POLICY RESOLUTION NO. 2012-1

ASSOCIATION COMPLAINT PROCEDURES
(for resolving certain complaints from members and others)

Whereas, pursuant to Section 55-530(E) of the Virginia Code, the Virginia Common Interest Community Board ("CICB") has promulgated final regulations imposing requirement that each common interest community (including condominiums, property owners' associations and cooperatives) adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

WHEREAS, within 90 days of the effective date of the CICB regulations, all common interest communities must adopt a complaint procedure that is compliant with the CICB regulations;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the **Village at Tinker Creek Homeowners Association** ("Association"), acting through its Board of Directors, hereby adopts and establishes the following CICB-mandated Association complaint procedure **for handling written complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities:**

A. **Definitions.** Unless otherwise defined in this Resolution, the words, terms or phrases used in this Resolution shall have the same meanings as defined in the CICB regulations and/or in the Association's recorded covenants.

B. **Complaint Form**. If a member of the Association, a resident or other individual alleges that an action, inaction or decision of the Association, the Board of Directors ("Board") or the Association's management agent ("Managing Agent") is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complain ("Complaint") to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. If the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Managing Agent or the Board without using the attached form.

1. Complaint Form Instructions and Attachments. A completed Complaint form must include a description of the specific facts and circumstances relevant to the individual's Complaint, and the specific action, result or resolution that is being requests. If the individual submitting the Complaint Form (the "Complaint") knows the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documentation that Complainant believes support the validity of the Complaint (not including laws, regulations or the Association's governing documents).

   A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting Hall Associates.

C. **Mailing or Delivering Complaint to Board of Directors**. The fully completed, signed and dated Complaint (including the Complaint Form and all attachments) shall be mailed or otherwise delivered to the Board at the following address:

By Mail: Board of Directors, Village at Tinker Creek Homeowners Association
c/o Hall Associates Inc., Attention Chrissy Greene
PO Box 20468
Roanoke, VA 24018

By Hand Delivery: Board of Directors, Village at Tinker Creek Homeowners Association c/o Hall Associates Inc., Attention Chrissy Greene
2800 Keagy Road
Salem, VA 24153

D. **Means of Providing Notices to Complainant.** All written acknowledgements or other notices required by these procedures to be provided by the Association to the complainant shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided on the Complaint Form, or by facsimile transmission or email if the Complainant has previously provided the Association with the Complainant's written consent to communicate with him/her by electronic transmission. The Managing Agent shall retain in the Association's records proof of the mailing, delivery or electronic transmission of the acknowledgments and notices per Section H below.

E. **Acknowledging Receipt of Complaint.** Within seven (7) days of receipt of a Complainant's Complaint Form, the Managing Agent shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint.

1. Incomplete Complaint. If it appears to the Managing Agent that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be accepted and forwarded to the Board for consideration.

2. Forwarding to the Board. If it appears to the Managing Agent that the submitted Complaint includes the required minimum information, then on the same day that acknowledgment of receipt of the complaint is provided to the complainant, the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

F. **Formal Action – Consideration of Complaint by Board.** All completed, signed and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board shall decide w3hat action, if any, to take in response to the Complaint.

1. Meeting at which Complaint will be Considered. Complaint will be considered by the Board at a regular or special Board meeting held within 90 days from the date on which the Complaint was forwarded to the Board for consideration.

2. Notice to the Complainant. At least Fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Managing Agent shall provide the Complainant with notice of the date, time, and location of the Board meeting at which the matter will be considered by the Board. This Notice may be combined with the acknowledgment of receipt referenced in Section D above.

3. Board's Decision on Complaint. The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. The board's decision at the meeting shall fall into one of the following two categories:
    a) A decision that there is *insufficient information* on which to make a final determination on the Complaint *or that additional time is otherwise required* to make a final determination, in which case the Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting (announced at the meeting or by giving at least 14 days notice to the Complainant) and, if needed, make a written request for additional information from the applicable party(s), specifying a deadline by which time the additional information must be received by the Managing Agent for forwarding to the Board; or

    b) *A final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is, or is not, being granted, approved or implemented by the Board. A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional information that was requested by the Association. No appeal process is available; the Board's rendered decision is final.

G. **Notice of Final Determination.** Within seven (7) days after the final determination is made (per subsection F.3.b. above), the Managing Agent shall provide the Complainant with written notice of the Board's final determination. The notice of final determination shall be dated as of the date of issuance and include:

1. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the final determination;

2. The Association's registration number as assigned by the CICB, and if applicable, the name and CICB-issued license number for the Managing Agent; and

3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman (providing the applicable contact information).

H. **Records.** The Managing Agent shall retain, as part of the Association's records, a record of each Complaint (including the Complaint Form and attachments, related acknowledgments and notices, and any action taken by the Association or Board in response to such Complaint) for a period of at least one (1) year from the date of the Association's final action on the Complaint.

I. **Resale Disclosure Packet.** A copy of this Resolution (including the Exhibit A Complain Form) shall be included as an attachment to Association-issued resale certificates.

Exhibit A
(POLICY RESOLUTION NO. 1; "ASSOCIATION COMPLAINT PROCEDURES")

Village at Tinker Creek Homeowners Association

Delivery: c/o Hall Associates, Inc.
2800 Keagy Road
Salem, VA 24153

Mailing: c/o Hall Associates, Inc.
PO Box 20468
Roanoke, VA 24018

Phone #: 540.982.0011

ASSOCIATION COMPLAINT FORM
(for Complaints Against Association, Board or Managing Agent)

Pursuant to Section 55-530(E) of the Code of Virginia, 1950, as amended, the Board of Directors ("Board") of the **Village at Tinker Creek Homeowners Association** (the "Association") has established this complaint form for use by persons who wish to register written complaints with the Association regarding the action, inaction or decisions by the Association or its Board or managing agent inconsistent with applicable laws and regulations.

1. Legibly describe your complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Include references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the complaint. If there is insufficient space, attach a separate sheet of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to the complaint (not including copies of laws, regulations or the Association's governing documents).

_____

_____

_____

_____

_____

2. Sign, date and print your name and address below and submit this completed form to the Association at the above address.

Printed Name	Signature	Date

Mailing Address

Lot/Unit Address

Email Address	Phone Number

Contact Preference ☐ Phone ☐ E-mail
☐ Other _____

If, after the Board's consideration and review of the complaint, the Board issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman ("Ombudsman"), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by a $25 filing fee. The Ombudsman may be contacted at:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
804/367-2941
CICOmbudsman@dpor.virginia.gov

Village at Tinker Creek Homeowners Association
RESOLUTION ACTION RECORD

Resolution Type: Policy No. 2012-1

Pertaining to: CICB-Mandated Association Complaint Procedures

Duly adopted by the Board of Directors of the Association on Oct. 2, 2012.

Motion by: Duffield Seconded by: Mason

NAME	TITLE	YES	NO	ABSTAIN	ABSENT
Mason	Director	✓			
Duffield	Director	✓			
	Director				
	Director				
	Director				

Attest: _____ (Secretary)

Date: 10-2-12

Resolution effective as of date of adoption.