

ASHBROOK HOMEOWNERS ASSOCIATION
POLICY RESOLUTION NO. - 2012-02
PROCEDURES RELATIVE TO THE ASSOCIATION COMPLAINT PROCESS

WHEREAS Article VII, Section 1.c. of the Bylaws provides that the Board of Directors shall have all rights, powers, duties and authority necessary for the administration of the affairs of the Association which shall be performed by the Board of Directors on behalf of the Association; and

WHEREAS, Article 7, Section 1.a. of the Bylaws provides that the Board of Directors shall be responsible for making and amending the Rules and Regulations respecting the use and enjoyment of the property not inconsistent with the Association documents; and

WHEREAS, the Association often receives complaints, both written and oral, from the Association's membership and residents regarding alleged violations of the Association's Governing Documents; and

WHEREAS, Section 55-530(E) of the Virginia Code requires Common Interest Communities to establish reasonable procedures for the internal resolution of written complaints from members of the association and other citizens; and

WHEREAS, for the benefit and protection of all Owners, the Board deems it desirable to formally adopt a policy resolution requiring all complaints to be submitted to the Association's management in writing and establishing reasonable procedures governing the resolution of these written complaints so as to comply with the requirements of the Governing Documents and Virginia law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors duly adopts the following Complaint Process:

I. PROCEDURES

A. *Complaints.* The Association encourages Owners and residents to contact each other to discuss complaints before initiating formal procedures that involve the Board of Directors and its Managing Agent. If discussions fail, complaints must be made in writing directly to the Managing Agent and must

include a cite to the particular provision(s) in the Association's Declaration, Bylaws, or Rules and Regulations that the other Owner has allegedly violated, along with specific allegations of fact sufficient to support a showing that the Owner or resident has violated the particular provision(s). If the Board of Directors elects to proceed with enforcement action, the Board of Directors reserves the right to release to the respondent Owner and resident a copy of any and all complaints it receives. The complaint form attached shall be used for complaint to be received by the Board of Directors and the Managing Agent. The Board may act on the Complaint without holding a formal "Complaint Hearing", but must do so within thirty (30) days of receipt of a fully completed Complaint Form.

B. ***Board of Directors and Managing Agent.*** Upon receipt of the written complaint form, the Managing Agent will promptly distribute copies of the complaint to the Board of Directors and the Board of Directors will determine whether it has the authority and means by which to proceed with an investigation into the complaint. If the Board of Directors decides to proceed, the Managing Agent will distribute copies of the complaint to the Owner, with a copy to any tenant, against whom the charge is made.

II. LIMITATIONS AND OTHER REMEDIES

A. ***Police.*** The County Sheriff Office may enforce the law against violations of noise or other local ordinances without regard to any other remedies available in the Association's Declaration, Bylaws or Rules and Regulations. The county Sheriff Office's law enforcement officers are specifically permitted to enter upon the Common Elements to enforce the law, and any Owner or resident may call the Police for any violation without regard to other remedies available in the Association's Declaration, Bylaws, or Rules and Regulations.

III. EXHAUSTION OF REMEDIES:

A. The Board, at its discretion, may call the complaining party to a formal Complaint Hearing, if needed to render a determination concerning the complaint, or may follow the process set for in the process set forth in any Due Process resolution. At the conclusion of the Complaint Hearing, the Board shall provide a written response (the Final Determination), setting forth the decision of the Board and the Complaint Hearing results within seven (7) calendar days of the hearing, by mail or hand delivery. At the conclusion of the formal hearing (when a Due Process Hearing is not required), Owner may file an appeal of the hearing decision to the Board of Directors (a rehearing), which appeal must be done, in writing, within ten (10) days of the issuing date of the Board's final determination letter.

B. The Board shall review and act upon any request for an appeal (the Rehearing) promptly submitted by a party who is determined to have standing. The Board shall promptly review the appeal and shall schedule and conduct an appeal rehearing in order to provide the Owner with an opportunity to be heard. Written hearing results must be mailed to the Complaint and or Owner within seven (7) calendar days of the rehearing.

C. The Board may reconsider, review, modify or revise any prior determination decided within the preceding 30 day period, if requested to do so by any participant to the hearing process.

D. Forty Seven (47) days after an initial decision is made and communicated by mail to the Owner or Complainant, the determination of the Board it shall be deemed a Final Decision not subject to revision, modification or reversal without unanimous agreement of the full Board of Directors.

IV. OTHER COMPLAINTS:

A. All other complaints regarding Association matters are to be made in writing to the Management Agent to be provided to the Board for its consideration and deliberation. The Complaint Form attached shall be used for complaint to be received by the Board of Directors and management. The Board may request the attendance of the Complainant at a regularly scheduled Board meeting to hear testimony regarding the complaint filed, in the event that the written testimony is insufficient for the Board to make a determination based solely on the Governing Documents or as applicable, the Virginia Property Owners Association Act.

V. WRITTEN RESPONSE

A. A written response by email, or letter shall be provided to all Complainants by the Managing Agent on behalf of the Board of Directors. The written response is to be deemed a Board Determination letter and subject to the provisions of Paragraph III.

B. All written responses to the Complaint Form from the Board shall include notice to the Owner that Virginia Code and regulation provide the Complainant with thirty (30) days from an adverse determination to file a written Complaint with the office of the CIC Ombudsman, where the Complainant believes that Virginia laws may have been violated.

This Resolution supplements and expressly does not supersede all previously adopted Resolutions governing enforcement procedures. I hereby certify that this Policy Resolution was adopted by the Board of Directors on the 2012, *July 31st*.

ASHBROOK HOMEOWNERS ASSOCIATION

By: _____

[Signature]
Marla Regan, President,
Board of Directors

ASHBROOK HOMEOWNERS ASSOCIATION COMPLAINT FORM

[This form must be completed signed/dated on each page by the complainant]

Please deliver your complaint via United States Postal Service Mail, hand-delivery, or by electronic mail to the Association using the following information:

ASHBROOK HOMEOWNERS ASSOCIATION

c/o Carol Stimer, Community Manager,
Millennium Management, Inc. (MMI)
P.O. Box 1757 Ashburn, VA 20146

Attn: Community Manager, Ashbrook Homeowner Association

Name of Complainant(s):

Address:

Phone: (Home) _____

(Work) _____

(Mobile) _____

(Email) _____

Preferred method of communication: ___ Writing ___ Email ___ Phone

Please described the nature of your complaint and cite any provisions of the Association Documents or Virginia Code that is the basis for your complaint:

**Name and address of persons subject to the
complaint:**

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.

Upon receipt of your complete, written complaint, the Association will begin investigation of your complaint. The Association will maintain a record of your complaint for one year from the date upon which it takes action to resolve your complaint.

The Office of the Common Interest Community Ombudsman ("Office") is a governmental body, which may assist you in using the complaint procedures set forth in the Association's governing documents, as well as the Virginia Property Owners' Association Act.

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 the Association may make regarding your complaint. You must file the notice within 30 days of the final adverse decision. Your notice must be in writing on forms prescribed by the Commonwealth Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The Commonwealth 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:

Department of Professional and Occupational
Regulation 9960 Mayland Drive Suite 400
Richmond, Virginia 23233-1463

You must date and sign the form. Anonymous complaints will not be accepted. Signature:

Date: _____

To be completed by Association representative only Received by:

Name

Date

Date Final Board Action taken:

CERTIFICATION OF MAILING

I hereby certify that a copy of the foregoing Policy Resolution No. 2012-2 was mailed to all owners of record. My certification of these acts is as of this _____ day of _____ 2012.

**Carol Stirner
Community Manager**