

**FAIRFIELD HOUSE CONDOMINIUM  
UNIT OWNERS ASSOCIATION  
POLICY RESOLUTION NO. 2009-2**

(Suspension of Water Service for Nonpayment of Assessments)

**WHEREAS**, Section 55-79.80:2(A) of the Virginia Condominium Act provides the Board of Directors with the power to suspend a Unit Owner's right to use facilities or services, including utility services, provided by the Association if the Unit Owner's account with the Association is more than sixty days past due; and

**WHEREAS**, the Board of Directors has determined that it is in the Association's best interest to adopt, publish, and enforce a policy in which the Association shall suspend a Unit Owner's water service if the Unit Owner's account with the Association is more than sixty days past due.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors does hereby adopt this resolution:

1. In any instance where a Unit Owner fails to pay any assessment (or installment thereof) for a period of more than 60 days, the Association shall send at least one notice by certified mail/hand-delivery and first class mail.
2. That notice shall inform the Unit Owner of the Association's policy, including the right of the Unit Owner to request a hearing before the Board of Directors to either contest the delinquency or explain why the suspension of water service may pose an undue threat to the health, safety or property of the Unit Owner. A copy of the general form of the notice is attached hereto as Exhibit A.
3. When a Unit Owner requests a hearing in writing by or before the deadline, the Board of Directors shall set the time, date and place of the hearing at its discretion, and shall deliver written notice of the time, date, and place of the hearing to the Unit Owner by hand or by certified mail, return receipt requested, at least 14 days in advance of the hearing date. At the hearing, the Board of Directors shall provide the Unit Owner with a reasonable amount of time to present any and all defenses or explanations to the notice of delinquency. The Unit Owner may be represented by counsel at the hearing.
4. Following the hearing, the Board of Directors shall meet in executive session to determine whether it believes satisfactory proof of the Unit Owner's alleged failure to pay assessments exists, and if so, whether the suspension of the water service would pose an undue risk or threat to the Unit Owner or occupant's health, safety or property.
5. When the Board's judgment after a hearing is unfavorable to the Unit Owner, the Board reserves the power to suspend the Unit Owner's water service partially or entirely until the Unit Owner pays his delinquent account in full. In addition, the Board reserves the power to

Exhibit A

Date

**BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED  
AND FIRST CLASS MAIL**

Name  
Address

Re: Notice of Suspension of Water Service for Non-payment of Assessments  
Balance Due: \_\_\_\_\_

Dear Unit Owner:

You are hereby notified that the Association has started the process of suspending the water service to your Unit pursuant to Policy Resolution No. \_\_\_\_\_ because your account is more than sixty (60) days delinquent.

Unless you either pay the amount owed or request a hearing in writing, the Association will consider that you have waived all rights of objection.

If you would like to request a hearing you must make such a request in writing and send it to BJ Myers, Community Manager via certified mail, return receipt requested to c/o Community Management Corporation, 12701 Fair Lakes Circle, Suite 400, Fairfax, Virginia 22033.

You must send this notice ~~must~~ so that it is **received within 10 days of the date of this notice. This notice must include a statement of why you object to the proposed suspension or why any such suspension would pose an undue risk or threat to your health, safety or property.**

Please note that if you do not request a hearing in accord with the requirements stated above, the Board has no obligation to hold a hearing.

If you exercise your right to request a hearing, the Board will notify you by certified mail of the time, place, and date of the hearing in writing at least fourteen (14) days prior to the hearing. Please be advised that any refusal or failure to accept the certified mailing will not invalidate the notice, and Board will conduct the hearing in your absence as if you received notice thereof.

Name  
Date  
Page 2

If you have any questions regarding this matter, please contact BJ Myers at (703) 631-7200.

Sincerely,

Fairfield House Condominium Unit Owners  
Association

cc: Tenant (if any)

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