



HENSELSTONE WOODS PROPERTY OWNERS' ASSOCIATION, INC.

Association Complaint Procedures

WHEREAS, the Code of Virginia, 1950, as amended (the "Virginia Code"), was amended by statute effective July 1, 2008, to create a Common Interest Community Board ("CIC Board") and the Office of the Common Interest Ombudsman ("CICO"); and,

WHEREAS, Section 54.1-2354.4.A states the CIC Board "shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and,

WHEREAS, Virginia Register of Regulations Vol. 28 ISS. 19 (July 1, 2012), regulation 18VAC48-70 Common Interest Community Ombudsman Regulations (adding 18VAC48-70-10 through 18VAC48-70-130) provides details and specifics regarding Section 54.1-2354.4,

WHEREAS, it is the intent of the Board to establish procedures for the Board that meet the requirements of Sections 54.1-2354.4.A and B of the Virginia Code as well as regulation 18VAC48-70 (*Title 18. Professional and Occupational Licensing; Agency 48. Common Interest Community Board; Chapter 70. Common Interest Community Ombudsman Regulations*) as the same may be amended and/or supplemented from time to time; and,

WHEREAS, the Board of Directors will provide this policy to current owners by, placing a copy on the Association Website: <https://henselstonewoods.com>, and will make it available to all future owners by including the Resolution in resale disclosure packages prepared pursuant to Virginia's Property Owners' Association Act; and,

WHEREAS, this Resolution shall remain in full force and effect until amended by further changes in the Regulations of the CICO, or resolution of the Board, whichever first occurs.

NOW THEREFORE, the Board of Directors of the Henselstone Woods Property Owners' Association, Inc. does hereby adopt this Resolution in order to enact the following Association Complaint Procedures:

1. When any Association Member ("Member"), reasonably believes the Board of Directors ("Board"), or any individual Board Member, Managing Agent or Association has or is continuing to violate any provision of applicable laws and regulations by action, inaction, or decision by the governing board, managing agent, or association, the Member shall have the right to acquire, complete and submit an Association Complaint.

2. The Association Complaint shall comport substantially with the Association Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by Virginia's Common Interest Community Board ("CIC Board").
3. The Association Complaint including any supporting documentation shall be submitted via United States Postal Service Certified Mail to the Henselstone Woods Property Owners' Association, Inc. c/o POA Board, 1431 River Ct, Front Royal, VA 22630.
4. The Board shall amend and restate this Association Complaint Procedures Resolution each time the name, address, telephone number and/or email address of the association's office changes, in order to remain compliant with Section 54.1 paragraph 2354.4.A.2 of the Virginia Code.
5. A copy of the Association Complaint Procedure along with the Complaint Form will be included in all new Association Disclosure Packets. These documents will also be provided via the Association website: <https://henselstonewoods.com>.
6. Receipt of an Association Complaint will be acknowledged by the Board within (7) days in writing by mailing to the Member by United States Postal Service Certified Mail.
7. **Required Information:** The Board shall consider the Association Complaint in order if it is complete and actionable. A complaint must specifically allege a violation of applicable law or regulations by the Board and should include any supporting documentation along with the completed Complaint Form "Exhibit A". If the complaint does not express such an allegation, the Board will inform the Member by mail, and request any additional information that is necessary to continue processing the Association Complaint. This additional information must be submitted to the Board within (7) days of the Board's request to the Member. If requested information is not received within this timeframe the complaint will be considered closed. If the complaint is complete and actionable, the Board will accept it for consideration and decision during the Board's next regularly scheduled Board Meeting.
8. **Incomplete Complaint:** If it appears that the submitted Association Complaint is missing the required minimum information as stated in paragraph (7) above, then the acknowledgment of receipt shall include notice to the Member and advise the Member that he/she will need to submit an appropriate Association Complaint before it can be accepted and considered by the Board.

9. Review Period: Assuming the Association Complaint is accepted for consideration or accepted upon receipt of additional information or documentation requested by the Board, the Association shall then undertake best efforts to complete its consideration of the complaint during the next regularly scheduled Board Meeting. If the Association Complaint is received less than (7) days prior to the next scheduled regular or Board Meeting, the Association Complaint shall be considered at the next regularly scheduled Board Meeting.
10. The Board shall consider any Association Complaint received and shall, if necessary, consult with the Association's attorney and/or any other entity or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.
11. The Board shall provide the Member notice of the date, time, and location that the matter will be considered and this notice shall be mailed by certified mail to the Member at the address provided within (14) days before the regularly scheduled meeting at which the Association Complaint will be considered.
12. The Board shall render a written decision of the Complaint to the Member within (7) days of the Board Meeting during which the Association Complaint was considered.
13. When the Board renders a final decision in response to an Association Complaint as stated in the procedures in the preceding paragraphs there is no appeal process to the Board and the decision is considered final.
14. **Complainant's Rights Description required by Section 54.1-2354.4 of the Code of Virginia, 1950, as amended.** In accordance with Section 54.1-2354.4.B of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia's CIC Board of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the CIC Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation ("CIC Director") and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 54.1-2343.2. The CIC 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 member. The CIC Director shall provide a copy of the written notice to the Association that made the final adverse decision.
15. The Association Complaint, and a copy of the Complaint Response correspondence

(“Complaint File”) shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association’s Board, and the Lot Owner(s) who submitted the original Complaint, *provided, however*, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Association.

The Board of Directors reserves the right to amend, update, and change these procedures as necessary.

Updated (April 17, 2020)

Version 1.0 – Language updated and amended to bring procedures into compliance with Virginia Law and Regulations provided by the Office of the Common Interest Community Ombudsman.

This Resolution has been approved by the Henselstone Woods Property Owners Association Board of Directors on the above noted date.

EXHIBIT A
Henselstone Woods Property Owners Association, Inc
1431 River Ct. Front Royal, VA 22630, 540-635-9771

ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 23.3 of Title 54.1 of the Code of Virginia, the Board of Directors (Board) of the **Henselstone Woods Property Owners 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 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 any supporting documents, correspondence and other materials related to the complaint.

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

<hr/>	<hr/>	<hr/>
Printed Name	Signature	Date

Mailing Address

Lot/Unit Address

<hr/>	<hr/>	Contact Preference	Phone	E-mail
E-mail Address	Phone Number		Other	<hr/>

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 a \$25 filing fee. The Ombudsman may be contacted at:

Office of the CICO Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
804-367-2941
CICOmbudsman@dpor.virginia.gov