

GREENFIELD HARBOUR PROPERTY OWNERS ASSOCIATION

POLICY RESOLUTION NO. 12-01

Policy Required under Virginia Law for the Receipt and Resolution of Complaints

WHEREAS, Section 55-530(E) of the Virginia Code and the Common Interest Community Ombudsman Regulations (Section 18VAC48-70-10, *et seq.*, of the Virginia Administrative Code) require community associations to adopt procedures for the receipt and resolution of written complaints alleging a violation of applicable law or regulations; and

WHEREAS, Section 18VAC48-70-10, *et seq.*, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code by September 28, 2012 and outlines the requirements of said complaint procedures.

NOW, THEREFORE, the Board of Directors adopts the following policy:

1. **Complaint Form.** In order to properly submit a complaint, the complaining party must fully complete the Complaint Form attached hereto as **Exhibit A** and send it by first class mail, hand-delivery, or facsimile to the following:

**Greenfield Harbour Property Owners Association
P O Box 637
Burgess, Virginia 22432
www.greenfieldharbourpoa.com**

2. **Required Information.** The Association shall review the Complaint Form in order to determine if it is complete and actionable. A complaint must specifically allege a violation of applicable law or regulations by the Association. If the complaint does not express such an allegation, the complaint is not actionable, and this policy shall not apply. If the complaint is complete and actionable, the Association will accept it for review and decision. If the complaint is incomplete or not actionable, the Association will not accept the complaint and shall notify the complainant why the complaint was not accepted and what additional documentation or information is necessary, if applicable, to process the complaint. In either case, the Association will provide a written response to the complainant within 14 days by either certified mail or hand-delivery.

If additional information is requested from the complainant and such information is not received within 30 days of the request, the Association shall notify the complainant that a valid written complaint was not received and the matter is deemed closed.

Acknowledgment of receipt and either acceptance or rejection may be sent via electronic means if the complainant has consented to receive electronic communication from the Association, and, in such event, the Association shall retain a record of delivery of such acknowledgment.

3. **Review Period.** Assuming the complaint is accepted for review, either upon initial filing or upon receipt of additional information or documentation, the Association shall then undertake best efforts to complete its review of the complaint within 30 days of receipt. The Association may contact the complainant via e-mail or other written correspondence in order to conduct its review. The complainant is obligated to cooperate with the Association's investigation. If the complainant does not cooperate, the Association may close the matter.
4. **Meeting or Hearing.** After conclusion of the review period, the Association shall provide written notice to the complainant of the time, date and location of either a hearing or meeting of

the Association's representatives who will make a final decision regarding the complaint. The written notice shall be sent to the complainant via either hand-delivery or certified mail, return receipt requested, no less than 14 days in advance of the meeting or hearing. The written notice may be sent via electronic means if the complainant has consented to receive electronic communication from the Association and, in such event, the Association shall retain a record of delivery of such acknowledgment.

5. **Notice of Decision.** The Board of Directors shall determine the representatives of the Association who shall conduct the proceedings and make a final decision on the complaint. Notice of that decision ("Notice of Decision") shall be rendered to the complainant by certified mail or hand delivery within 7 days of the decision. The Notice of Decision shall be dated as of the date of the decision, include specific citations to the Association's governing documents, laws, or regulations of Virginia that led to the final decision, and shall include the Common Interest Community registration number for the Association. If applicable, the Notice of Decision shall also state the name and license number of the common interest community manager involved.
6. **Appeal to Ombudsman.** The Notice of Decision shall also advise the complainant of his or her right to file a Notice of Adverse Decision to the Office of the Common Interest Community Ombudsman in accordance with VA Code § 55-530 and shall provide the applicable contact information, which is:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: (804)367-2941
Email: CICombudsman@dpor.virginia.gov
7. **Record Keeping.** The Association shall maintain a record of all complaints for no less than five years from the date of the Association's final decision, including incomplete and non-actionable complaints.
8. **Availability.** A copy of these procedures shall be made available upon request and will be maintained on the Association's website.
9. **Resale Disclosure Packet.** A copy of these procedures shall be included in any resale disclosure packet issued after the effective date below.
10. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

The effective date of this Resolution shall be _____, 2012.

Greenfield Harbour Property Owners Association

By: _____
Board of Directors, President

EXHIBIT A

COMPLAINT FORM

(To comply with Section 55-530 of the Virginia Code and 18 VAC 48-70-10, *et seq.*)

You must use this form to file a complaint. Please complete, sign and date this form, and mail or fax it to the Association at:

Greenfield Harbour Property Owners Association
P O Box 637
Burgess, Virginia 22432
www.greenfieldharbourpoa.com

Name of Complainant(s):

Address: _____

Phone: (Home) _____ (Work) _____

(Mobile) _____ (Email) _____

Preferred method of communication: _____ Writing _____ E-mail

Please describe the nature of your complaint, including relevant times, dates and locations, and the specific provision of state law and/or regulations that you believe has been violated (please attach all documents and communications supporting your complaint – you may use additional pages):

Name and address of persons who are the subject of complaint:

Explain what you want the Association to do in response to your complaint:

Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman. You may give notice to the Common Interest

Community Board (“CICB”) of any final adverse decision which your Association may make regarding your complaint. You must file the notice within 30 days of the final adverse decision along with the necessary filing fee. Your notice must be in writing on forms prescribed by the CICB, shall include copies of all records pertinent to the decision, and shall be accompanied by a filing fee. The CICB may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause you undue financial hardship. For more information or to submit a complaint to the Common Interest Community Ombudsman, please contact the Office of the Common Interest Community Ombudsman at:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: 804-367-2941
Email: CICOmbudsman@dpor.virginia.gov

You must date and sign this form. Anonymous complaints will not be accepted.

Signature: _____

Date: _____

The Association will maintain a record of your complaint for five years from the date upon which it takes action on your complaint.

To be completed by Association representative only

Received by: _____ Date: _____

CERTIFICATE OF MAILING OR DELIVERY

I hereby attest that Resolution No. 12-01 was mailed and/or hand-delivered to the addresses of record of the Owners on this _____ day of _____, 2012.

Date

Mary M. Barna, President
Greenfield Harbour Property Owners Association