

1 THE MAJESTIC CONDOMINIUM UNIT OWNERS ASSOCIATION
Resolution No. 20071211-3b

Complaint and Due Process Procedures

WHEREAS, Section 5.1 of the Bylaws of The Majestic Condominium Unit Owners Association (hereinafter the "Association") grants and assigns the Board of Directors the power and duty to provide for the operation, care, upkeep, replacement and maintenance of all of the Common Elements; and

WHEREAS, Section 42-1903.08(a)(1) of the DC Condominium Act ("Act"), Section 5.1(5) of the Bylaws, grant the Board of Directors the power to adopt rules and regulations governing the use, enjoyment and operation of the Condominium and Common Elements; and

WHEREAS, Section 14 of the Declaration, and Section 9.2 of the Bylaws require that all Unit Owners and their tenants and occupants of Units shall be subject to and shall comply with the provisions of the Declaration, Bylaws ("Condominium Instruments"), and rules and regulations as they may be amended from time to time; and

WHEREAS, Section 5.1(13) of the Bylaws, and Section 42-1903.08(a)(11) of the Act provides the Association through its Board of Directors with the power to assess charges against Unit Owners for violations of the Condominium Instruments and the rules and regulations, for which the Unit Owner or his family members, tenants, guests or other invitees are responsible; and

WHEREAS, Section 42-1903.08(a)(11) of the Act further provides that certain procedures must be followed before such charges may be assessed; and

WHEREAS, it is the intent of the Board of Directors to enforce the Condominium Instruments for the benefit and protection of the Association's Unit Owners and residents by establishing procedures which ensure due process and consistency of enforcement.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors by the Act, the Condominium Instruments and this Resolution is hereby empowered to assess charges and shall assess such charges for any violation of the Condominium Instruments or rules only after the following procedures have been followed:

I. Complaint.

A. Any Unit Owner, tenant, managing agent, employee or Board member who requests that the Board take action to enforce the Condominium Instruments and Rules shall complete, date and sign a Complaint in a form similar to and containing the information contained on Exhibit "A" hereto.

B. The Complaint shall be submitted to the Managing Agent or other person designated by the Board for a determination as to whether it appears that a rule or provision of the Condominium Instruments allegedly has been violated.

C. The Managing Agent shall then submit the Complaint to the Board for appropriate action, such as directing that a demand letter be sent or that it be referred to counsel or government authorities.

II. Notice of Violation.

A. If determined appropriate, a written notice of violation which may be in a form similar to Exhibit "B" hereto shall be sent by first class mail or shall be hand-delivered to the Unit Owner at the address which the owner has provided the Association or at the unit address if no other address has been provided. A copy may be sent to the tenant if there is a tenant.

B. The notice of violation shall specify the alleged violation, the action required to abate the violation and a date usually not less than ten (10) days after the date of the notice of violation by which the alleged violation must be remedied. Provided, however, when the violation may constitute a health, safety or fire hazard, demand may be made to remedy the violation within twenty-four (24) hours or such other time frame the Board deems appropriate. Any such grace period for abatement may be adjusted by the Board as circumstances require. If the violation is of a nature that it cannot be abated, the letter may state, in the Board's discretion, that charges will be assessed either for this violation or for future similar violations.

C. The notice of violation shall state that if the violation is not remedied, the alleged violator must request in writing a hearing before the Board to avoid imposition of charges. The letter shall also state that if no hearing is requested, the owner will be deemed to have waived the opportunity for a hearing and rules violation charges may be assessed. The notice of violation may be combined with the notice of hearing referenced in Section III if of a serious nature or if previous notices of violation have been sent to the owner.

D. If a violation is abated within the grace period, but the same or similar violation is repeated within twelve (12) months of the first demand letter, the violation charge assessment process will begin without a grace period.

III. Notice of Hearing.

A. If the alleged violation is not remedied within the date or time specified in the notice of violation referenced in Section II and the owner requests a hearing or if the Board determines a hearing is necessary, a notice of hearing shall be sent. Notice of a hearing shall be hand-delivered or mailed by registered or certified United States mail, return receipt requested, at least fourteen (14) days in advance thereof, or within such other time as may be required by the Act, to the Unit Owner at the address which the Unit Owner is required to provide to the Association. Service by mailing shall be deemed effective two (2) days after the notice has been mailed in a regular depository of the United States mail. The notice of violation referenced in Section II.B. may be combined with the notice of hearing.

B. The notice of hearing may be similar to Exhibit "C" attached hereto and shall specify:

1) The time, date and place of the hearing.

2) That the Unit Owner and tenant, if applicable, shall be given an opportunity to be heard and to be represented by counsel before the Board.

3) The alleged violation, citing provisions of the Condominium Instruments or rules which allegedly have been violated.

4) That charges for violation of the Condominium Instruments and Rules may include assessment of up to Twenty-Five Dollars (\$25.00) for any single offense or Twenty-Five Dollars (\$25.00) per day for any offense of a continuing nature or such greater amounts as may be authorized by the Condominium Instruments or the Act.

IV. Hearing.

A. The hearing shall be scheduled at a reasonable and convenient time and place at the Board's discretion.

B. The Board, within its discretion, may grant a continuance. If the Unit Owner for which the hearing is scheduled requests a continuance to a different time or date, no further notice shall be required.

C. The hearing need not be conducted according to technical rules of evidence applied in a court of law. The hearing shall provide the alleged violator with an opportunity to be heard and to be represented by counsel.

D. The Managing Agent, Unit Owner, any person lodging a complaint, and members of the hearing panel shall have the right (1) to call, examine, and cross-examine witnesses, (2) to introduce testimony and evidence, and (3) to rebut testimony and evidence, all within reasonable time limits imposed by the Board of Directors.

E. The hearing shall be conducted in private unless the alleged violator requests that the hearing be open to owners and residents and further provided that the chairman of the hearing body may impose a reasonable limit on the number of such persons who can be accommodated in the hearing room. During the course of any hearing held, the Board, within its discretion, may afford those residents involved with the dispute or violation an opportunity to be heard within reasonable time limits.

F. After proper notice has been given, if the Unit Owner fails to appear at the hearing or if no hearing is requested, the hearing or meeting may continue as scheduled and the Board may assess charges as indicated in Exhibit "D" hereto from the final compliance date of the letter or take such other action as may be authorized by the Condominium Instruments or by law.

G. If the alleged violator acknowledges responsibility for the violation charged, or does not wish to contest the alleged charge, the Board may, in its discretion, dispense with a hearing after having afforded the alleged violator with an opportunity for a hearing.

H. Within thirty (30) days of the hearing, the Board shall notify the alleged violator of its decision, the assessment of any charges and the date which those assessments shall accrue from and be due, which shall not be earlier than the date given in the notice of violation by which the violation must cease.

V. Records.

The Board or the Management Agent shall keep copies of all correspondence relating to rules violations in the Unit Owner's file or in a separate file on rules violations. Minutes of each hearing or meeting shall be kept and a form similar to that attached hereto as Exhibit "E" shall be completed and placed in the Unit Owner's file and appropriate Association files.

VI. Assessment of Charges.

Any charges assessed for violation of rules after notice and hearing shall be reasonably related to the severity of the violation and shall be treated as an assessment against such Unit Owner's unit for which the Association shall have a lien against the unit pursuant to Section 42-1903.13 of the Act. Such amounts also shall be the personal obligation of the owner, and where applicable, the tenant(s).

VII. Other Remedies.

This resolution shall not be deemed to require a hearing prior to assessment of rules violation charges if a hearing is not requested or to prevent the Association from exercising any other remedies authorized or available under the Act, the Condominium Instruments or by law and shall not constitute an election of remedies.

Exhibit "A" to
Resolution 2007.11.13-3
Complaint and Due Process Procedures
The Majestic Condominium Unit Owners Association

Rules Violation Complaint

Date: _____

1. Name of person(s) violating rules: _____

2. Unit # of person(s) violating rules:

3. Are the person(s) named in question 1 tenants or owners?

4. Describe in detail how and where the rules were violated:

5. When did the violation(s) occur? _____

6. Have you personally requested the Unit Owner or tenant to cease the rules violation?

Yes No (circle one).

If yes, describe your request (please state whether your request was made verbally or in writing, and state when was it made):

7. Name and unit number of person(s) making complaint:

8. Signature(s) _____

FOR ASSOCIATION USE ONLY

9. Owner: _____ Tenant: _____

10. Provision(s) of Condominium Instruments or Rule(s) violated:

11. Registered Name(s) of Unit Owner(s): _____

12. Owner's address if non-resident: _____

13. Registered name(s) of tenant(s): _____

14. Comment: _____

15. Date notice of violation sent to Unit Owner: _____

16. Owner/Tenant does/ does not (circle one) request a hearing.

Date request received: _____

17. Referred to Board on _____, 20__.

18. Date notice of hearing sent: _____

cc: Unit Owner File (optional record may be closed)
Rules Violation File

EXHIBIT "B" to
Resolution 2007.11.13-3
Complaint and Due Process Procedures
NOTICE OF VIOLATION AND DEMAND TO CEASE AND CORRECT

[Date]

[Owner's address]

RE: Cease and correct

Dear :

You are hereby notified that a complaint has been made against you (or your tenants) for the alleged violation of the following rules and regulations of the Condominium:

You are requested to immediately cease and correct any of the above violations within ten (10) days from the date of this letter. If you wish to contest the alleged violation and avoid imposition of charges you must request a hearing before the Board of Directors in writing within ten (10) days from the date of this letter. If you request a hearing, complete the bottom portion of this letter and return a copy. The Board of Directors or its agent will send you a certified return receipt notice stating the hearing time and place. Alternatively, if you elect to cease and correct the violation within ten (10) days, please send a copy of this letter to the Board of Directors in care of the Management Agent noting that the violation has been stopped or corrected. If you fail to respond to this letter and the violation persists, you may be assessed rules violation charges of up to Twenty-Five Dollars (\$25.00) per day for a continuing violation or up to Twenty-Five Dollars (\$25.00) for each single violation without further notice.

Sincerely,

[Board Member, Manager or authorized agent]

cc: Unit owner file (Tenant)

Return to: _____

Name: _____ Unit # _____

I hereby request a hearing before the Board to contest the violation.

I have ceased and/or corrected the violation and will refrain from further violations.

Unit Owner/ Occupant's Signature

Exhibit "C" to
Resolution 2007.11.13-3
Complaint and Due Process Procedures
NOTICE OF RULES VIOLATION HEARING

[Date]

[Owner's address]

Re: Notice of Rules Violation Hearing

Dear _____ :

You are hereby notified that a hearing will be held before the Board of Directors of the Majestic Condominium Unit Owners Association at _____ [location] on the ____ day of _____, 20__, at _____ [time], pursuant to Section 42-1903.08(a)(11) of the District of Columbia Condominium Act and the Condominium Instruments for your tenant's or your alleged violation of the following rules of the Condominium: _____

You may be present at the hearing, may but need not be represented by counsel, may present any relevant evidence, and you will be given full opportunity to examine and cross-examine all witnesses. You are entitled to request the attendance of witnesses.

Please be advised that if the Board determines that you are in violation of the Condominium Instruments and rules and regulations, charges of up to Twenty-Five Dollars (\$25.00) for each violation may be assessed against you and your unit. In addition to this hearing, the Board may elect such other remedies as are authorized by the District of Columbia Condominium Act, the Condominium Instruments, and by law.

If you have any questions or wish to communicate with the Board regarding this matter, please call the Condominium's Management Agent.

Sincerely,

[Board Member, Manager or authorized

agent]

cc: Unit Owner File

Rules Violation File
(Tenant)

Exhibit "D" to
Resolution _____
Complaint and Due Process Procedures
ASSESSMENT OF CHARGES

Charges for rules violations shall be reasonable in relation to the severity of the violation at hand. This list of potential charges is not all-encompassing, and does not prohibit the Association from pursuing other potential violations.

Charges for common rules violations shall be as follows. The Board reserves the right to establish different charges in the event of special circumstances or changed conditions:

Parking violation	\$25.00 _ First offense \$25.00 _ Subsequent offenses \$25.00 _ Per day/continuing violation
Storage of volatile or hazardous materials	\$25.00 _ Each offense
Littering on common elements	\$25.00 _ First offense \$25.00 _ Subsequent offenses
Improper trash disposal	\$25.00 _ First offense \$25.00 _ Subsequent offenses, plus cost of removals
Excessive vehicle maintenance (excluding operator care checks, minor adjustment to fluid levels or changing flat tire)	\$25.00 _ First offense \$25.00 _ Subsequent offenses
Improper and unapproved storage of personal items on Common Elements	\$25.00 _ First offense \$25.00 - Subsequent offenses
Noise/Nuisance (refer to Sections 9.2, 9.5, and 9.6 of the Majestic Bylaws)	\$25.00 - First offense \$25.00 - Subsequent offenses \$25.00 - Each day for continuing offenses
Failure to pay move-in or move-out fee and damage	\$25.00 – Per Incident

deposit



Exhibit "E" to
Resolution 2007.11.13-2
Complaint and Due Process Procedures
RECORD OF HEARING

Hearing Date and Time: _____

Unit Owner(s): _____

Unit #: _____

Address if other than unit: _____

Alleged Violation: _____

Provisions of Condominium Instruments Violated: _____

Persons in Attendance: _____

Decision of Board and Reasoning: _____

Charges Imposed (date commencing): _____

Other Sanctions Imposed: _____

Comments:

THE MAJESTIC CONDOMINIUM UNIT OWNERS ASSOCIATION
Resolutions Action Record

Resolution Type: Regulatory No. _____
Pertaining to: Due Process Procedures

Duly adopted at a meeting of the Board of Directors held _____, 20__.

Motion by: _____ Seconded by: _____

VOTE:

	YES	NO	ABSTAIN	ABSENT
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____

ATTEST:

Secretary

Date

FILE:

Book of Minutes _____ 20__

Book of Resolutions:

Book No. Page No.

Policy	_____	_____
Administrative	_____	_____
Regulatory	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective _____, 20__.
