

**HUNTINGTON FOREST HOMEOWNERS ASSOCIATION
POLICY RESOLUTION NO. 2018-02**

(Regarding Policies and Procedures for Responding to Requests for
Examination and Copying of Association Records)

This resolution replaces and supersedes POLICY RESOLUTION NO. 2012-01.

WHEREAS, Section 55-510(A) of the Virginia Property Owners' Association Act ("POA Act") obligates Huntington Forest Homeowners Association ("Association") to keep detailed records of receipts and expenditures affecting the operation and administration of the Association; and

WHEREAS, Section 55-510(B) of the POA Act obligates the Association to make its books and records available for examination and copying by members who are in good standing, or their authorized agent, so long as any request to examine or copy Association records is for a proper purpose related to membership in the Association; and

WHEREAS, Section 55-510(C) of the POA Act authorizes the Association to withhold its books and records to the extent that the content of such books and records falls within certain enumerated categories; and

WHEREAS, Section 55-510(D) of the POA Act provides that books and records cannot be withheld in their entirety unless all of the content of such books and records is subject to exclusion under Section 55-510(C) of the POA Act. Otherwise, only those portions of the books and recordings containing excludable information may be withheld or redacted *provided* that the requesting member shall be responsible to the Association for paying or reimbursing the Association for any reasonable costs incurred by the Association in responding to the request for the books and records and review for redaction of them; and

WHEREAS, Section 55-510(E) of the POA Act provides that, prior to providing copies of any books and records, the Association may collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof, so long as the Association adopts a cost schedule in accordance with the POA Act that (i) specifies the charges for materials and labor, (ii) applies equally to all members in good standing, and (iii) is provided to any member requesting to inspect or copy the Association's books and records at the time the request is made, and

WHEREAS, the Association's Board of Directors has decided that it is in the best interest of the Association to adopt a revised written policy pertaining to the examination of Association records.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby establishes the following revised procedure for use in the event that an Association member requests to examine and copy Association books and records.

- A. All books and records kept by or on behalf of the Association, except for those books and records that may be withheld pursuant to Section 55-510(C) of the POA Act, shall be available for examination and copying by a Member in good standing or their authorized agent so long as the request is for a proper purpose related to their

membership in the Association and not for pecuniary gain or commercial solicitation.

- B. Any Member in good standing, or their authorized agent, may submit a written request to inspect or copy Association documents to the Association's Board of Directors. All requests must identify the documents requested and the purpose of the request. A request form is attached as Exhibit A to this Resolution.
- C. Requests to examine and copy Association books and records must be made in writing, at least ten (10) days before the requested date of examination. All requests should be delivered to the Board of Directors, in care of the Association's president and/or secretary.
- D. The Association's president and/or secretary shall provide a copy of the current cost schedule indicating the charges associated with any records request to each person upon request for access to Association books and records. The cost schedule adopted by the Board of Directors is attached as Exhibit B to this Resolution and applies equally to all Members in good standing.
- E. The Association's president and/or secretary shall determine if the Member submitting a records request is in *good standing*. Members not in *good standing* may not examine or copy Association books and records. For the purposes of this Resolution, a Member is not in *good standing* if the Member is delinquent in the payment of assessments or other duly levied charges or if the Member is not in compliance with any of the Association's governing documents.
- F. If it is determined that the Member is in good standing, the Association's president and/or secretary shall determine if the request (1) is for a proper purpose related to membership in the Association and not for pecuniary gain or commercial solicitation and (2) does not fall under any exempted category listed in Section 55-510(C) of the POA Act. If any portion of the requested records can be withheld as exempt, the Association will withhold the entirety of such record unless the Member requested that such record be redacted and copied in their request.
- G. Upon receipt and review of a request that is deemed to be for a proper purpose and not exempted (or if exempted in less than its entirety is redacted pursuant to the Member's request), the Association's president and/or secretary will schedule with the Member a mutually convenient time and place for the Member to examine and copy the Association books and records.
- H. Prior to providing copies of any Association books and records, the Association may impose and collect a charge for the reasonable material and labor costs associated with compiling, copying, and redaction (where applicable) the requested Association books and records in accordance with the cost schedule then in effect.
- I. The Board of Directors reserves the right to waive any charge if it determines that the Member's request involves a minimum amount of time and cost to the Association. For purposes of this Resolution, "minimal requests" shall include requests for copies of:

EXHIBIT A

HUNTINGTON FOREST HOMEOWNERS ASSOCIATION
Request to Examine and Copy Association Books and Records

Requesting Member

MEMBER NAME: _____ DATE: _____

ADDRESS: _____

TELEPHONE # _____

E-MAIL: _____

Nature of Request

Specific Association books and records requested to examine or copy:

Purpose of the request:

Requested date for examination (*leave blank if only requesting copies*): _____

Redaction

Select one (1) from the following:

- I request that records be redacted to the extent not subject to exclusion and agree to (1) pay all reasonable costs for the review and redaction of the documents and (2) allow the Association fourteen (14) days from the date of this request to provide the documents I have requested.
- I do NOT request that records be redacted and therefore acknowledge that documents will be withheld in their entirety if any portion of them can be withheld pursuant to the POA Act.

Send completed forms by mail to Huntington Forest Homeowners Association, c/o President, PO Box 10099, Alexandria, Virginia 22310-0099 or by email to hfhonews@gmail.com and or secretary@hfhoa.info.

An authorized representative from the Association will contact the Member after receipt of the

request to schedule a mutually convenient time and place for the Member to examine and copy the requested Association books and records.

Member Acknowledgement

My request is for a proper purpose related to membership in the Association and not for pecuniary gain or commercial solicitation.

I understand that the Association may withhold from examination or copying Association books and records that are drafts and not yet incorporated into the Association books and records and Association books and records concerning specific matters provided for in Section 55-510(C) of the Virginia Property Owners' Association Act.

I further understand that I have a right to request that the requested books and records be redacted and therefore not withheld, provided that I agree to pay or reimburse the Association for any reasonable costs incurred by the Association in responding to the request for the books and records and reviewing them for redaction.

I understand that the Association may impose and collect a charge, reflecting reasonable costs of materials and labor, related to my request prior to providing copies of any Association books and records. I have received and reviewed the current cost schedule for such materials and labor.

I hereby certify that the statements made on this form are true and complete to the best of my knowledge, information and belief.

Signature

Date

Printed Name

EXHIBIT B

HUNTINGTON FOREST HOMEOWNERS ASSOCIATION

Cost Schedule
(effective 09/14//2018)

For Providing Copies of Association Books and Records

Copy/Print/Scan (black & white)	\$0.25 per page
Facsimile Transmittals	\$0.50 per page
Long distance telephone	Actual Cost
Postage	USPS Rates
Certified Mail	USPS Rates
#10 business envelope	\$0.10 per each
6 x 9 envelope	\$0.20 per each
10 x 15 envelope	\$0.35 per each
Mailing labels	\$0.05 per each
HOURLY RATES: Processing costs	Up to 2 hours): \$40/hr Each hour over 2 hours: \$20/hr. These charges shall be billed in 15 minute increments.
Attorney (if applicable)	Current Rate for Association