

SENECA RIDGE HOMEOWNERS ASSOCIATION
ASSOCIATION COMPLAINT PROCEDURE and
ASSOCIATION COMPLAINT FORM

Version Control	
Issue Date	Change Description
17 Sep 2012	Initial Adoption as required by State Law

Purpose

This Association Complaint Procedure provides guidance and instruction to members of the Seneca Ridge Homeowners Association (“SRHOA”) and to citizens on how to submit a complaint related to violations of Virginia common interest community law or regulations.

The Association Complaint Form provides a vehicle for members of the SRHOA and citizens to submit an association complaint.

The complaint procedure and complaint form are not for addressing complaints related to internal issues in the SRHOA, such as architectural guideline violations or violations of its declaration or bylaws.

Definitions

As per Section 55-79.41 of the Code of Virginia, the following words, terms, and phrases, when used in this document, shall have the following meanings unless the context clearly indicates otherwise:

"Adverse decision" or "final adverse decision" means the final determination issued by an association pursuant to an association complaint procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the complainant.

"Association complaint" (furthermore referred to as “complaint”) means a written complaint filed by a member of the association or citizen pursuant to a complaint procedure. A complaint shall concern a matter regarding the action, inaction, or decision by the governing Board, managing agent, or association inconsistent with applicable laws and regulations.

“Association complaint procedure” means the written process adopted by an association to receive and consider association complaints from members and citizens.

"Complainant" means an association member or citizen who makes a written complaint pursuant to an association complaint procedure.

"Record of complaint" means all documents, correspondence, and other materials related to a decision made pursuant to an association complaint procedure.

Written Complaint Procedure

1. Any SRHOA member or citizen may submit a complaint to the SRHOA Board of Directors for its attention and/or action.
2. A form on which the complaint must be filed shall be provided upon request.
3. The complaint must be in writing and contain the following information: name, address and contact information of complainant; description of complaint; supporting documents, correspondence and other materials related to the complaint; signature and date. In addition, to the extent the complainant has knowledge of the Virginia law or regulation applicable to the complaint, the complainant shall provide that reference, as well as the requested action or resolution.
4. The SRHOA shall provide complaint forms substantially similar to the Association Complaint Form attached hereto upon written request to the SRHOA at its official address of record. Electronic or hand-delivered requests will not be accepted.
5. Written complaints shall be mailed to the SRHOA at its official address of record. Electronic or hand-delivered submissions will not be accepted.
6. The SRHOA shall provide written acknowledgment of receipt of the complaint within seven (7) days of receipt. Such acknowledgement shall be hand-delivered, mailed by registered or certified mail, return receipt requested, to the complainant at the address provided, or sent by electronic means provided the sender retains sufficient proof of the electronic delivery.
7. The SRHOA shall use its best efforts to review the complaint within 30 days of receipt in order to determine if it is actionable and complete. If the complaint is actionable and complete, it shall be accepted for review and a decision. If the complaint is not complete, it is considered not actionable and this policy shall not apply. The SRHOA will return the incomplete complaint and explain why the complaint was not accepted.
8. If additional information is required from the complainant, the SRHOA shall contact the complainant in writing for the additional information.
9. If the SRHOA does not receive the additional information within 30 days from the date of the request thereof, the matter shall be deemed closed and the disposition of the complaint shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or sent by electronic means provided the sender retains sufficient proof of the electronic delivery within 30 days of the missed deadline.
10. Once all required documentation to support the complaint has been received by the SRHOA, the SRHOA shall use its best efforts to complete its review regarding the complaint within 60 days.

11. After completion of the SRHOA's review of the complaint, the SRHOA shall issue written notice of the date, time, and location that the matter will be considered by the SRHOA's representatives where a final decision regarding the complaint shall occur. The notice shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided, or by electronic means provided the sender retains sufficient proof of the electronic delivery.
12. The SRHOA Board of Directors shall determine the representatives of the SRHOA who shall conduct the proceedings and make a final decision on the complaint. The rendered decision is final and no appeal process is available within the SRHOA.
13. After the final determination is made, the written notice of final determination shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or sent by electronic means provided the sender retains sufficient proof of the electronic delivery within seven (7) days to the complainant at the address provided.
14. 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 final decision, and shall include the Common Interest Community registration number for the SRHOA.
15. The notice shall also advise the complainant of his or her right to file an appeal (Notice of Final Adverse Decision) with the Common Interest Community Board (CICB) via the Common Interest Community Ombudsman and provide the data necessary to do so.