

**BOARD OF DIRECTORS OF
VILLAGE GATE HOMEOWNERS ASSOCIATION,
INC.**

POLICY RESOLUTION NO. 2012-02

(Adoption of Association Complaint Procedure)

RECITALS:

1. Section 55-515 of the Virginia Property Owners' Association Act charges all lot owners and their tenants, guests and invitees with compliance with the Declaration of Covenants, Conditions and Restrictions recorded in Deed Book 247 at page 66 among the land records of Stafford County, Virginia (the "**Declaration**").

2. The Declaration and the Articles of Incorporation establish Village Gate Homeowners Association, Inc. (the "**Association**") for the purposes of administering the property submitted to the Declaration.

3. Article V, Section 1 of the Association's Bylaws ("**Bylaws**") states that the affairs of the Association shall be managed by the Board of Directors ("**Board**").

4. Section 55-530 of the Code of Virginia, as amended from time to time (the "**Code**") in conjunction with 18 VAC 48-70-30 of the Common Interest Community Ombudsman Regulations (the "**Regulations**") require that the Association adopt a written process for resolving complaints to the Association from members and citizens and that such complaint procedure shall conform with the requirements of the Code, the Regulations and the Association governing documents.

5. The Board deems it necessary to conform to the Code and Regulations and by this resolution does hereby establish this Association Complaint Procedure, attached to this resolution as Exhibit A and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the Board does hereby create the Village Gate Homeowners Association, Inc. Complaint Procedure, attached to this resolution as Exhibit A and made part of this resolution, and does hereby adopt the Association Complaint Procedure to be effective as of September 28, 2012.

ATTACHMENT (7)

VILLAGE GATE HOMEOWNERS ASSOCIATION,
INC.

COMPLAINT PROCEDURE

I. DEFINITIONS

Any capitalized term used herein and not otherwise defined shall have the meaning set forth in the Declaration. As the context may require, the term "Owner" shall refer to Owners, members of their families, guests, tenants, employees and invitees.

A. **Adverse Decision** means the determination issued by HOA pursuant to this Complaint Procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the Complainant.

B. **Association Governing Documents** means collectively the Articles, Declaration, and Bylaws, all as may be amended from time to time. For purposes of this Complaint Procedure, Association Governing Documents also includes, to the extent in existence, resolutions, rules and regulations, or other guidelines governing Owner conduct and HOA governance.

C. **CIC Ombudsman** means the current Virginia Common Interest Community Ombudsman who may be contacted at the Office of the Common Interest Community Ombudsman, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, and whose telephone number is 804/367-2941 and whose email address is CICombudsman@dpor.virginia.gov.

D. **CIC Regulations** means the Common Interest Community Ombudsman Regulations, 18-VAC 48-70 *et seq.* as currently effective and as may be amended from time to time.

E. **Complainant** means an Owner or citizen who makes a Complaint pursuant to this Complaint Procedure.

F. **Complaint** means a written complaint filed by an Owner or citizen pursuant to this Complaint Procedure in the form attached hereto as Appendix A. A Complaint shall concern

a matter regarding the action, inaction, or decision by the Board of Directors, Management Agent, or the HOA inconsistent with applicable laws and regulations.

G. **Complaint Procedure** means this written process adopted by the HOA to receive and consider Complaints from Owners and citizens.

H. **Final Adverse Decision** means the final determination issued by HOA pursuant to this Complaint Procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the Complainant. Such decision means all avenues for internal appeal under this Complaint Procedure have been exhausted. The date of the Final Adverse Decision will be the same as the date of the applicable Notice of Determination.

I. **HOA** means the Village Gate Homeowners Association, Inc., established by the Association Governing Documents.

J. **Management Agent** means a bona fide business enterprise, its principals and employees, which manages common interest residential communities, and which has entered into a written agreement with the HOA to perform specific management services.

K. **Notice of Determination** means the notice of determination as discussed in Section IV, Subparagraph B below.

L. **Notice of Final Adverse Decision** means the notice of Final Adverse Decision as discussed in Section IV, Subparagraph D below, the form of which is attached to this Complaint Procedure as Appendix B.

M. **Record of Complaint** means all documents, correspondence, and other materials related to a decision made pursuant to this Complaint Procedure.

II. FILING A COMPLAINT

A. Any Owner or citizen who alleges an action, inaction, or decision by the Board of Directors, Management Agent, or the HOA to be inconsistent with applicable laws and regulations may file a Complaint with the Board of Directors in the form attached to this Complaint Procedure as Appendix A.

B. The Complaint must be accompanied by copies of all documentation referenced in the Complaint, which may include, but not be limited to applicable portions of the Association Documents, all or portions of minutes from Board of Directors meetings or meetings of the membership of the HOA, and to the extent Complainant has knowledge, reference to or copies of the applicable portions of the Virginia Code, applicable portions of the Virginia Administrative Code (Regulations), or any other documentation upon which the Complainant relies in making his/her assertion. The Complaint must also contain the requested action or resolution to be taken by the Board of Directors as to Complainant's assertion.

III. RECEIPT OF COMPLAINT AND ACTION

A. Within seven (7) days of receipt of the Complaint in the format set forth in Section II above and Appendix A, the Managing Agent will acknowledge such receipt in writing hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint. In the alternative, and if consistent with established HOA procedures, this acknowledgment by the Board may be delivered through electronic means as long as the Board retains sufficient proof of electronic delivery.

B. The Managing Agent will have fifteen (15) days from its receipt of the Complaint to review the Complaint for purposes of identifying whether additional information is necessary for the Complainant to provide in order for the Managing Agent to properly assess and respond to the Complaint.

a. If the Managing Agent determines additional information is necessary, the Managing Agent will request in writing that Complainant provide additional information, and Complainant will have fifteen (15) days from the date of the Managing Agent's written request to provide the requested information to the Board for its review.

b. In the sole discretion of the Managing Agent, Complainant's failure to provide the information as requested within the designated timeframe will result in either the Complaint being dismissed by the Managing Agent as incomplete, or being considered based solely on the information initially provided if consideration is possible.

C. Within fifteen (15) days from either the receipt of a Complaint, if the Complaint is complete as originally filed, or receipt of further requested information as required in Section III, Subparagraph B above, the Managing Agent will provide Complainant with written notice of the date, time and location that the Complaint will be considered, hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint. In the alternative, and if consistent with established HOA procedures, this written notice by the Managing Agent may be delivered through electronic means as long as the Managing Agent retains sufficient proof of electronic delivery.

IV. DETERMINATION

A. The Board will consider the Complaint on the date, time and at the location as set forth in its notice to Complainant as described in Section III, Subparagraph C above, which may occur at either a special meeting or a regular Board of Director's meeting. Complainant may appear at such meeting of the Board of Directors, which will be conducted as provided in Article VI of the Bylaws and Section 55-510.1 of the Code of Virginia.

B. The Board will issue its written "Notice of Determination" as to the assertion set forth in the Complaint, hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint within seven (7) days of the meeting at which the Board made its determination. In the alternative, and if consistent with established HOA procedures, this written notice by the Board may be delivered through electronic means as long as the Board retains sufficient proof of electronic delivery.

C. The Notice of Determination will be dated as of the date of issuance of the determination and will include specific citations to the applicable Association Governing Documents, Virginia Code or Virginia Administrative Code (Regulations) that led the Board to the determination, as well as the Virginia CIC Registration Number of the HOA. The Management Agent's name and license number, if any, will also be provided in the Notice.

D. The Notice of Determination will include the Complainant's right to file a "Notice of Final Adverse Decision" with the Common Interest Community Board via the CIC

Ombudsman at the address set forth in Section I, Subparagraph C above and on Appendix B attached to this Complaint Procedure. The Notice of Final Adverse Decision must be filed with the CIC Ombudsman within thirty (30) days of the date of the Notice of Determination of the Final Adverse Decision on the form attached to this Complaint Procedure as Appendix B, and otherwise meet the requirements written in Part III of the CIC Regulations.

V. COMPLAINTS COMMITTEE

A. The Board may, as provided by Article IX of the Bylaws, appoint a "Complaints Committee" and may charge this committee with accepting, reviewing and responding to Complaints as set forth above in the same capacity as the Board.

B. The Complaints Committee will consist of between two and five Owners, as such term is defined in the Declaration, one of whom must be a member of the Board of Directors.

C. The Complaints Committee will meet as frequently as may be necessary to review Complaints, hold meetings to address Complaints and issue determinations as to Complaints, all as previously established by Sections III and IV above.

D. The Chair of the Complaints Committee will provide a written report, including full copies of all Complaints and Notices of Determination, to the Board of Directors at each regularly held Board of Directors meeting. The report to the Board will briefly discuss the nature of the Complaints received, activities and actions taken by the Complaints Committee.

VI. APPEAL

A. If no Complaints Committee is established by the Board of Directors then any Adverse Decision issued by the Board as provided in Section IV above will be the Final Adverse Decision of the Complaint, and Complainant's appeal rights are through filing a Notice of Final Adverse Decision with the Ombudsman as set forth in Section IV, Subparagraph D above.

B. If a Complaint is reviewed and considered by the Complaints Committee and an Adverse Decision is returned to Complainant, Complainant will have thirty (30) days from the

date of Notice of Determination to file an appeal of the Adverse Decision with the Board of Directors.

C. The Board of Directors will consider and make its determination of the Complaint subject to appeal per the procedure established in Sections III and IV above, and any Adverse Decision issued by the Board of Directors will be a Final Adverse Decision.

VII. COMPLIANCE WITH REGULATIONS

The Board of Directors will ensure that this Complaint Procedure is made available to members of the HOA in accordance with Section 48-70-60 of the CIC Regulations, and that the Record of Complaint is maintained for no less than one (1) year after the HOA acts upon a Complaint in accordance with Section 48-70-70 of the CIC Regulations.

**VILLAGE GATE HOMEOWNERS ASSOCIATION,
INC.**

RESOLUTION ACTION RECORD

Resolution Type : ☒ Policy ☐ Administrative Resolution No. 2012-02

Pertaining to adoption of the Village Gate Homeowners Association, Inc. Complaint Procedure

Duly adopted by the Board of Directors of the Village Gate Homeowners Association, Inc., held on
December 11, 2012.

Motion by: Mohammad S. Mia Seconded by: Ana Carranza

DIRECTOR NAME	YES	NO	ABSTAIN	ABSENT
ALFRED ARMSTRONG				
CECIL COBB	✓			✓
DAVID HERNANDEZ	✓			
MOHAMMAD S. MIA	✓			
RALPH BEALL				✓
ANA CARRANZA	✓			
CHARLES HASKINS	✓			
DELOAR HOSSAIN	✓			
JOSE MEDINA	✓			

ATTEST:


Secretary

December 11, 2012
Date

Resolution Effective as of: September 28, 2012

Appendix A: Form of Complaint

Community Management Services
17290 River Ridge Blvd
Suite 103 Woodbridge, VA 22191

c.

COMPLAINT

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors of **Village Gate Homeowners Association, Inc. ("HOA")** has established this complaint form in conjunction with its adopted Association Complaint Procedure for use by persons who wish to file written complaints with the HOA regarding the action, inaction or decision by the governing board, managing agent or association which complainant believes to be inconsistent with applicable laws and regulations.

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

Complaint:

Requested Resolution:

This form will be deemed incomplete and returned unless the following is legible and complete:

Signature of Complainant: _____ Date Signed: _____

Printed Name of Complainant: _____ Section / Lot Number: _____

Address of Complainant: _____

Preferred method of Contact: Phone Number or Email Address _____

If, after the HOA's consideration and review of the complaint, the HOA issues a final decision adverse to the complainant as defined in the adopted HOA Complaint Procedure, you have the right to file a notice of final adverse decision with the Common Interest Community Board in accordance with the regulations promulgated by that Board. 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, 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

or by telephone at 804-367-2941
or by email at CICombudsman@dpor.virginia.gov