

Holleybrooke Homeowners' Association, Inc.
Administrative Resolution No. 2019-01
(Adopted March, 2019, Revised and adopted April 16, 2019)

Regarding Complaint Procedures Pursuant to Virginia Code §55-530(E) and 18 VAC 48-70-30

WHEREAS, the Holleybrooke Homeowners' Association, Inc. ("Association") is a property owners association pursuant to the Property Owners Association Act and those documents in the chain of title of the Association that are recorded among the land records of Spotsylvania County, Virginia.

WHEREAS, Virginia Code §55-530 (E) required the Common Interest Community Board ("CICB") to establish regulations requiring community associations to "establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens."

WHEREAS, pursuant to 18 VAC 48-70-30 in which the CICB establishes that "each association shall have a written process for resolving association complaints from members and citizens."

WHEREAS, in accordance with 18 VAC 48-70-10 ("Definitions."), "Association complaint" means a written complaint filed by a member of the association or citizen pursuant to an association complaint procedure. An association complaint shall concern a matter regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations.

WHEREAS, 18 vac 48-70-50 sets out "Association Complaint Procedure Requirements."

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the Association adopts the following procedures for accepting and making final determinations regarding complaints filed by members of the Association and other citizens:

1. The Board of Directors hereby adopts and incorporates into this Resolution the Complaint Form attached.
2. The Complaint Form may be updated administratively to provide the current contact information, including mailing address and telephone number, for the management office.
3. Upon request, the Complaint Form shall be given to members of the Association and other citizens, who wish to make a complaint against the Association.
4. Members or other citizens, who wish to make a complaint against the Association, shall mail or hand deliver the Complaint Form to the management office at the address provided on the Complaint Form.
5. The complainant shall submit with the Complaint Form any documents applicable to the complaint and, to the extent the complainant has knowledge of the law or regulation applicable to the complaint, the complainant shall provide that reference as well as the requested action or resolution.
6. If the Association deems the Complaint Form to be incomplete, within ten (10) days of the receipt of the Complaint Form, the Association shall so notify the complainant in writing as

to what additional information is needed for the Association to process the Complaint Form. The complainant shall have an additional ten (10) days to provide the requested information. If the additional required information is not received within the 10-day time frame, the Association shall notify the complainant in writing that the matter is deemed closed. If the additional information is received within the 10-day time frame, the Association shall send acknowledgement of receipt as identified in Section 7 below and commence with the investigation.

7. Within seven (7) days of receipt of the completed Complaint Form, the Association shall provide written acknowledgement of receipt of the Complaint Form to the complainant by hand delivery or by mail by registered or certified mail, return receipt requested to the complainant at the address provided or by electronic means provided the sender retains sufficient proof of electronic delivery.
8. The Board of Directors may appoint a director (s) to investigate the complaint and provide a report to the Board of Directors at the next Board of Directors meeting. If the next meeting is less than one month away, the report may be made at the following Board of Directors meeting. The report need not be in writing.
9. Once the appointed director(s) has provided the Board of Directors with his/her report, the Board may set a hearing to consider the complaint. The hearing shall not be set later than ninety (90) days of the filing of the Complaint Form.
10. The Board of Directors shall provide written notice of the date, time, and location of the hearing to consider the complaint to the complainant by hand delivery or by registered or certified mail return receipt requested to the address provided or by delivery by electronic means provided the sender retains sufficient proof of electronic delivery. Notice shall be given at least ten (10) days in advance of the hearing.
11. At the hearing to consider the complaint, the Board of Directors shall give the complainant a reasonable amount of time to present their argument and any evidence. The Board of Directors may hear from other witnesses and take evidence.
12. At the conclusion of the hearing the Board of Directors may convene in executive session to discuss the matter only if an executive session is permitted by law.
13. After the conclusion of the hearing, the Board of Directors shall vote on the final determination of the complaint or set a date when the final determination will be made. There is no appeal procedure with reference to a final determination that is made by the Board of Directors.
14. Within seven (7) days of the final determination, the Board of Directors shall deliver a notice of final determination of the complaint to the complainant by registered or certified mail, return receipt requested to the address provided or by hand-delivery or by electronic means provided the sender retains sufficient proof of electronic delivery.
15. The notice of final determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents, laws, or regulations that

led to the final determination as well as the registration number of the association. The notice shall include the complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman and the applicable contact information. The current Notice of Final Adverse Decision form provided by the Virginia Department of Professional and Occupational Regulation is attached.

16. The Association shall retain the Complaint Form and any attachments and other record of the Complaint for at least one (1) year from the date of the notice of the final determination.

17. This Resolution shall be available upon request by members of the Association and citizens.

18. This Resolution shall be included as an attachment to any resale certificate or the Association disclosure packet.