

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. 14

(Procedures Related to the Submission and Resolution of Complaints)
(10/19/21)

WHEREAS, Section 54-2354.4 of the Virginia Code requires the Association to establish reasonable procedures to resolve written complaints from the members of the Association or other citizens; and

WHEREAS, Section 18VAC48-70-10, *et seq.*, of the Virginia Administrative Code requires the Association to enact procedures governing the receipt and adjudication of written complaints and outlines the requirements for the content of such complaint procedures; and

WHEREAS, the Board has adopted a policy resolution requiring all complaints to be submitted to the Association's Board of Directors in writing and establishing reasonable procedures governing the resolution of these written complaints so as to comply with the requirements of Virginia law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board adopts the following policy:

1. **Complaint Must Be in Writing.** The Association shall act only on written complaints submitted to the Board in accordance with the procedures set forth in this resolution.¹
2. **Complaint Form.** If an Owner, resident or other person wishes to submit a formal complaint to the Association, such persons must complete the written complaint form attached hereto as Exhibit A and submit it to the Association's management.
3. **Where Complaints Shall be Sent.** All written complaints must be sent to the Association at the following location unless otherwise advised by the Association's Board:

Newington Forest Community Association, Inc.
c/o Community Manager
8201 Southrun Road
Springfield, Virginia 22153
questions@newingtonforest.org

¹ If an issue is being litigated, has previously been subject to litigation and/or a settlement agreement/judgment, or is potentially a continuation or spin off from a matter that was previously litigated or settled, the Board may refer the matter directly to its law firm for action, including the preparation of any response to the complaint.

Written complaints may be faxed, emailed, submitted via an online form, or delivered by hand, the Postal Service or other delivery service.

4. Required Information. The complaint must allege that either the Association or a member of the Association (including its Board of Directors or Management) has acted in a manner that is **inconsistent with applicable common interest community laws and regulations**. All complaints shall include the following information or shall be deemed invalid:
 - 1) The name and address of the complainant;
 - 2) The nature of the alleged complaint, including the relevant times, dates and places involved;
 - 3) The applicable laws or regulations that the complaint concerns;
 - 4) Any other information the complainant deems relevant for the Board's review; and
 - 5) The signature of the complainant.

If the complaint does not allege that a violation or conflict with laws or regulations governing common interest communities has occurred, the complaint is not actionable under this policy. (Note: The Ombudsman does not have jurisdiction to review or provide a determination for alleged violations of the Governing Documents.

5. Acknowledgment of Receipt. If a complaint is complete and actionable, the Association shall provide written notice acknowledging receipt of the complaint within seven (7) days of receipt of a completed Complaint Form.
6. Association's Form of Correspondence. The Association shall deliver written notice to the complainant by certified mail or hand-delivery, unless the complainant either has notified the Association that they consent to receiving written communications electronically in addition to delivery by hand or certified mail.
7. Incomplete Complaint. If the Association deems the complaint to be incomplete, the Association shall notify the complainant within seven (7) days of receipt of the submission. The notification shall state the additional information the complainant needs to provide to the Association to complete the Complaint Form. The complainant shall have an additional fourteen (14) days to submit a completed Complaint Form. If a completed Complaint Form is not received within the 14-day timeframe, the Association shall notify the complainant that a valid written complaint was not received and the matter is deemed closed. If the additional information is received within the 14-day timeframe, the Association shall send acknowledgement of receipt as identified in Section 5 above and commence an investigation described in Section 8 below.
8. Investigation Period. Upon receipt of a valid written complaint, the Association shall investigate and resolve the complaint. The Board may contact the complainant in order to conduct its investigation. The complainant is obligated to cooperate with the

Association's investigation. If the complainant does not cooperate, the Association may close the matter for failure to cooperate.

9. Conclusion of Investigation. The Association will endeavor to conclude its investigation within thirty (30) days of its receipt of a valid written complaint, unless the Association deems that more time is necessary to conclude the investigation.
10. Meeting Notice. After conclusion of the investigation, the Association shall provide written notice to the complainant of the time, date and location of the Board meeting where the Board will make a final decision on the complaint. The written notice shall be sent to the complainant via hand-delivery or via certified mail, return receipt requested no less than 14 days in advance of the meeting. The written notice may also be sent via electronic means if the complainant has consented to receive electronic communication from the Association.
11. Notice of Final Determination. Following the conclusion of the meeting, the Board shall send the complainant a Notice of Final Determination within seven (7) days after the meeting date. The Notice of Final Determination shall notify the complainant of the Board's decision, the provisions in applicable laws, or regulations upon which the Board relied in reaching its decision, the registration number of the Association, and shall notify the complainant of his or her right to file a Notice of Final Adverse Decision as set forth in paragraph 12 below.
12. Referral to Ombudsman. The Notice of Final Determination shall advise the complainant of his or her right to file a Notice of Final Adverse Decision to the Office of the Common Interest Community Ombudsman at the below address:

Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1485
Phone: 804 367-2941
Email: Cicbudsmen@dpor.virginia.gov

13. Record Keeping. The Association shall maintain a record of the complaint for no less than one (1) year from the date that the Association takes action on said complaint.
14. Availability. A copy of these procedures shall be made available to all Owners and citizens upon request and on the Association's website.
15. Resale Disclosure Packet. A copy of these procedures shall be included in any resale disclosure packet.
16. Annual Report. The Association shall certify with each Annual Report filing that the Association complaint procedure has been adopted and is in effect.

EFFECTIVE DATE OF RESOLUTION

I hereby certify that this Policy Resolution was duly amended and adopted by the Board of Directors at a regular meeting on October 19, 2021.

NEWINGTON FOREST COMMUNITY
ASSOCIATION, INC.

By: _____
Tina L. Ward, President

Exhibit A
NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.
COMPLAINT FORM

(To comply with Section 54-2354.4 of the Virginia Code and 18 VAC 48-70-10, *et seq.*)

You must use this format to file a complaint that involves alleged violations of common interest community laws or regulations concerning the Newington Forest Community Association, Inc. (Association). Should you choose to file a complaint using this form, please complete, sign, and date this form and mail, fax, or deliver it to the address below:

Newington Forest Community Association, Inc.
c/o Community Manager
8201 Southrun Road
Springfield, Virginia 22153

Name of Complainant(s):

Address: _____

Phone: (Home) _____ (Work) _____

(Mobile) _____ (Email) _____

Preferred method of communication: _____ Writing _____ E-mail

Please describe the nature of your complaint and to the extent the complainant has knowledge, cite any provisions of the applicable statute or regulations or Governing Documents that are the basis for your complaint: (Please attach all documents and communications supporting your complaint – you may use additional pages.)

Name and address of persons that are the subject of complaint:

Description of Relief Being Sought by Complainant or Requested Action:

Be advised, the Association may elect not to take action on any complaint which does not conform to the above-referenced delivery requirements or include the requested information using this form or its format.

The Association will provide written acknowledgement of receipt of the form within seven (7) days via certified mail, hand delivery, or electronic means, if applicable. If additional information is required, you will be notified in accordance with Section 7 of the Association's Procedures Related to the Submission and Resolution of Complaints.

The Association will investigate your complaint when it has received a valid written complaint.

The Association will endeavor to conclude its investigation within thirty (30) days of its receipt of your valid written complaint, but the Association reserves the right to take additional time as needed to conclude its investigation. Once the investigation is concluded, you will be notified of when and where your matter will be reviewed by the Board (or other body, if applicable).

After the Board has made its final determination, the Board will send you a written Notice of Final Determination within seven (7) days of the decision by either via certified mail, hand delivery, or electronic means, if applicable.

Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman. In accordance with the Common Interest Community Ombudsman Board's (CIC Board) rules and procedures and Virginia Code § 54-2354.4, you may give notice to the CIC Board of any final adverse decision which your Association may make regarding your complaint. You must file the notice within thirty (30) days of the final adverse decision. Your notice must be in writing on forms prescribed by the CIC Board, and must include copies of all records pertinent to the decision, as well as the \$25 filing fee. 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 you undue financial hardship. For more information or to submit a complaint to the Office of the Common Interest Community Ombudsman, please contact their office at:

Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1485
Phone: (804) 367-2941 / Email: Cicbudsman@dpor.virginia.gov

You must date and sign this form. Anonymous complaints will not be accepted.

Signature: _____

Date: _____

The Association will maintain a record of your complaint for one (1) year from the date upon which it takes action to resolve your complaint.

To be completed by Association representative only

Received by: _____

Date: _____