

Rhygate Homeowners Association

Resolution No. 10

Association Complaint Procedure

WHEREAS the Rhygate Homeowners Association (“Association”) is a common interest community subject to regulation by the Virginia Common Interest Community Board (“CICB”); and

WHEREAS common interest communities are required by CICB regulations to establish rules for receiving and considering complaints from members and other citizens concerning the action, inaction or decision of the governing board, managing agent or association inconsistent with applicable laws and regulations; and

WHEREAS the Association desires to implement a Complaint Procedure in accordance with regulations adopted by the CICB;

NOW, THEREFORE, it is hereby resolved by the Association, acting through its Board of Directors (“Board”), that the following Complaint Procedure is adopted.

A. APPLICABILITY OF COMPLAINT PROCEDURE

The Complaint Procedure described in this Resolution applies when a homeowner, resident or citizen alleges that an action, inaction or decision of the Association, the Board or a managing agent is in conflict with laws or regulations governing common interest communities, such as the Virginia Property Owners’ Association Act, or interpretations of such laws or regulations by the CICB. This procedure does not apply to other disputes with the Association, with the Board, or with Rhygate homeowners or residents. For example, it does not apply to disputes regarding property maintenance, architectural guidelines, traffic or parking violations by residents or nonresidents, trash collection, unneighborliness by residents, etc., unless the complaining party alleges that the Association, the Board or a managing agent has violated, or is violating, applicable laws or regulations.

B. TIMING OF COMPLAINT PROCEDURE

This Complaint Procedure shall not be used until any and all applicable avenues for internal review have been exhausted, including, if applicable, raising the issue for consideration at a regularly scheduled meeting of the Board of Directors and/or by utilizing the procedures set forth in Resolution No. 4 (“Due Process Procedures”). After the conclusion of such procedures, if a member of the Association or other citizen believes that the decision made by the Association is inconsistent with applicable laws or regulations, then such person may register a Complaint with the Association under this Complaint Procedure.

C. SUBMISSION OF WRITTEN COMPLAINT

1. The Complaint shall be submitted in writing, using the “Association Complaint Form.” A copy of the form is attached hereto as Exhibit A. To the extent that the complainant has knowledge of the law or regulations applicable to the Complaint, he or she shall provide that reference. The Complaint shall also specify the requested action or resolution of the matter.

2. The completed Association Complaint Form, along with all supporting documents and other materials relating to the Complaint, shall be mailed to Rhygate Homeowners Association, P.O. Box 2573, Springfield, Virginia 22152, by registered or certified mail, return receipt requested, within 30 days of the alleged act, or failure to act, which is the subject of the Complaint.

D. RECEIPT AND ADEQUACY OF THE COMPLAINT

1. The Association shall provide written acknowledgement of receipt of the Complaint to the complainant within 7 days of receipt. The acknowledgement shall be by hand-delivery, by e-mail, or by registered or certified mail, return receipt requested, to complainant’s address as provided in the Complaint. If acknowledgement is sent by e-mail, the Association shall retain an electronic copy thereof.

2. If it appears that the Complaint is inadequate in any way, the Association may provide notice of such to the complainant. Such notice shall 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 considered by the Board, together with a deadline for submitting the additional information. If the complainant does not provide the additional information within the requested time frame, the Board may consider the Complaint as submitted and make a final determination.

E. BOARD CONSIDERATION OF THE COMPLAINT

1. The Board shall consider the Complaint within 60 days of receipt of an adequate and completed Complaint, or, under extenuating circumstances, as soon thereafter as may be reasonably possible. Notice of the date, time and location of the Board’s consideration of the matter shall be given to the complainant by hand-delivery, by e-mail, or by registered or certified mail, return receipt requested, to the complainant’s address as provided in the Complaint, at least 14 days prior to consideration by the Board.

2. After the final determination is made, a written notice of final decision shall be sent by hand-delivery, by e-mail, or by registered or certified mail, return receipt requested, to the address provided in the Complaint, within 7 days.

3. The notice of final determination shall be date as of the date of issuance and shall, where applicable, include 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.

F. NOTICE OF FINAL ADVERSE DECISION TO COMMON INTEREST COMMUNITY BOARD

The complainant shall have the right to file a “Notice of Final Adverse Decision” with the CICB. A copy of a form for this purpose is attached hereto as Exhibit B. Additionally, attached as Exhibit C is a form entitled “Request for Waiver of Filing Fee.”

G. ASSOCIATION RECORDS

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

2. This Association Complaint Procedure shall be included as an attachment to the Association disclosure packet for new homeowners and shall be readily available upon request to all members of the Association and citizens.

Duly adopted by the Board of Directors this 9th day of October, 2012 by the Board of Directors.

Mark Spooner, President

Anne Hyde
Robert Etchison
Dave Rand
Scott Erskine
Margaret Fisher
Brent Roderick
Cathleen Scoblionko
Cliff Thomas

Exhibit A

**Rhygate Homeowners Association
P.O. Box 2573
Springfield, Virginia 22152**

ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia and the regulations issued by the Common Interest Community Board thereunder, the Board of Directors (“Board”) of the Rhygate Homeowners Association (“Association”) has established an Association Complaint Procedure for consideration of complaints by persons alleging that action, inaction or a decision by the Board or a managing agent is inconsistent with applicable laws and regulations governing common interest communities, and the Board has established this Complaint Form for use in submitting such Complaints.

Note: The requirements for submitting Complaints, and the procedure for considering Complaints, are set forth in Rhygate Homeowners Association Resolution No. 10, which is available on Rhygate.com.

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Legibly describe the Complaint in the area provided below, as well as the requested action or resolution of the issues described. Please include references to the specific facts and circumstances at issue and the provisions of Virginia laws and/or regulations that support the Complaint. If there is insufficient space, please attach a separate sheet of paper to this Complaint Form. Also, attach any supporting documents and other materials related to the Complaint.
