

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 55-513 of the Code of Virginia, relating to the Property Owners'*
3 *Association Act.*

4 [S 260]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 55-513 of the Code of Virginia is amended and reenacted as follows:**

8 § 55-513. Adoption and enforcement of rules.

9 A. The board of directors of the association shall have the power to establish, adopt, and enforce
10 rules and regulations with respect to use of the common areas and with respect to such other areas of
11 responsibility assigned to the association by the declaration, except where expressly reserved by the
12 declaration to the members. Rules and regulations may be adopted by resolution and shall be reasonably
13 published or distributed throughout the development. A majority of votes cast, in person or by proxy, at
14 a meeting convened in accordance with the provisions of the association's bylaws and called for that
15 purpose, shall repeal or amend any rule or regulation adopted by the board of directors. Rules and
16 regulations may be enforced by any method normally available to the owner of private property in
17 Virginia, including, but not limited to, application for injunctive relief or damages, during which the
18 court may award to the association court costs and reasonable attorneys' fees.

19 B. The board of directors of the association shall also have the power, to the extent the declaration
20 or rules and regulations duly adopted pursuant thereto expressly so provide, to (i) suspend a member's
21 right to use facilities or nonessential services offered by the association for nonpayment of assessments
22 to the extent that access to the lot through the common areas is not precluded and (ii) assess charges
23 against any member for any violation of the declaration or rules and regulations for which the member
24 or his family members, tenants, guests, or other invitees are responsible. Before any such charges may
25 be assessed, the member shall be given an opportunity to be heard and to be represented by counsel
26 before the board of directors or other tribunal specified in the documents. Notice of a hearing shall be
27 hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the
28 address of record with the association at least fourteen days prior to the hearing. The amount of any
29 charges so assessed *shall not be limited to the expense or damage to the association caused by the*
30 *violation, but* shall not exceed fifty dollars for a single offense or ten dollars per day for any offense of
31 a continuing nature and shall be treated as an assessment against the member's lot for the purposes of
32 § 55-516.

ENROLLED

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