

# *North Lynnhaven Condominium Association, Inc.*

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## **Association Complaints Pursuant to Va. Code Section 55-530E and Regulation 18 VAC 48-70-60**

1. An owner or resident may file a written complaint regarding the action, inaction or decision by the Board, managing agent or association inconsistent with applicable statutes and regulations (“Association Complaint”). All Association Complaints shall be submitted in writing to the management office by hand delivery, mail or fax: 2224 Virginia Beach Blvd, Ste 201, Virginia Beach, VA 23454; 486-6988 (fax) on an Association Complaint Form. Association complaint forms are available through the management office.
2. The Association Complaint shall be as specific as possible about the facts and circumstances, shall include references, to the extent the complainant has knowledge, to any provisions of law, regulations, the Governing Documents, Rules and resolutions, which are the subject of the Association Complaint and shall state the requested action or resolution. The Association has the option not to act upon any complaint for which insufficient information is provided, which does not in the Association’s sole discretion constitute a valid complaint or that an owner or resident fails or refuses to submit in writing.
3. The Association manager will provide written acknowledgement of receipt of the completed Association Complaint Form within seven (7) days of receipt and shall state the date, time and location that the matter will be considered by the Covenants Committee. The acknowledgement shall be hand delivered or mailed by certified mail, return receipt requested, to the complainant at the mailing address or, provided the sender retains proof of delivery, by electronic transmission to the email address provided on the Association Complaint Form. If it appears from the submission that additional information is necessary to continue processing the Association Complaint, the acknowledgement will also identify the additional information needed and provide a reasonable amount of time for the complainant to respond.
4. If the complainant fails to respond within the timeframe by providing the additional requested information, the Association Complaint shall be deemed withdrawn. If an Association Complaint is deemed withdrawn, the Association manager shall notify the complainant in writing of such disposition by hand delivery, first class mail or email.
5. Completed Association Complaint forms submitted to the management office will be reviewed at the next regularly scheduled meeting of the Covenants Committee, provided such form is submitted at least seven (7) days prior to the next regularly scheduled Covenants Committee meeting. The Covenants Committee meets on the third Thursday of every month. If the completed form is received less than seven (7) days prior to the next regularly scheduled meeting of the Covenants Committee, the form shall be reviewed at the next subsequent regularly scheduled Board meeting.
6. Within seven (7) days of any decision by the Covenants Committee, notice will be hand delivered or mailed by certified mail, return receipt requested or, provided the sender retains sufficient proof of delivery, by electronic transmission to the complainant at the address on the Association Complaint Form. This notice shall be dated and include specific citations to applicable Governing Documents, statutes, regulations, Rules or resolutions that led to the determination, as well as the CICB registration number of the Association and if applicable, the name and license number of the Common Interest Community Manager shall also be provided. This notice will be the final written determination if no appeal is made by the complainant.
7. Appeal. The owner may appeal the decision of the Covenants Committee to the Board of Directors, provided a written notice of appeal is submitted to the management office by hand delivery, mail or fax within 30 days of the Covenants Committee decision notice, is dated and sets forth the basis for the appeal. Should the Board decide to hear the appeal, it will notify the appealing party in writing in the manner set forth in paragraph 3 above, of the date of such hearing, which shall be no earlier than 14 days from the date of such notice.

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8. The Board may elect not to hear the appeal in which case it shall notify the complainant in writing of such decision in the manner set forth in paragraph 3 above.
9. Once the Association Complaint procedure has been exhausted, the notice of final determination shall be dated and include specific citations to applicable Governing Documents, statutes, regulations, Rules or resolutions that led to the final determination, as well as the CICB registration number of the Association. If applicable, the name and license number of the Common Interest Community Manager shall also be provided. The final determination notice shall include a notice of the complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Ombudsman and the applicable contact information.
10. A record of each association complaint filed with the Association shall be maintained for no less than one year after the association acts on the complaint.

