

## **As posted in the October 2012 Newsletter: Complaint Procedures Process**

All Virginia Community Associations are required by State law to implement a new complaint resolution process. As indicated in the President's Report, this process does not replace the current mechanisms in place at Skyline House for the resolution of complaints. It is not for ordinary, routine issues. Rather, it applies only to complaints that concern "a matter regarding the action, inaction, or decision by the governing board, managing agent, or association **inconsistent with applicable laws and regulations.**"

This new procedure applies not to routine, ordinary complaints, but only to situations in which a complainant claims that an action has been taken that is inconsistent with applicable federal, state, or local laws or regulations, or Association by-laws or regulations. The Board of Directors received the Association Complaint Procedure resolution draft to be adopted by the Association, as required by the Common Interest Community Ombudsman Regulations. This is a requirement under Virginia Code that each association shall have a written process for resolving Association complaints regarding matters specified above. The complaint procedure will provide the Association with specific guidelines on how to receive such complaints, information required from the complainants, acknowledgement, meeting date, final determination notices, and record keeping guidelines.

**Resolution of the Board of Directors of  
Skyline House Unit Owners' Association, Inc.  
Adopting Association Complaint Procedures  
Resolution No. 12-16 September 26<sup>th</sup>, 2012**

WHEREAS, Section 55-530 of the Code of Virginia and the Common Interest Community Ombudsman Regulations (the "Ombudsman Regulations") authorize community associations in Virginia to adopt a written process for resolving complaints from members and citizens (the "Association Complaint Procedures"); and

WHEREAS, the Board of Directors of the Skyline House Unit Owners' Association, Inc. desires to adopt procedures that are in compliance with these statutes and regulations;

IT IS THEREFORE HEREBY RESOLVED THAT the Board of Directors adopts the following Association Complaint Procedures:

**1. Initiation, Delivery and Acknowledgement**

1.1 To initiate action under these Association Complaint Procedures, an owner, resident or citizen shall complete and submit the Association Complaint Form attached to these Procedures. The person initiating an Association Complaint is referred to in these procedures as the "Complainant."

1.2 The Association Complaint Form shall be readily available and shall be provided to any person upon request to the Resident Services Coordinator at 703-578-4855 ext. 302 or by mail to the Resident Services Coordinator, Skyline House Unit Owners' Association, Inc., 3711 S. George Mason Drive, Falls Church, VA 22041 or by email request to [resservcoord@shuoa.org](mailto:resservcoord@shuoa.org) or by facsimile to 703-578-3734.

1.3 An Association Complaint shall concern a matter regarding actions, inactions or decisions by the Board of Directors (the "Board") or the Association that are alleged to be inconsistent with applicable laws and regulations governing common interest communities.

1.4 Initiation of a Complaint pursuant to the Association Complaint Procedures requires a complete Association Complaint Form. If the Association Complaint Form is incomplete, the Association may return it to the Complainant with a request stating what needs to be completed, and processing of the Association Complaint shall not begin until a complete Association Complaint Form is received by the Association.

1.5 The Association Complaint Form shall provide sufficient information to enable the Board to be able to make a determination on the issue(s) raised in the Association Complaint. To the extent the Complainant has knowledge of the laws, regulations or provisions applicable to the Association Complaint, the Complainant

shall provide those references. The Complainant shall describe the action or resolution the Complainant is requesting.

1.6 The Complainant shall deliver the Association Complaint Form to the person identified in the instructions in the Association Complaint Form, by the method described in the Association Complaint Form.

## **2. Acknowledgement**

2.1 The Association shall send the Complainant an acknowledgement of receipt of a completed Association Complaint Form within seven days after a completed form is received. Acknowledgment shall be sent by certified mail, return receipt requested or by hand delivery, or by electronic means if the Complainant has expressed a preference in writing (including email) to receive communications regarding the Association Complaint electronically. If sent electronically, the Association shall retain sufficient proof of the electronic delivery.

## **3. Additional Information**

3.1 If the Association determines that additional information is needed in order to be able to make a decision on the Association Complaint, it may request that information from the Complainant. The request may be made by any reasonable means deemed appropriate by the Association, including regular U. S. mail, hand delivery, or by electronic means if the Complainant has agreed in writing (including by email) to receive communications regarding the Association Complaint electronically. Complainant shall respond to any such request to the best of Complainant's ability within a reasonable time after receiving such a request. If Complainant does not respond within thirty days, the Board may dispose of the Association Complaint based upon the information available to it.

## **4. Notice of Consideration of Association Complaint**

4.1 When the Association has determined when the matter will be considered by the Board of Directors, notice shall be given to the Complainant of the date, time and location that the Association Complaint will be considered by the Board. The notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided, or shall be given by electronic means if the Complainant has expressed a preference in writing (including by email) to receive communications regarding the Association Complaint electronically. If sent electronically, the Association shall retain sufficient proof of the electronic delivery. The Association will make reasonable efforts to consider issues properly raised in the Association Complaint within 60 days of receiving all information it considers necessary to make a decision and in any event within 90 days after an Association Complaint is received.

4.2 If Complainant attends a meeting at which the Association Complaint is considered, the Board of Directors may give the Complainant an opportunity to

briefly address the Board on the issue(s) raised in the Association Complaint, within reasonable time constraints to be determined by the Board.

## **5. Notice of Final Determination**

5.1 Within seven days after the final determination is made on the Association Complaint, a written Notice of Final Determination shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant, and sent to the Complainant by electronic means if the Complainant has expressed a preference in writing (including email) to receive communications regarding the Association Complaint electronically.

5.2 The Notice of Final Determination shall be dated as of the date it is issued. It shall include specific citations to applicable Association governing documents, laws, or regulations that led to the final determination, as well as the Virginia Department of Professional and Occupational Regulation (DPOR) registration number of the Association.

5.3 The Notice of Final Determination shall include a statement of 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.

## **6. No Appeal Procedure**

6.1 No appeal to any Association party shall be available from the determination set forth in the Notice of Final Determination, and the decision set forth therein shall be the final decision of the Association on the matter set forth in the Association Complaint.

## **7. Record Keeping**

7.1 A record of each Association Complaint filed with the Association, including all documents, correspondence, and other materials related to a decision made pursuant to the Association Complaint Procedures, shall be maintained for no less than one year after the Association acts on the Association Complaint.

## **8. Distribution of Association Complaint Procedures**

8.1 The Association Complaint Procedures shall be readily available to all members of the Association, residents and citizens upon request. Requests for copies of the Procedures and forms can be obtained by contacting the Resident Services Coordinator at 703-578-4855 ext. 302 or by mail to the Resident Services Coordinator, Skyline House Unit Owners' Association, Inc., 3711 S. George Mason Drive, Falls Church, VA 22041 or by email request to [resservcoord@shuoa.org](mailto:resservcoord@shuoa.org) or by facsimile to 703-578-3734.

8.2 The Association Complaint Procedures shall be included as an attachment to the Association resale certificate.

This Resolution shall be effective \_\_\_\_\_, 2012.

ADOPTED \_\_\_\_\_, 2012.

BOARD OF DIRECTORS

Skyline House Unit Owners' Association, Inc.

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Secretary



## ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors ("Board") of the Skyline House Unit Owners' Association, Inc. ("Association") has established this Association Complaint Form for use by persons who wish to file written complaints with the Association regarding the action, inaction or decision by the Board, managing agent or Association inconsistent with applicable laws and regulations.

This form may be sent to the Association

By U. S. Mail to:           Resident Services Coordinator  
Skyline House Unit Owners' Association, Inc.  
3711 S. George Mason Drive  
Falls Church, VA 22041

By email to:               [resservcoord@shuoa.org](mailto:resservcoord@shuoa.org)

By facsimile to:         703-578-3734

The telephone number of the Association to whom this form is to be directed is 703-578-4855 ext. 302.

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Your Name: \_\_\_\_\_

Your Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are an owner in the Association, please provide the address of the Association property owned:

\_\_\_\_\_

\_\_\_\_\_ Your Contact Preference  Phone        E-mail  
Your E-mail Address   Your Phone Number                    Other \_\_\_\_\_

Initial Here ->\_\_\_\_\_ if you would prefer to receive written communications regarding this matter by email rather than by certified mail or hand delivery. **By initialing you agree to send a confirmation of receipt by email to the sender.** Failure to do so may necessitate the Association sending written communication by certified mail or hand delivery in addition to email.

Please legibly describe the Complaint in the area provided below, as well as the requested actions or resolutions of the issues described in the Complaint. Please include references to the specific facts and circumstances at issue and the provisions of applicable laws and regulations that support the Complaint. If there is insufficient space, please attach a separate sheet of paper to this Complaint form. Please write legibly or type below and feel free to attach accompanying sheets. Also, please attach any supporting documents, correspondence and other materials related to the Complaint.

**Complaint:**

**Requested resolution:**

**Provisions of applicable laws and regulations that support the Complaint:**

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Printed Name

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Signature

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Date

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 Common Interest Community Ombudsman  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, VA 23233  
804/367-2941  
CICOmbudsman@dpor.virginia.gov