

WEST OX CLUSTER HOMEOWNERS ASSOCIATION
(d/b/a/ FOX RUN HOMEOWNERS ASSOCIATION)
Policy Resolution No. 18-1

(Procedures Related to the Submission and Resolution of Complaints)

WHEREAS, Article XI, Section 1 of the Bylaws of West Ox Cluster Homeowners Association (the “Bylaws”) provides that the affairs of the Association shall be managed by a Board of Directors (the “Board”); and

WHEREAS, Section 55-530(E) of the Virginia Code requires that the Association establish reasonable procedures for the resolution of written complaints from the members of the Association or other citizens; and

WHEREAS, Section 18VAC48-70-10, *et seq.*, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code and outlines the requirements of said complaint procedures; and

WHEREAS, the Board believes it is in the best interest of the Association and the Members to adopt orderly complaint procedures and to clarify the rights and responsibilities of Members who allege that an action, inaction or decision of the Association, the Board, or the Association’s managing agent is inconsistent with state laws or regulations governing the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Board adopts the following policy:

1. **Complaint Must Be in Writing.** The Association is only required to act on written complaints (a “Complaint”) which pertain to Common Interest Community (“CIC”) law or regulations, and is submitted to the Board or the Association’s managing agent (the “Managing Agent”) in accordance with the procedures set forth in this Resolution.
2. **Complaint Form.** In order to properly submit a formal Complaint upon which the Association will act, all residents, owners and any other parties must submit a written Complaint on the form attached hereto as Exhibit A, to the Association by sending it to the Managing Agent.

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

3. **Where Complaints Should be Sent.** All Complaints, including the complaint form and any attachments, shall be sent either via United States Postal Service mail, hand-delivery, or facsimile to the Managing Agent using the following information, unless otherwise advised and requested by the Association’s Board:

West Ox Cluster Homeowners Association
c/o SFMC
9464 Innovation Drive, Manassas, VA 20110
(703) 392-5039 – Fax

4. **Required Information.** All Complaints must concern a matter regarding the action, inaction or decision by or of the Board that is inconsistent with applicable laws and regulations. All Complaints shall include the following information or shall be deemed incomplete and nonactionable, at the Board's sole discretion:
 - 1) The name and address of the complainant;
 - 2) The nature of the alleged complaint, including the relevant times, dates and places involved;
 - 3) Reference to the applicable laws or provisions of the Governing Documents that the complaint concerns (copies are not required);
 - 4) The name and address of any other persons involved, if known;
 - 5) Any other information the complainant deems relevant for the Board's review;
 - 6) The signature of the complainant.

5. **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.
 - A. *Nonactionable Complaint or Complaint Which Doesn't Pertain to CIC Law.* 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.
 - B. *Forwarding to the Board.* If it appears to the Managing Agent that the submitted Complaint includes the required minimum information and pertains to a violation of CIC law or regulation, then the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

6. **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 what action, if any, to take in response to the Complaint.
 - A. *Meeting at which Complaint will be considered.* Complaints 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.
 - B. *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 5 above.

- C. *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.
7. **Notice of Final Determination.** Within seven (7) days after the final determination is made (per subsection 6(C)(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:
- A. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the final determination;
 - B. The Association's registration number as assigned by the Common Interest Community Board (the "CICB"), and, if applicable, the name and CICB-issued license number for the Managing Agent; and
 - C. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CIC Ombudsman:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: 804-367-2941
Email: CICombudsman@dpor.virginia.gov

8. **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.
9. **Availability.** A copy of these procedures shall be made available to all owners and citizens upon request.
10. **Resale Disclosure.** A copy of these procedures, including the Exhibit A Complaint Form, shall be included in any resale disclosure packet/certificate issued after the effective date below.
11. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

EFFECTIVE DATE OF RESOLUTION

The provisions of this Resolution shall become effective 7/11, 2018.

Exhibit A
WEST OX CLUSTER HOMEOWNERS ASSOCIATION
(d/b/a FOX RUN HOMEOWNERS ASSOCIATION)
COMPLAINT FORM

(To comply with Section 55-530 of the Virginia Code and 18 VAC 48-70-10, *et seq.*)

You may use this form to file a complaint concerning the West Ox Cluster Homeowners Association (d/b/a/ Fox Run Homeowners Association) (the "Association"). Should you choose to file a complaint using this form, please complete, sign and date this form and mail or fax it to the Association's common interest community manager at the address below:

West Ox Cluster Homeowners Association
c/o SFMC
9464 Innovation Drive, Manassas, VA 20110
(703) 392-5039 – Fax

Name of Complainant(s): _____

Address: _____

Phone: (Home) _____ (Work) _____

(Mobile) _____ (Email) _____

Preferred method of communication: _____ Writing _____ E-mail

Please described the nature of your complaint and cite any provisions of the Governing Documents or applicable laws or regulations that are the basis for your complaint (please attach all documents and communications supporting your complaint – you may use additional pages):

Name and address of persons that are the subject of complaint:

Description of relief being sought by complainant or requested action:

Be advised, the Association may elect not to take action on any complaint which does not conform to the above-referenced delivery requirements or include the requested information on this form.

The Association will provide written acknowledgement of receipt of the form within seven (7) days via certified mail, hand delivery, or electronic means, if applicable. If additional information is required, you will be notified in accordance with Section 5 of the Association's complaint procedures.

The Association will begin investigation of your complaint when it has received a complete and actionable written complaint.

You will be notified of when and where your matter will be reviewed by the Board (or other body, if applicable).

After the Board has made its final determination, the Board will send you a written Notice of Final Determination within seven (7) days of the decision by either via certified mail, hand delivery, or electronic means, if applicable.

Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman. In accordance with the Common Interest Community Board's ("CIC Board") rules and procedures and Va Code § 55-530, you may give notice to the CIC Board of any final adverse decision which your Association may make regarding your complaint. You must file the notice within thirty (30) days of the final adverse decision. Your notice must be in writing on forms prescribed by the CIC Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$ 25 filing fee. The CIC Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause you undue financial hardship. For more information or to submit a complaint to the Common Interest Community Ombudsman, please contact the Office of the Common Interest Community Ombudsman at:

Virginia Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Phone: 804-367-2941
Email: CICOmbudsman@dpor.virginia.gov

You must date and sign this form. Anonymous complaints will not be accepted.

Signature: _____

Date: _____

The Association will maintain a record of your complete and actionable complaint for one (1) year from the date upon which it takes action to resolve your complaint.

To be completed by Association representative only

Received by: _____

Date: _____