

2/2/2023

Presented to: Committee on General Laws re Bill 2098

I am Lenny Kaplan, a previous President of the Providence Square Condominium located in Fairfax City.

We issue violation notices to educate owners and hopefully prevent a violation from occurring again. Without the ability to fine, violation notices are often ignored as there is no incentive to follow the rules.

The Condo act defined no process by which an Association could administer the \$50 single offense fine it describes. Some examples of a single offense are a too loud party, a contractor making a mess, illegal parking, and blocking access to a common area. By definition a single offense is automatically corrected within minutes or a few hours of the initial offense. The condo act previously only allowed a fine to be imposed after a hearing was held, but it also stated that a hearing could be held only if the violation was not corrected. Therefore one could not hold a hearing for a single offense violation and issue a fine. We have owners who repeatedly violate the same rules and repeatedly avoid being fined. This amended bill now provides a means to administer the \$50 single offense fine if a violation is repeated.

We have other issues with the Condo Act (noted below) which you will hopefully deal with in a future bill.

Thank you for listening to our concerns and taking action.

Other issues not relevant to this bill:

It does not state when you can start fining \$10 per day for a continuing violation. Should it be retroactive to the initial violation, tied to one of the correction deadlines in a violation or hearing letters, or tied to the date of the hearing?

If an owner refuses to pay numerous accumulating violation related charges spread over years amounting to thousands of dollars, but pays their assessment on time each month, we are told by counsel that it makes no sense to pursue legal action to recover the charges because judges will not find in our favor, because they think that Boards are imposing fines simply to collect money and harass owners. Such owners never obey the rules knowing they are effectively protected by the legal system.