board as a normal course of their business.
- All potential violations will be confirmed, recorded, reviewed and actioned by the HOA Board in accordance with the HOA governing documents, HOA laws, and these procedures.

## Addressing Violations

Before any action is taken, the Lot Owner shall be given a reasonable opportunity to correct the alleged violation after written notice of the alleged violation to the Lot Owner at their address of record. If the violation remains uncorrected, the member shall be given an opportunity to be heard before the HOA Board.

- **Notice of Violation** – A notice of violation may be sent by U.S. mail and/or email to inform a Lot Owner that their property violates a particular covenant, condition or restriction and offer suggestions for resolving the matter.

Most notifications would also include a reasonable time frame for the HOA to expect the issue to be resolved. Evidence of the violation may also be provided. The notice may also include a copy of or link to these procedures.

- **Notice of Opportunity to be Heard** – if the violation is not resolved within the time frame provided, a notice of opportunity to be heard may be sent.

The notice would typically repeat the content from the prior notification, include actions that may be taken by the association if the issue is not resolved, and ask the Lot Owner if they would like to request a hearing with the Board. The Lot Owner has 10 days from the date of the notice to request the hearing by contacting the Board at [info.watersidesml@gmail.com](mailto:info.watersidesml@gmail.com).

The notice will be mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association.

- **Notice of Hearing** – if the Lot Owner has requested a hearing, a notice of hearing will be sent. The notice would typically repeat the information in the prior notice and include a hearing date and time set by the Board. The hearing may be in person or virtual.

The notice will be mailed by registered or certified mail, return receipt requested, to the Lot Owner at the address of record with the association at least 14 days prior to the hearing. The Lot Owner can request postponement once. If the Lot Owner fails to attend the hearing, the opportunity was still provided.

Within seven days after the date of the hearing, the hearing result shall be mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association unless both parties agree to waive the 7 days.

- **Notice of Penalty Assessment or Corrective Action Taken** – if the violation still stands following the opportunity for a hearing, the Board may assess a penalty or take legal action consistent with the governing documents and HOA laws.

Notice shall be mailed by registered or certified mail, return receipt requested, to the member at the address of record with the association.

Action taken may depend on the magnitude of the violation. As outlined in Article V Section 1 of the Waterside CCRs, the enforcement actions may include:

- **Violation charges** not to exceed \$50 for a single offense or \$10 per day for an offense of a continuing nature, or such amounts as the law may provide, and shall be treated as an assessment against the members Lot. (Note that VA law presently limits the ongoing offense to 90 days).
- The HOA Board may file **legal action** in general district or circuit court that seeks relief, including injunctive relief arising from any violation of the declaration or duly adopted rules and regulations; if the court rules in favor of the association, the association is entitled to recover all legal fees and costs incurred – The association is NOT required to complete the above notification process before filing legal action if the violation is deemed egregious and needs to be addressed immediately.
- **Recording a Lien** on any members Lot for unpaid assessments levied against the Lot until all violation charges and/or incurred costs are paid

### **Access to and Questions Regarding these Procedures**

This document is available to Waterside community members and the public on the Waterside website at <http://www.watersidesml.com/>. Please contact the Waterside HOA Board at [info.watersidesml@gmail.com](mailto:info.watersidesml@gmail.com) if you have any questions regarding these procedures.