

**TIMBERS HOMEOWNERS ASSOCIATION**  
**RESOLUTION OF THE BOARD OF DIRECTORS**  
**POLICY RESOLUTION NO. 2013-2**

(Policies and Procedures Regarding Written Complaints)

**WHEREAS**, Timbers Homeowners Association (“the Association”) is a property owners’ association organized and operating pursuant to the Virginia Property Owners’ Association Act (“POA Act”) and the Declaration for the Association (the “Declaration”); and,

**WHEREAS**, Article VIII, Section 1 of the By-Laws grants the Board of Directors the powers and duties necessary for the administration of the affairs of the Association and to do all such acts and things as are not by the POA Act or Association instruments required to be exercised and done by the Association; and

**WHEREAS**, pursuant to Section 55-530 (E) of the Virginia Code, the Virginia Common Interest Community Board (“CICB”) has promulgated final regulations imposing a requirement that each common interest community adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

**WHEREAS**, the Board of Directors deems it necessary and in the best interests of the Association to establish orderly procedures for the review of complaints made to the Association by its members and other citizens.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following procedures shall be adopted to address complaints made by members of the Association and other citizens.

**A. Availability of Complaint Procedure.** This resolution will be readily available upon request to all members of the Association and citizens. This resolution shall also be included as an attachment to the Association’s resale certificate or its disclosure packet.

**B. Defined Terms.** All of the terms and phrases used in this resolution shall have the same definitions as those listed in the Virginia Common Interest Community Ombudsman Regulations.

**C. Initiation of Complaint.** An Association Complaint may be filed by a member of the Association or a citizen. An Association Complaint shall concern a matter regarding the action, inaction, or decision of the Association, its Board of Directors, or the Association’s managing agent which is inconsistent with applicable laws or regulations governing the Association.

**D. Complaint Form.** A member of the Association or a citizen may file a complaint by submitting a formal written complaint (“Complaint”) to the Board using the attached Complaint Form. A completed Complaint Form must include a description of the specific facts and allegations relevant to the individual’s Complaint, and the resolution or corrective action sought by the Complainant. If the individual submitting the Complaint Form (the “Complainant”) knows the law or regulation that has been allegedly violated, then the Complainant must provide

a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documents that Complainant believes support the validity of the Complaint. A copy of the complaint procedures, including the required Complaint Form, is available from the Association by contacting its management company which is identified below.

**E. Delivery of Complaint to Association.** The fully completed, signed and dated Complaint Form and all attachments shall be mailed or otherwise delivered to the Board in care of its management company listed below and in such a manner that a signature is required to acknowledge receipt of the Complaint.

East Coast Management and Consulting, Inc.  
8107 Ainsworth Avenue  
Springfield, VA 22152  
PH: (703) 569-9880

**F. Association Notices to Complainant.** All written acknowledgments or other notices required by these procedures to be provided by the Association to the Complainant shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint Form, or if consistent with established Association procedure, delivered by electronic means, provided that the sender retains sufficient proof of the electronic delivery.

**G. Receipt and Adequacy of Complaint.** The Association shall provide written acknowledgment of receipt of a Complaint Form to the Complainant within seven (7) days of receipt. If it appears that the submitted Complaint is inadequate in any way, then the acknowledgment of receipt shall include notice of such to the Complainant and should describe how the Complaint is inadequate and advise the Complainant of the need to submit a revised Complaint before it can be accepted and forwarded to the Board for consideration. If the Complainant does not submit a revised Complaint Form within thirty (30) days after the Association advises the Complainant that the Complaint is inadequate, the Association will make a final determination on the inadequate Complaint. If it appears that the submitted Complaint includes the required information, the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

**H. Board Meeting and Notice.** All completed, signed and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board will decide what action, if any, to take in response to the Complaint. Complaints will be considered by the Board at a regular or special Board meeting held within sixty (60) days from the date on which the Complaint was submitted to the Board for consideration. At least fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Association shall provide the Complainant with notice of the date, time, and location of the Board meeting at which the Complaint will be considered by the Board. This Notice may be combined with the acknowledgment of receipt of the Complaint.

The Notice of Hearing shall be substantially in the following form, but may include other information.

You are hereby notified that a hearing regarding your Complaint will be held before the Board of Directors at \_\_\_\_\_ (place) \_\_\_\_\_ on \_\_\_\_\_ (date) \_\_\_\_\_, at \_\_\_\_\_ (time) \_\_\_\_\_. You should be present at the hearing, may be represented by counsel, and may present any relevant evidence regarding the allegations set forth in your Complaint.

If the Complainant advises the Association that he cannot attend the hearing on the scheduled date and indicates times and dates when they would be available, the Association may reschedule the hearing and deliver notice of the new hearing date and time.

#### **I. Hearing.**

If the Association and the Complainant cannot agree how to conduct the hearing regarding the Complaint, the hearing will be conducted in the following manner:

- (a) make an opening statement;
- (b) introduce evidence, testimony and witnesses;
- (c) rebut evidence and testimony;
- (d) make a closing statement.

The Complaint will go first regarding each of the stages described above.

**J. Board Decision.** 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. If the Board believes 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, the Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting. The Association may give notice when and where the hearing will continue by either announcing the new hearing date and time at the meeting or by giving at least 14 days notice to the Complainant. If the Board has sufficient information to make a final determination on the Complaint, the Board's final determination should include whether the Complainant's requested action or resolution is being approved by the Board. No appeal process is available. The Board's decision is final.

**K. Notice of Board's Decision.** Within seven (7) days after the Board makes a final determination, the Association 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 specific citations to applicable Association governing documents, laws or regulations that led to the Board's final determination, as well as the registration number of the Association. If applicable, the name and license number of the common interest community manager shall also be provided. The Board's notice of final determination shall also include 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.

**L. Association's Records.** The Association shall retain, as part of its records, a record of each 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.

This resolution was duly adopted by the Board of Directors this 5<sup>th</sup> day of February, 2013.

The effective date of this Resolution shall be March 1, 2013.

**TIMBERS HOMEOWNERS  
ASSOCIATION**

BY: 

