

# HUNTINGTON FOREST HOMEOWNERS ASSOCIATION

## Resolution No. 2019-01

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

This resolution replaces and supersedes POLICY RESOLUTION NO 2012-02.

WHEREAS, the HUNTINGTON FOREST HOMEOWNERS ASSOCIATION. (“Association”) is a licensed common interest community association and property owners’ association subject to the Virginia Property Owners’ Association Act and those documents in the chain of title of the Association;

WHEREAS, Virginia Code § 55-530(E) requires the Common Interest Community Board (“CICB”) to establish regulations requiring community associations, including property owners associations, to “establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens;”

WHEREAS, pursuant to CICB regulation 18 VAC 48-70-30, every Virginia community association shall have a written process for resolving association complaints from members and citizens; and

WHEREAS, the Association has not previously adopted reasonable procedures to resolve written complaints as required by CICB regulation 18 VAC 48-70-30.

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

1. The Board of Directors hereby adopts and incorporates into this Resolution the Complaint Form attached hereto as **Exhibit A**.
2. The Complaint Form may be updated administratively to provide the current contact information, including mailing address and telephone number, for the Association.
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 return the completed Complaint Form to the address provided on the Complaint Form.
5. The complainant shall submit with the Complaint Form any relevant documents and references to applicable statutes, case law, or regulations of which they are aware that

support their complaint. The complainant shall also request an action or resolution from the Board of Directors to resolve their complaint.

6. Within seven (7) days of receipt of the completed Complaint Form, the Association shall provide written acknowledgment of receipt of the Complaint Form to the complainant by hand delivery, registered or certified mail, return receipt requested, or electronic mail provided that the sender retains sufficient proof of delivery.
7. 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.
8. Once the appointed director(s) has provided the Board of Directors with his report, the Board may set a hearing to consider the complaint. The hearing shall be set no later than ninety (90) days from the filing of the Complaint Form.
9. The Board of Directors shall provide notice to the complainant of the date, time, and location of the hearing to consider the complaint by hand delivery, registered or certified mail, return receipt requested, or electronic mail provided that the sender retains sufficient proof of delivery. Notice shall be given at least seven (7) days in advance of the hearing.
10. At the hearing to consider the complaint, the Board of Directors shall give the complainant a reasonable amount of time to present his or her argument and any evidence. The Board of Directors may hear from other witnesses and take evidence.
11. At the conclusion of the hearing, the Board of Directors may convene in executive session to discuss the matter.
12. The Board of Directors shall come out of executive session to vote on the final determination of the complaint.
13. Within seven (7) days of the hearing, the Board of Directors shall deliver a notice of the final determination of the complaint to the complainant by hand delivery, registered or certified mail, return receipt requested, or electronic mail provided that the sender retains sufficient proof of delivery.
14. The notice of the final determination shall be dated as of the date of issuance and include (a) the names and registration numbers of the Association, (b) specific citations to applicable Association governing documents, laws, or regulations that led to the final determination, and (c) 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 hereto as **Exhibit B**.

15. The Association shall retain the Complaint Form and any attachments for at least one (1) year from the date of the notice of the final determination.
16. This Resolution shall be available upon request by Members of the Association and other citizens.
17. This Resolution shall be included as an attachment to any disclosure packet.
18. The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.
19. This Resolution supersedes and replaces all previous Association policies and resolutions related to CICB complaint procedures adopted as required by CICB regulation 18 VAC 48-70-30.

# EXHIBIT A

**HUNTINGTON FOREST HOMEOWNERS ASSOCIATION.**

President or Secretary  
PO Box 10099  
Alexandria, Virginia 22310-0099

e-mail [hfhoanews@gmail.com](mailto:hfhoanews@gmail.com) or [Secretary@HFHOA.info](mailto:Secretary@HFHOA.info)

Telephone: \_\_\_\_\_

**ASSOCIATION COMPLAINT FORM**

Pursuant to 18 VAC 48-70-30 of the Virginia Administrative Code, the Board of Directors (“Board”) of the HUNTINGTON FOREST HOMEOWNERS ASSOCIATION (“Association”) has established this complaint form for use by persons who wish to file written complaints with the Association regarding the action, inaction, or decision by the governing board, managing agent or association inconsistent with applicable laws and regulations.

Legibly describe the 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 the Virginia laws and regulations that support the complaint. Also, attach any supporting documents, correspondence and other materials related to the complaint. *If there is insufficient space, please attach a separate sheet of paper to this complaint form.*

COMPLAINT- INCLUDE SPECIFIC FACTS/CIRCUMSTANCES AT ISSUE:

REQUESTED ACTION/RESOLUTION:

LIST VIRGINIA LAWS AND REGULATIONS THAT SUPPORT THE COMPLAINT:

LIST ATTACHED SUPPORTING DOCUMENTS, CORRESPONDENCE & OTHER RELATED MATERIALS:

Sign, date and print your name and address below and submit this completed form to the Association at the address listed above or as a pdf attachment via e-mail to the above listed e-mail addresses.

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Printed Name

Signature

Date

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Mailing Address and Address in Association, if different

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Email Address

Phone Number

Contact Preference: Phone, Email, Other

If, after the Board's consideration and review of the complaint, the Board issues a final decision adverse to the complaint, you have the right to file a notice of adverse decision with the Common Interest Community Board ("CICB") in accordance with the regulations promulgated by the CICB. The notice shall be filed within thirty (30) days of the date of the final adverse decision, shall be in writing on forms provided by the Officer of the Common Interest Community Ombudsman ("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, Virginia 23233  
(804) 367-2941  
CICOmbudsman@dpor.virginia.gov

# **EXHIBIT B**



Department of Professional and Occupational Regulation

Department of Professional and Occupational Regulation  
Office of the Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, VA 23233-1485

[www.dpor.virginia.gov](http://www.dpor.virginia.gov)

[cicombudsman@dpor.virginia.gov](mailto:cicombudsman@dpor.virginia.gov)

INQUIRIES & QUESTIONS (804) 367-2941

FAX (866) 490-2723

VIRGINIA RELAY 7-1-1

## NOTICE OF FINAL ADVERSE DECISION

A complainant may give notice to the Common Interest Community Board via the Common Interest Community Ombudsman of any final adverse decision issued by a common interest community association.

As defined in regulation 18 VAC 48-70-20, a final adverse decision means the final determination issued by an association pursuant to an association 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 appeal have been exhausted.

Any Notice of Final Adverse Decision must be filed within **30 DAYS** of the date of the final adverse decision. Notices of Final Adverse Decision must be complete at the time of filing.

A complete Notice of Final Adverse Decision consists of:

- a copy of the association complaint;
- a copy of the final adverse decision;
- a reference to the laws and regulations the final adverse decision may have violated;
- any supporting documents, correspondence, and other materials related to the final adverse decision;
- a copy of the association complaint procedure or form;
- any applicable association governing documents, and
- a filing fee or a request for waiver of filing fee.

**Anonymous Notices of Final Adverse Decision will NOT be accepted.**

## FEE FOR FILING A NOTICE OF FINAL ADVERSE DECISION

Complainant must submit a \$25 filing fee with the Notice of Final Adverse Decision. The Notice of Final Adverse Decision will not be considered complete until the filing fee has been received by the Department of Professional and Occupational Regulation. The Office of the Common Interest Community Ombudsman will not begin reviewing any Notice of Final Adverse Decision until it is complete.

## WAIVER OF FILING FEE

The Common Interest Community Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the complainant. A waiver form must be completed and submitted with the Notice of Final Adverse Decision. The Waiver Request form can be obtained online at [www.dpor.virginia.gov](http://www.dpor.virginia.gov). If a waiver is requested, the Common Interest Community Ombudsman will not review the Notice of Final Adverse Decision until the waiver has been granted or the Complainant has submitted a filing fee of \$25.



## WHAT HAPPENS WHEN YOU FILE A NOTICE OF FINAL ADVERSE DECISION?

The Office of the Common Interest Community Ombudsman may request additional information from the association. The Office of the Common Interest Community Ombudsman will review the final adverse decision, and if the final adverse decision is in conflict with laws or regulations governing common interest communities or interpretations thereof by the Common Interest Community Board, the Common Interest Community Ombudsman may provide the complainant and the association with information concerning such laws or regulations or interpretations thereof by the Common Interest Community Board.

The determination of whether the final adverse decision may be in conflict with Virginia laws or regulations or interpretations thereof by the Common Interest Community Board shall be a matter within the sole discretion of the Common Interest Community Ombudsman whose decision is final and not subject to further review. This determination shall not be binding upon the complainant or the association.

### NOTICE OF FINAL ADVERSE DECISION FORM INSTRUCTIONS:

1. Fill in the complaint information.
2. Fill in the date of final adverse decision.
3. Fill in the name, address and telephone number(s) of the association.
4. Include a copy of each of the following:
  - ✓ the association complaint;
  - ✓ the final adverse decision received from the association;
  - ✓ the laws and regulations the final adverse decision may have violated;
  - ✓ any supporting documents, correspondence, and other materials related to the final adverse decision;
  - ✓ the association complaint procedure, and any applicable association governing documents.
5. Include a check in the amount of \$25 made payable to the Treasurer of Virginia;
6. If a waiver of the filing fee is requested, include the Request for Waiver of Filing Fee along with the Notice of Final Adverse Decision;
7. Sign and date the form at the bottom of the page.
8. Submit the completed form, supporting documents, correspondence, and other related materials to:  
Department of Professional & Occupational Regulation  
Office of the Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1485

**NOTE:** *By law, all Notices of Final Adverse Decision and any accompanying documents received by the Department of Professional and Occupational Regulation are subject to public disclosure once a case is closed.*

The processing of the Notice of Final Adverse Decision will be conducted in a timely manner. The complainant will be contacted if additional information is required and at the conclusion of the review. Thank you for your patience during the review process.

OFFICE USE ONLY	
<input type="checkbox"/>	\$25 Received
Staff Initials	<input type="text"/>

**Office of the Common Interest Community Ombudsman**  
**NOTICE OF FINAL ADVERSE DECISION**  
 ♦ Fee \$25.00

**NOTE:** *The Department cannot guarantee anonymity. By law, all Notices of Final Adverse Decision received by the Department are subject to public disclosure once a case is closed. Anonymous Notices of Final Adverse Decision will not be accepted.*

**SECTION I - REQUIRED INFORMATION**

<b>COMPLAINANT INFORMATION</b>	Name	_____		
	Mailing Address	_____ _____ _____		
	Telephone Numbers	City _____	State _____	Zip Code _____
		Home _____	Business _____	Cell _____
	Email Address	_____		
	City/County	_____		
	Date of Final Adverse Decision	_____		

<b>ASSOCIATION INFORMATION</b>	Association Name	_____		
	Contact Name	_____		
	Address	_____ _____ _____		
	Telephone Numbers	City _____	State _____	Zip Code _____
		Business _____	Cell _____	Other _____
	Email Address	_____		
	Management Company*	_____		
		<i>* if applicable</i>		

**SECTION II - SIGNATURE**

I understand that this Notice of Final Adverse Decision will not be complete until I have submitted all required documents and the filing fee. A Request for Waiver of Filing Fee may be submitted in lieu of the filing fee, but this will delay review of my Notice of Final Adverse Decision, and there is no guarantee that I will be granted the waiver.

Signature \_\_\_\_\_ Date \_\_\_\_\_

♦ *Complainant must submit \$25 fee, a Request for Waiver of Filing Fee or both.*

