

Cory Farm Homeowners Association

Complaint Procedure Policy Resolution

(Updated Oct 1, 2019)

This updated policy document reflects the latest Va Code references to Association Complaint Procedures Policy that became effective on October 1, 2019. The new Va Code has not changed procedures in this document.

In accordance with *Va. Code § 54.1-2354.4. (Effective October 1, 2019) Association complaint procedures; final adverse decisions; certificate of registration*, the Cory Farm Homeowners Association, Inc. ("Association") is required to have a written process for resolving Association complaints from members and citizens. The Association's Complaint Procedure shall conform to Va. Code § 54.1-2354.4., and the Association's governing documents (which shall not be in conflict with the Va. Code or the Association's governing documents).

The Cory Farm Homeowners Association Board of Directors adopted a Complaint Procedure and Complaint Form that complies with Va. Code § 54.1-2354.4. and the Association's governing documents. It was RESOLVED that the Cory Farm Homeowners Association, Inc. Board of Directors approve the following Complaint Procedure on August 13, 2019:

I. Filing the Written Complaint.

A. A member of the Association must register a Complaint in writing. Only members of the Association may file a complaint. Members are defined in the "Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Cory Farm" Article IV, Section 2.

B. A sample of the "Association Complaint Form" is attached hereto as Exhibit A and must be used when filing a Complaint with the Association under these procedures.

C. In addition to writing the Complaint, the "Association Complaint Form" must be accompanied by supporting documentation, such as Association articles, by-laws, and declarations, or laws or regulations applicable to the complaint.

D. The completed Complaint form with all supporting documents, correspondence, and other materials related to the Complaint, must be emailed to coryfarmbod@gmail.com, provided the sender retains sufficient proof of electronic delivery, or mailed to the following address:

Cory Farm HOA
P.O. Box 526
Crozet, VA 22932-0526

E. The Complaint must be submitted to the Association within thirty (30) days of the alleged act, or failure to act, which is the subject of the Complaint.

II. Receipt and Adequacy of the Complaint.

A. The Association shall provide written acknowledgment of receipt of the Association Complaint to the Complainant within seven (7) days of receipt. Such acknowledgment shall be sent by electronic means, provided the sender retains sufficient proof of the electronic delivery, or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint form.

B. To the extent that the Complainant has knowledge of the law or regulation applicable to the Complaint, the Complainant shall provide that reference, as well as the requested action or resolution. If it appears that the submitted Complaint is inadequate in any way, then the Association may provide notice of such to the Complainant. The notice should describe how the Complaint is inadequate and advise the Complainant of the need to submit a revised Complaint, or additional information before it can be forwarded to the Board for consideration. If it appears that the submitted Complaint includes the required information, the President, or other officer designated by the Board, shall provide the Board of Directors with a copy of the Complaint for consideration.

III. Board Consideration of the Complaint.

A. The Board of Directors, or other hearing tribunal constituted by the Board, shall consider the Complaint within sixty (60) days of receipt of an adequate and completed Complaint, or under extenuating circumstances, as soon thereafter as may be reasonably possible.

B. If the Association has provided notice to the Complainant of the inadequacy of the Complaint as provided for in Section II B above, but if the Complainant does not submit a revised Complaint or additional information within thirty (30) days after such notice is sent, then the Association may consider the Complaint as submitted and make a final determination. In such a situation the Board has the option to make a final determination on the complaint of "Non-responsive to notice of an inadequate Complaint."

IV. Notice of Association Board/Hearing Committee Decision

A. After the final determination is made, the written notice of final determination shall be delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint, within seven (7) days.

B. The notice of final determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents,

laws, or regulations that led to the final determination, as well as the CICB registration number of the Association.

C. No further appeal process under this Association Complaint Procedure is available, and the decision rendered by the Association's Board or hearing tribunal may be considered a "final adverse decision" for purposes of this Complaint Procedure.

V. Notice of Final Adverse Decision to Common Interest Community Board.

A. The Complainant shall have the right to file a "Notice of Final Adverse Decision" with the Common Interest Community Board.

VI. Association Records.

A. A record of each Complaint shall be maintained for no less than one year after the Association acts upon the Complaint.

B. The Association Complaint Procedure must be readily available (upon request) to all members of the association and citizens.

C. The Association Complaint Procedure shall be included as an attachment to the association disclosure packet.

D. From the date of filing, the Complaint will become part of the Cory Farm HOA's Board's next meeting's minutes and will be part of subsequent meeting minutes until the Complaint has a final determination. For a Complaint returned to the Complainant and notified of an inadequacy, the Complaint will not become part of the meeting minutes unless 1) an amended complaint is filed which is not returned and notified of an inadequacy or 2) a final determination has been made on the Complaint as described in III.B. above.

Exhibit A

Cory Farm Homeowners Association, Inc.

P.O. Box 526
Crozet, VA 22932-0526
coryfarmbod@gmail.com

ASSOCIATION COMPLAINT FORM

Pursuant to § 54.1-2354.4. (Effective October 1, 2019) Association complaint procedures, the Board of Directors (Board) of the Cory Farm Homeowners' Association, Inc. (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. This form must be accompanied by references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the Complaint. If there is insufficient space, please attach a separate sheet of paper to this Complaint form.

Also, attach additional narrative page (if needed), any supporting documents, correspondence, and other materials related to the Complaint.

Sign, date and print your name, address, phone number, and e-mail address, below and submit this completed form to the Association at the address listed above.

Printed Name: _____

Signature: _____

Date of Complaint Submission: _____

Date Alleged Act or Failure to Act:

Mailing Address: _____

Lot/Unit Address: _____

Phone Number: _____

E-Mail Address: _____

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 final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. 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 (Ombudsman), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by the necessary filing fee. At the time of the complaint procedure adoption in August 2019, 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
Phone: (804) 367-2941
CICOmbudsman@dpor.virginia.gov