

Threechopt Village Homeowners Association

RESOLUTION of the Board of Directors of Threechopt Villages Townhomes Owners Association, Inc.

(Association Complaint Procedures)

WHEREAS, the Code of Virginia, 1950, as amended (the Virginia Code), was amended by statute effective July 1, 2008, to create a Common Interest Community Board (CIC Board) and the Office of the Common Interest Ombudsman (CICO); and

WHEREAS, Section 55-530 E states the CIC Board "shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens"; and

WHEREAS, for the benefit and protection of the Association and of its individual Members, and with a goal of reducing and resolving conflicts among and/or between the Association and its Members, the Board of Directors deems it desirable to establish such procedures in accordance with the requirements of Sections 55-530 E and F; and

WHEREAS, the Board of Directors will provide notice of this policy to all current owners by mailing a copy of this Resolution to current owners and to all future owners by including the Resolution in the resale certificate prepared pursuant to Section 55-79.97 of Virginia Code; and

WHEREAS, this Resolution shall remain in full force and effect until the CIC Board adopts any applicable regulations pursuant to Section 55-530 E or until amended by further resolution of the Board, whichever first occurs.

NOW THEREFORE, the Board of Directors of The Commons Condominium Association, Inc. does hereby adopt this Resolution in order to adopt the following Association Complaint Procedures:

1. When any Association Member (Member or Complainant) observes or reasonably believes the Board of Directors (Board), the Association's Common Interest Community Manager (Association Manager) or any individual Board Member has or is continuing to violate any law or regulation governing common interest communities, the Member shall have the right to acquire, complete and submit an Association Complaint Form in writing.
2. The written complaint shall be submitted in writing utilizing the Association Complaint Form attached hereto as Exhibit A, or with any form required by regulation duly promulgated by Virginia's CIC Board.

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3. The Association Complaint Form shall be mailed to The Commons Condominium Association, Inc., ATTN: Jill C. Albright, 2224 Virginia Beach Blvd, Suite 201, Virginia Beach, VA 23454, by Fax to (757) 486-6988, or by email to Jill.C.Albright@TheSelectGroup.us.
4. The Association shall provide written acknowledgment of receipt of the association complaint to the Complainant within seven (7) days of receipt. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided, or if consistent with established association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
5. Specific documentation that must be included with the association complaint shall include, but not be limited to the following:
 - (a) The law or regulation governing common interest communities which the Complainant believes the association is not adhering to or which is the essence of the complaint.
 - (b) To the extent the Complainant has knowledge of the law or regulation applicable to the complaint, the Complainant shall provide that reference.
 - (c) Copies of any relevant correspondence between the association, association manager, and/or the board of directors regarding the complaint contained in the form.
 - (d) Any other documentation which would assist the board in making a determination regarding the complaint.
 - (e) The requested action or resolution desired by the Complainant.
6. If upon receipt of the Association Complaint Form from the Complainant the Association requires additional information in order to properly review and continue processing the complaint, the Association shall send notice of the requested additional information to the Complainant within seven (7) business days of receipt of the complaint. This notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided, or if consistent with established association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery. The Association shall request the information be provided within seven (7) business days of the notice that additional information is requested and shall advise the Complainant that if the requested information is not received within that timeframe, or a written request for additional time in which to provide the information is not received, the matter will be considered closed until a new complaint form containing the requested information is received.
7. Any Association Complaint Form fully completed and submitted to the Association's Manager shall be reviewed at the Board's next regularly scheduled Board Meeting, provided, however the Association Complaint Form must be submitted at least five (5) business days prior to the next scheduled regular Board Meeting to ensure review at that meeting. If the Association Complaint Form is received less than five (5) business days prior to the next regularly scheduled Board Meeting, the Association Complaint Form shall be reviewed at the next subsequent regular Board Meeting.

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8. Notice of the date, time, and location that the matter will be considered shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided or, if consistent with established association procedure, delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery.
9. The Board shall review any Association Complaint Form received and shall, if necessary, consult with the Association's Attorney and/or any other vendor or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.
10. The Board may, but shall not be required to, consult with the Member who submitted the Association Complaint Form to understand more fully the substance and/or basis of the Member's Complaint.
11. After the final determination is made, the written notice of final determination shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided or, if consistent with established association procedure, delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, within seven (7) days.
12. The notice of final determination shall contain:
 - (a) The date of issuance
 - (b) Specific citations to applicable law or regulation governing common interest communities that led to the final determination
 - (c) The registration number of the association
 - (d) The name and license number of the common interest community manager
 - (e) The following statement pursuant to Section 55-530 F:

"A complainant may give notice to the Common Interest Community Board of any final adverse decision in accordance with regulations promulgated by the Common Interest Community Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Common Interest Community Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 55-530.1. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the association that made the final adverse decision."

The contact information for the CICO follows:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation 9960
Mayland Drive, Suite 400 Richmond, VA 23233-1463 804-367-
2941
email: cicombudsmanoffice@dpor.virginia.gov

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13. This association complaint procedure will be made readily available upon request to all members of the association and citizens.
14. There is no appeal process with relation to a notice of adverse decision other than escalation to the CIC Board as described in 12(e) above.
15. This association complaint procedure shall be included as an attachment to the association resale certificate.
16. The Association Board shall amend and restate this Association Complaint Procedure Resolution each time the name, address, telephone number and email address of the Association Manager changes to remain compliant with Section 55-530 E of the Virginia Code.
17. Should any Member need assistance in understanding the Member's rights and the processes available to common interest community Members, the Member may contact Virginia's Office of the CICO for assistance. The CICO contact information as of the date of this policy follows:

Office of the Common Interest Community Ombudsman Department of Professional and Occupational Regulation 9960 Mayland Drive, Suite 400 Richmond, VA 23233-1463 804-367-2941
email: cicombudsmanoffice@dpor.virginia.gov

18. **Complainants Rights Description required by Section 55-530 E 2 of the Code of Virginia, 1950, as amended.** In accordance with Section 55-530 F of the Code of Virginia, as amended, a complainant may give notice to the Board of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 55-530.1. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the association that made the final adverse decision.
19. The Association Complaint Form, all attachments thereto and a copy of the Complaint Response correspondence (Complaint File) shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association's Board of Directors, the Association Manager and the Complainant(s) who submitted the original Complaint Form, provided however, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Association.

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IN WITNESS WHEREOF the Board of Directors of The Threechopt Villages Townhomes Owners Association, Inc. has set their hands on this ____ day of _____ 20 ____.

Angela Walker
President

10/8/18
Date

ATTEST:

H. Jerome Winter
Secretary

10/8/18
Date

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Exhibit A

The Threechopt Villages Townhomes Owners Association Complaint Form

This Form is available to all Association Owners as required by Section 55-530.E of the Code of Virginia, 1950, as amended (Virginia Code). Please complete and return this Form to the Association's Manager at least five (5) days prior to the next scheduled regular Board of Directors Meeting to ensure review at that meeting. The Board will provide a written response to any submitted Association Complaint Form within seven (7) days of the Board Meeting during which the complaint is reviewed.

Member "Complainant" Name (Printed): _____

Member "Complainant" Name (Signature): _____

Address: _____

Date: _____

Please outline and/or address your specific complaint and attach to this Form. The following documents must be included in order to ensure processing of this form in a timely manner:

- The Common Interest Community law or regulation which the Complainant believes the association is not adhering to.
- To the extent the Complainant has knowledge of the law or regulation applicable to the complaint, the Complainant shall provide that reference,
- Copies of any relevant correspondence between the association, association manager, and/or the board of directors regarding the complaint contained in the form,
- Any other documentation which would assist the board in making a determination regarding the complaint,
- The requested action or resolution desired by the Complainant.

Forward the completed Association Complaint Form and all attachments to:

The Threechopt Villages Townhomes Owners Association, Inc.
ATTN: Jill C. Albright 2224 Virginia Beach Blvd., Suite 201 Virginia Beach, VA 23454 (757) 486-6000 Phone
(757) 486-6988 Fax e-mail: Jill.C.Albright@TheSelectGroup.us

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Should you need assistance in understanding your rights and the processes available to common interest community Members, you may contact Virginia's Office of the Common Interest Community Ombudsman (CICO) for assistance. The CICO may be reached:

Office of the Common Interest Community Ombudsman Department of Professional and Occupational Regulation 9960 Mayland Drive, Suite 400 Richmond, VA 23233-1463 804-367-2941
email: cicombudsmanoffice@dpor.virginia.gov

This Block for Association Use Only:

Date Complaint Received by the Association's Manager: _____

Printed Name of Association Manager who received Complaint:

Signature of Association Manager to certify Date of Complaint Received:

Date Complaint Reviewed by the Board of Directors: _____

Date Complaint Response forwarded to Complainant: _____

Printed Name of Person who prepared Response:

Signature of Person who prepared Response:

Please attach a copy of the Response to this Association Complaint Form.

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Complainant's Rights Description required by Section 55-530-E.2 of the Virginia Code

In accordance with Section 55-530.F of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia's Common Interest Community Board (The Board) of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25.00 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 55-530.1. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final matter adverse decision.

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COMPLAINT PROCEDURE FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors ("Board") of Threechopt Villages Townhomes Owners Association ("Association") has established this complaint form for use by persons who wish to file complaints with the Association regarding the action, inaction or decision by the Board, managing agent or association inconsistent with applicable laws and regulations.

Legibly describe your complaint in the area provided below, as well as the action or resolution requested to the issues described in your complaint. Please include references to the specific facts and circumstances at issue and the provisions of the laws and regulations and applicable association governing documents that support your complaint. If there is insufficient space, please attach a separate sheet of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to your complaint.

Sign, date and print your name and address below and submit this completed form to the Association at the address listed on the top of this letterhead.

Print Name _____ Signature _____ Date _____

Mailing Address _____

Unit Address _____

Email _____ Phone No. _____ Other _____

Contact Preference: Phone Email

If, after the Board's consideration and review of your complaint, the Board issues a final decision adverse to your 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 thirty (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