

PROCESS FOR COVENANT ENFORCEMENT:

A. Four types of reviews:

1. Property inspection
 - a. proactive – approximately 30 day pre-notification for 360 inspection (26 in 2011) and periodic unannounced inspections performed at least quarterly
 - b. reactive – respond to concern
2. ARB Approvals
 - a. follow-up at 6 months for compliance
3. Disclosures (159 in 2011)
 - a. follow-up on sale of property for corrective action, if necessary
4. Tree removal
 - a. trees 6” or greater in diameter at a height of two feet must be approved

B. Procedure – Covers reactive and proactive reviews

1. No violation – Case closed
2. Violation exists; notify resident with friendly reminder or violation notice
3. Re-inspection of property shows:
 - a. violation corrected – case closed, or
 - b. violation(s) remains
 - issue 2nd notice with new time frame, or
 - refer to hearing panel (HP)
4. Re-inspect property
 - a. violation corrected – case closed
 - b. violation(s) remains; refer to HP
5. Hearing Panel Preparation
 - a. certified letter with violations outlined and potential charges to be levied is sent to homeowner at least 14 days prior to HP date. Advise homeowner they can be represented by counsel
 - b. staff revisits property and prepares case for HP if violation still exists
6. Hearing Panel Referral/Action
 - a. if violation exists, time frame is set for corrective action
 - b. charges to be assessed if violation continues beyond deadline
 - 1a. charges: \$3 to \$10/day depending on severity or \$50/occurrence for on again – off again violations.
 - 2b. maximum of \$900 or 90 days to assess charges as per Virginia Property Owners Association (VaPOA)
 - 3c. assessed charges are retroactive to HP meeting date

7. Post Hearing Panel Activity

- a. staff re-inspects for compliance
 - 1a. violation(s) corrected – case closed
 - 2b. violation(s) remains, deadline passed
 - 3c. violation(s) remains end of 90 day assessment period
 - 4d. Community Manager determines options:
collections, attorney (General District Court), or litigation attorney for injunction relief (Circuit Court); BCA Self Help (See important links page: Other: Self Help Policy 2012)

8. Staff Activity for Post Attorney Referral Activity

- a. provide attorney(s) with all relevant documentation
- b. conduct periodic site visits to determine status of violation(s)
- c. attend all court hearings
- d. provide Community Manager with monthly updates of court cases
- e. seek board approval for self help properties that qualify

Most Frequently Noted Incidents by the Standards Department:

See important links page: Residential Design Standards for guidelines for covenant compliance

Install new style mailboxes

Store or remove items

Screen trashcans; HVAC; propane tank

Yard maintenance; trash, litter

Driveway (gravel driveways require well defined edge; additional gravel; removal of weeds; in need of repair or paving)

Siding/trim paint

Mold

Rotted wood

Children's toys/Play equipment

Trailer/water craft

Parking (cars parked in yard or unauthorized area)

Unapproved change

Unapproved Structure – i.e. shed

Open space violation

Paint/replace mailbox

Unregistered/inoperative vehicle – must have up to date tags and registration

Basketball goal

IMPORTANT SITES

Code of Virginia; Title 55 Property and Conveyances.

Chapter 26 – Property Owners’ Association Act

<http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+TOC5500000>

Brandermill Community Association website

www.brandermill.com

DOCUMENTS & FORMS

The following are available at www.brandermill.com under “Documents & Forms.”

Architectural Review

- Application for Home Improvement Approval

- Application for Exterior Color and/or Roof Approval

- Application for Fence Approval

- Application for Vinyl Siding Approval

- Residential Design Standards

Shoreline Buffer Policy Documents

Organizational Documents

- Brandermill Bylaws

- Brandermill Covenants

Other

- Self-Help Policy 2012

- Disclosure Request Form

- Future of Brandermill Pools Presentation