

FALLS PARK HOMEOWNERS' ASSOCIATION ARCHITECTURAL REGULATIONS

Part 1: Purpose and Authority

The Falls Park community provides homeowners with an aesthetically pleasing community of homes, enjoyable living and enhanced value. Falls Park homeowners share responsibilities for the common grounds and individual responsibility to ensure that each home adds to the appearance and value of the total community.

The primary purpose of the Architectural Guidelines is to establish uniform environmental and architectural design standards for the entire community of Falls Park. The promulgation and enforcement of these standards is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community;
- Promote harmonious architectural and environmental design qualities and features;
- Promote and enhance the visual and aesthetic appearance of the community; and,
- Provide uniformity, structure and fairness to the enforcement, management and oversight of the architectural review process.

In accordance with the provisions of the Falls Park Declaration of Covenants, Conditions and Restrictions, and in compliance with the Bylaws of the Falls Park Homeowners' Association, these Regulations have been developed to assist each homeowner to understand and respect the impact that care of their home and premises may have on their neighbors and home values.

Part 2: Composition of the Architectural Review Committee

To assist in maintaining the appearance and structural integrity of the homes and common areas of the Falls Park community and in accordance with the appropriate sections of the Falls Park Bylaws, the Board of Directors has appointed an Architectural Review Committee (ARC). The ARC provides guidance to Falls Park homeowners and acts in an advisory capacity to the Board of Directors on all matters relating to the appearance and structural condition of the town homes and common areas and structures. The ARC will consist of seven (7) volunteer members from the community and one (1) member of the Board of Directors, will act as liaison to the Board. The Board member may not act as ARC chairman.

The ARC will conduct meetings according to Roberts Rules of Order. A quorum for any ARC meeting will require a simple majority of ARC members to be present with no proxies allowed. All ARC meetings will be public unless executive sessions are necessary and approved by a majority of ARC members being present for extenuating circumstances to be determined by the chair. At least one ARC meeting will be held semi-annually with an agenda prepared in advance by the chair with input from ARC members and the Board of Directors. More frequent meetings may be held as deemed appropriate.

Part 3: Architectural Standards

The architectural standards for the Falls Park community will follow the original and approved site plans submitted by DMB Communities to the City of Falls Church. They will also follow the approved individual town home plans submitted to the City of Falls Church. The standards will apply to any and all exterior painting, structural repairs, modifications and/or additions made to Falls Park homes and/or common areas or structures. All such modifications, additions, repairs, etc. must be in full compliance with

the Falls Church Building Code and other applicable city and Commonwealth of Virginia laws and regulations.

The standards will include but are not limited to the following:

Roofing - color and composition must remain original according to site plan

Trim - semi-gloss and color must remain original according to site plan

Gates - wooden 1" X 8" vertical wooden slat type or ornamental metal gate approved by the Board on recommendation of the ARC.

Fencing - vertical 1"x 8" wooden slat not to exceed six feet in height and approved by the Board on recommendation of the ARC.

Stucco - color and composition must remain original according to site plan

Brickwork - must remain unpainted, color and pattern must remain original according to site plan. Replacement mortar must be the same color and texture as original.

Exterior Lighting - must only illuminate homeowners yard and not of excessive candle power

Siding - color and composition must remain original according to site plan

Concrete - no additional concrete will be added to the front of town home without the approval of the Board

Flags - United States, state, official or seasonal flags flown shall not exceed 30 inches by 40 inches in size

Windows - design and color must remain original according to site plan

Front Metal Railings - original color or black corrosion resistant paint

Decks - pressure treated wood or wood composition materials according to the Falls Church Building Code. May remain natural or be stained but not painted

Clothes Lines - only temporary or removable permitted when actually in use. Must be below the six foot fence line in height..

Moldings - color must remain original according to site plan

Doors - design and color must remain original according to site plan

Storm Doors – Must be “full view” design with glass or screen and frame painted the same color as the front door

Exterior Shades, Canopies or Awnings - must be canvas or similar composition of a color comparable to town home’s original color scheme and may not be mounted in the front of the home

Satellite Signal Receivers - not to exceed 24 inches in diameter and installed within rear yard of the town home property

Exterior Television Antennas - not permitted

Gutters and down spouts - color must remain original according to site plan

Shutters – design and color must remain original according to site plan

Painting of exterior wood or metal surfaces must be made on an as-needed basis when those surfaces become cracked, chipped, peeled or otherwise damaged. The paint affixed to metal surfaces (railings, posts, screens, etc.) must be capable of resisting rust and other corrosive materials. The exterior color scheme for painting of Falls Park homes will be maintained with a McCormick color selection or its equivalent as the standard. No changes in paint color from the original colors will be made without the expressed approval of the Board of Directors upon a recommendation by the ARC. As outlined in Part 4 of this document, the Board must respond within 45 days to any request for changes in color or other modifications, additions, etc.

Work Quality Standards: Before paint is applied, any rotted or deteriorated wood should be repaired or replaced. Joints around windows, doors, flashing, etc. should be caulked as needed to resist water penetration. Surfaces should be properly prepared, including any needed sanding, scraping or washing to remove dirt, oil, chipped or oxidized paint, etc. prior to applying primer, sealant and/or paint.

Common Area Standards: The standards will also include but not limited to additions or modifications to common areas:

Fences Structures (Gazebo) Curbing Pavement
Painting

Part 4: Procedures for Alterations

Homeowners desiring exterior alteration(s) to their home must provide the ARC a full explanation of the proposed change(s) in writing along with any diagram necessary to illustrate the alteration. Such a written request must be dated and receipt appropriately acknowledged by a member of the Board of Directors or the Chair of the Architectural Review Committee. Inasmuch as the Board has forty-five (45) days to act on such requests, the Chair of the ARC will convene a meeting of that group as soon as possible to review the request.

Part 5: Site Assessment Process

Members of the ARC on a semi-annual basis will conduct a visual site assessment of all common areas of Falls Park and an exterior assessment of all town homes during the course of each calendar year. During at least one of these semi-annual quarterly site assessments, a certified home inspector will accompany the ARC members to offer advice and assist in identifying items (structural or otherwise) requiring the attention of homeowners. Prior to that accompanied assessment, the certified home inspector will be provided with a copy of the approved Architectural Guidelines for familiarization. The home inspector will be selected by the Board of Directors and paid by the Falls Park Homeowners Association for services rendered.

The results of each assessment to include: all deficiencies, modifications or required improvements/violations, etc. will be reported, in writing, to the Board of Directors by the chairman of the ARC prior to the next scheduled Board of Directors

meeting. Should the reported situation be serious enough, the ARC is authorized to photograph or diagram such violations, deficiencies modifications, etc. All such photographs must be taken in a manner that does not violate the owner's privacy or access to their property. At a minimum, the ARC Chair or designee will be present at the Board meeting when the ARC findings are discussed to explain or clarify any issues. The Board will then direct further action by the ARC.

Part 6: Notice and Compliance Procedures

Homeowners will receive written notice of any requirements for painting, structural repairs, modifications, etc. in a letter from the ARC chair in a letter sent by certified mail with return receipt requested. If the addressee (homeowner) refuses delivery of the certified mail, the Falls Church Sheriff's Department will be contacted to deliver the notice. Should the addressee live outside the City of Falls Church, the delivery will be made similarly through the appropriate law enforcement agency. The cost of delivery by the Sheriff's Department will be the responsibility of the addressee.

The content of the notice letter regarding any requirement for painting, structural repairs, modifications, etc. shall specify:

- a. The painting, repairs or modifications that are required, described in sufficient detail to fully apprise the homeowner of the scope and nature of the corrective work that must be performed;
- b. That the required work must completed not later than 60 days after the homeowner's receipt of the notice (*It is recommended that homeowners notify the contractor they hire that work must be completed not later than 60 days after the homeowner's receipt of the notice*);
- c. That the homeowner has the right (1) to object to a painting, modification or repair requirement on the basis that the required work, or some part of it, is not necessary to properly maintain the

home, or (2) to explain why the required work cannot be completed by the date specified in the notice letter;

- d. ***All objections must be placed in writing with copies of the letter provided to both the Board and Chair of the ARC. All requests for hearings before the Board of Directors to present objections or explanations must also be provided in writing with copies of the request to the Board and Chair of the ARC;***
- e. The homeowner shall have a period of twenty-one (21) days after receipt of the notice letter to submit any objection or explanation, or request a hearing before the Board or the ARC;
- f. That failure to submit an objection, explanation or request within the specified time limit constitutes a waiver of the right to object, explain or request a hearing; and
- g. That failure by the homeowner to complete the required painting, modifications or repair work within the time frame specified in the notice letter ***shall result in the Board initiating*** enforcement action against the homeowner. Upon the issuance of a court order against the homeowner, the Falls Park Homeowner's Association will undertake the necessary work to bring the home into compliance with these regulations. The homeowner will be liable to the Falls Park Homeowner's Association for the costs of the required work and for all costs of notice and enforcement, which may include attorney fees, and court costs.

ARC action on homeowner's objection or explanation

If a homeowner has elected to submit a written objection or explanation as provided above, the ARC shall evaluate the merits of the objection or explanation and provide its conclusion to the Board. The Board will then take whichever of the following actions it finds to be appropriate to the circumstances:

- a. Accept the objection or explanation as being entirely or partly valid, and (1) modify the painting, modification or repair work required; or (2) extend the time allowed for completion to a specified date at least sixty (60) days after the Board advises the homeowner of its decision on the objection or explanation; or (3) cancel the painting, modification or repair requirement.
- b. Find the objection or explanation to be without merit, and ***direct in writing*** that the required work be completed as specified in the notice letter, with the homeowner being allowed no more than sixty (60) days following the Board's decision to complete the work.

Extenuating Circumstances

If at any time during the sixty (60) day period a homeowner determines that required work cannot be completed due to extenuating circumstances, e.g. weather, serious illness, temporary financial hardship, etc. the homeowner shall notify the Board of this situation in writing and request an extension. The Board will then notify the homeowner of its determination in writing. The Board may grant an extension if it deems it warranted. Failure to notify the Board in writing waives the homeowner's right to an extension of up to sixty (60) days.

Enforcement of painting, modifications and repair requirements

If a homeowner, after notice as specified above, does not complete required painting, modifications or repair work within the period of time allowed, including any additional time allowed following the Board's decision on an objection or explanation by the homeowner, then the ARC shall notify the Board. The ARC will take photographs of the work not completed. The Board will then determine if action must be initiated to

enforce those requirements. The Board may take the following action:

- a. Upon receipt of the ARC's notification that required work has not been completed, the Board may convene a hearing. The homeowner will be duly notified of the hearing. In accordance with the Virginia Property Owners' Association Act (Section 55-79.80:2), the homeowner will be given an opportunity to be heard and to be represented by counsel before the Board. Penalties may not be imposed before the homeowner is given this opportunity. At the conclusion of the meeting, the Board will vote to determine if fines will be imposed. The homeowner will be provided a written determination of the Board's decision. If fines are imposed, the determination will describe the nature of the fine that will be imposed. It will contain the date that the fine begins to accrue, the remedy necessary to halt accrual and the procedure of informing the ARC when the homeowner believes the property is in compliance. The homeowner will have not less than thirty (30) days or more than sixty (60) days from the date of the notice to pay the charges in full.

Daily monetary fines will accrue from the time of the hearing until the property is brought into compliance as determined by the ARC. The Board may waive the penalty as to any particular day, or days, that work could not be performed due to inclement weather or other unavoidable circumstances beyond the homeowner's control.

- b. Penalty Computation: In accordance with the Virginia Property Owners' Association Act (Section 55-79.80:2). The amount of any charges assessed shall not exceed fifty dollars (\$50.00) for a single offense, or ten dollars (10.00) per diem for any offense of a continuing nature.
- c. Imposition and Enforcement of Lien: Not later than sixty (60) days from the date of the notice, if all or any part of the penalty remains unpaid, the Board may take the following actions against the homeowner:
1. A lien may be filed against the affected property in the amount of all accrued and unpaid penalties; and
 2. The homeowner shall be notified in writing, delivered by certified mail with return receipt requested, or by process server or the Falls Church Sheriff's Department or competent law enforcement authority in the jurisdiction of the homeowner's residence, that the homeowner's failure to pay all penalties within fifteen (15) calendar days of the date the homeowner actually receives the notice, *may* result in the commencement of legal action against the homeowner. Such action will be taken to compel payment and, if required, to institute foreclosure proceedings against the property. If action is commenced under this provision, the homeowner shall be liable for costs of that action including, but not limited to, reasonable attorney fees and court costs. The homeowner will also be responsible for the cost of delivery by a process server or law enforcement officer.

Payment should be made payable to the *Falls Park Homeowner's Association*. Payment by the homeowner of monetary penalties, whether on a voluntary basis or in response to enforcement actions, does not relieve the homeowner of the obligation to complete all required work.. Such payments will be deposited to the “general operating fund” of the Falls Park Homeowners Association.

Part 7: Changes to Rules

The Board of Directors, on a majority vote of that body, is empowered to make changes to the foregoing regulations. Any homeowner desiring change(s) to the regulations must make such recommendation(s) in writing to the Board thirty (30) days prior to a scheduled Board meeting. The Board will forward the recommendation(s) to the ARC for comment prior to consideration. ARC comments will be made in writing and presented in person by the ARC Chair.

3/13/00