

**NEWINGTON COMMUNITY  
ASSOCIATION  
Policy Resolution 19-02**

**Policy Resolution Concerning Regulation  
of Home Child Care Facilities in the  
Community**

**WHEREAS**, Article V, Section 1 of the Newington Community Association Declaration of Covenants, Conditions and Restrictions provides for the Association’s right to limit the number of guests of members, and

**WHEREAS**, Article VIII, Section 1 of the Newington Community Association Bylaws gives the Board of Directors the power to adopt and publish rules and regulations governing the use of the common area and facilities, and the personal conduct of the members and their guests thereon;

**WHEREAS**, Section 55.1-1821 of the Virginia Property Owners’ Association Act permits reasonable restrictions as to the time, place, and manner of the operation of a home-based business and requires home-based businesses to comply with all applicable local ordinances;

**WHEREAS**, Fairfax County Code, Chapter 30, Article 3, Section 30-3-1 requires a valid permit to operate a Home Child Care Facility;

**NOW THEREFORE, BE IT RESOLVED THAT** the Board duly adopts the following policy, which supersedes and replaces any previously adopted policy or regulations concerning the same:

1. The proprietors of a Home Child Care Facility (“Facility”) shall be full-time residents of the premises from which such Facility is operated.
2. The Facility will obtain and maintain all required permits, licenses, bonds, insurance, and tax requirements, and otherwise ensure full compliance with any and all Federal, State, and County laws and applicable regulations, as well as to provide timely proof of such compliance to the Association upon request.
3. The Facility will take great care to ensure and respect the safety and security of their neighbors’ personal/private property.
4. To minimize insurance liability risk to the Association, there shall be no use of the Association’s community pool facilities. Children must be supervised, at all times, by the licensed day care provider when using the common areas of the community property.
5. To minimize insurance liability risk to the Association, and to maintain and ensure harmony with neighbors surrounding the Facility, the dropping off and picking up of child

care customers' children shall only be conducted within the two (2) parking spaces allotted to the residence from which the Facility is located, and the proprietor shall inform customers dropping off or picking up children to utilize such spaces for parking during drop-off and pickup.

6. All vehicles associated with said Facility are subject to the Association's parking regulations.
7. The Facility is solely responsible for the conduct and behavior of their customers while on Association property. This includes, but is not limited to, inappropriate parking, damage to Association property, and damage to the personal property of residents residing in the Association's community.
8. To preserve the harmony and quiet enjoyment of its neighbors, and to ensure that Association's residents are not unduly disturbed by the active operations of the Facility, said Facility shall restrict its hours of operation to between 6:00 a.m. and 9:00 p.m.
9. The proprietor of the Facility shall obtain a rider on their existing homeowners' insurance policy, or a standalone policy, to provide coverage in the amount of \$1,000,000 for potential liability arising out of operating the Facility. The policy shall name Newington Community Association as additional insured. Such policy must be actively maintained throughout the time during which such child day care business is operated within the community. Additionally, the Association shall require such proprietor to present and file certificates of insurance with the Association within ten (10) calendar days following the establishment of such Facility.
10. Proprietor fully acknowledges that the Association does not, in any way whatsoever, sanction any business within the community, and does not authorize the use of the "Newington Community Association," "NCA," or any variation in any advertisements or other promotional materials for said Facility.

Approved 12/4/19