

PARK WEST COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION 16-03

**REGARDING POLICIES AND PROCEDURES FOR
THE RECEIPT AND RESOLUTION OF COMPLAINTS**

I, Mark Griffin, President of Park West Community Association, Inc. (“Association”), a non-stock corporation duly organized and existing under the laws of the Commonwealth of Virginia, hereby certify that the following is a true copy of a resolution unanimously reaffirmed by the Board of Directors of the Association at a meeting convened and held on May 17, 2016, at which a quorum was present and voting throughout, of a Resolution earlier approved (July 10, 2012) by said Board of Directors, and that such resolution is in full force and effect and is in accordance with the provisions of the Declaration of Covenants, Conditions and Restrictions (“Declaration”) and By-Laws of the Association.

WHEREAS, the Virginia Code 55-530(E) and Regulations (Chapter 70, Part One of the Common Interest Community Ombudsman Regulations) require that each common interest community (including condominiums, property owners’ associations and cooperatives) adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

WHEREAS, Section 18VAC48-70-10, et seq, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code by September 28, 2012 and outlines the requirements of said complaint procedures;

WHEREAS, the Board of Directors has decided that, for the benefit and protection of the members of the Association, it is desirable to formally adopt a resolution to enact the statutory requirement to establish such standards and establish new procedures for the same consistent with Virginia law;

NOW, THEREFORE, BE IT RESOLVED THAT the following policy and procedures are established and adopted to comply with the CICB-mandated Association complaint procedure for handling written complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities from members of the Association under CICOR:

1) TERMS

- a) ‘Governing Documents’ refers to, but is not limited to, the Articles of Incorporation, the Declaration, the By-Laws, any Resolution, any Rules and Regulations, and any Community Guidelines duly adopted by the Association.
- b) ‘VAC’ refers to the Virginia Administrative Code
- c) ‘CICB’ refers to the Virginia Common Interest Community Board

- d) 'CICOR' refers to the Common Interest Community Ombudsman Regulations
- e) 'Member' refers to any Owner (resident or non-resident) within the community.
- f) For Notices to Members, in addition to the Declaration, Article X, Section 6 the following also applies.
 - i) Notices may be delivered by hand to the Member.
 - ii) All fees and charges associated with mailing notifications via registered or certified mail, return receipt requested shall be applied and posted to the Member's account.

2) **POSTING OF PROCEDURE:** The Association's complaint procedure and Complaint Form (Exhibit A) shall be conspicuously posted on the Association's website, as well as made readily available through the Association's management agent upon request, and they shall be in full conformance with the requirements set forth in §55-530 of the Code and its implementing regulations, as the same shall exist from time-to-time, as well as with the Association's Governing Documents.

3) COMPLAINT FORM

- a) If a member of the Association, a resident or other individual alleges that an action, inaction or decision of the Association, the Board of Directors ("Board") or the Association's management agent ("Managing Agent") is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complaint ("Complaint") to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. If the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Managing Agent or the Board without using the attached form.
- b) Complaint Form Instructions and Attachments.
 - i) A completed Complaint Form must include a clear and understandable description of the specific facts and circumstances relevant to the individual's Complaint, and the specific action, result or resolution that is being requested.
 - ii) If the individual submitting the Complaint Form (the "Complainant") knows the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form.
 - iii) The Complainant must also attach to the Complaint Form a copy of any documents that Complainant believes support the validity of the Complaint (not including laws, regulations or the Association's governing documents).
- c) A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting the Managing Agent.

4) DELIVERING THE COMPLAINT TO THE BOARD OF DIRECTORS:

- a) The fully completed, signed and dated Complaint (including the Complaint Form and all attachments) shall be mailed or otherwise delivered to the Board at the following address:

Park West Community Association
c/o Summit Management Services, Inc.
8405A Richmond Highway
Alexandria, VA 22309

- b) The Managing Agent will distribute the initial complaint to the Board within three (3) days entry into the tracking database. If necessary, the initial distribution to the Board should state whether the Completeness Determination (Section 6.b) has been accomplished.

5) MEANS OF PROVIDING NOTICES TO COMPLAINANT

- a) All written acknowledgments or other notices required by these procedures to be provided by the Association to the Complainant shall be in accordance with Section 1.f above (hand-delivered or mailed by registered or certified mail, return receipt requested) to the Complainant at the address provided on the Complaint Form. Once PWCA establishes such a procedure, acknowledgments or other notices may be delivered by electronic means provided the Complainant agrees to such a delivery method.
- b) The Managing Agent shall retain in the Association's records proof of the mailing, delivery or electronic transmission of the acknowledgments and notices per Section 8 below.

6) ACKNOWLEDGING RECEIPT OF COMPLAINT

- a) Within seven (7) days of receipt of a Complainant's Complaint Form, the Managing Agent shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint.
- b) Managing Agent Completeness Determination
- i) Incomplete Complaint. If it appears to the Managing Agent that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be accepted and officially forwarded to the Board for consideration.
- ii) Forwarding to the Board. If it appears to the Managing Agent that the submitted Complaint includes the required minimum information, then on the same day that acknowledgment of receipt of the Complaint is provided to the Complainant, the Managing Agent shall provide the Board with an official copy of the Complaint for consideration.

7) REQUEST FOR FURTHER INFORMATION ABOUT THE COMPLAINT

- a) Once forwarded to the Board, the Board may request the complainant to identify and provide additional information as it may deem necessary from the complainant, in order to continue processing the association complaint. The Board's request for a revised complaint or additional information should be made within thirty (30) days of receipt of the official copy of the Complaint but requests may be made up through the hearing as needed.
- b) If such revised complaint or additional information is not received by the Association within thirty (30) days of its request for such information, the Association shall deem that the complainant has abandoned his/her complaint, and the complaint shall be considered to be closed, with the option for the complainant to re-file.

8) FORMAL ACTION – CONSIDERATION OF COMPLAINT BY THE BOARD OF DIRECTORS

- a) All completed, signed and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board shall decide what action, if any, to take in response to the Complaint.
- b) Complaints will be considered by the Board at a regular or special Board meeting held within ninety (90) days from the date on which the Complaint was forwarded to the Board for consideration.
- c) At least fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Managing Agent shall provide the Complainant with a Notice of Hearing containing of the date, time, and location of the Board meeting at which the matter will be considered by the Board. This Notice may be combined with the acknowledgment of receipt referenced in Section 6 above and delivered in accordance with Section 5 above.
 - i) A date will also be provided, normally four (4) days prior to the hearing date, for the complainant to advise the Association that he/she cannot attend the meeting on the scheduled date for a legitimate reason. If such response is received, the Board shall continue the hearing to a different date and time, subject to the delivery of said notice of such rescheduled meeting to the member.
 - ii) The Notice of Hearing shall be substantially in the following form, but may include additional information.

You are hereby notified that a hearing regarding your Complaint will be conducted before the Park West Community Association's Board of Directors on ____ (day), ____ (date), at ____ (time). The hearing will be held at the ____ (name of location and specific room), ____ (address). You should be present at the hearing, you may be represented by counsel, and you may present any relevant evidence regarding the allegations as set forth in your Complaint.

- d) The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. The Board's decision at the meeting shall fall into one of the following two categories:
 - i) Insufficient Information
 - (1) There is insufficient information on which to make a final determination on the Complaint or that additional time is otherwise required to make a final determination.
 - (2) The Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting (announced at the meeting or by giving at least 14 days notice to the Complainant) and, if needed, make a written request for additional information from the applicable party(s), specifying a deadline (normally thirty (30) days) by which time the additional information must be received by the Managing Agent for forwarding to the Board; or
 - ii) Final Determination
 - (1) Will indicate whether the Complainant's requested action or resolution is, or is not, being granted, approved or implemented by the Board.
 - (2) A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional information that was requested by the Association.
 - (3) No appeal process is available; the Board's rendered decision is final.

9) NOTICE OF FINAL DETERMINATION

- a) Within seven (7) days after the final determination is made (per subsection 8.D.II above), the Managing Agent shall provide the Complainant with written notice of the Board's final determination as specified in Section 5 above. The Notice of Final Determination shall be dated as of the date of issuance and include:
 - i) Specific citations to applicable provisions of the Association's governing documents, laws, or regulations that led to the final determination;
 - ii) The Association's registration number as assigned by the CICB, and if applicable, the name and CICB-issued license number for the Managing Agent; and
 - iii) Notification of the Complainant's right to file a Notice of Final Adverse Decision with the CICB via the CIC Ombudsman and the applicable contact information. The Complaint Form also provides this information.

10) RECORDS.

- a) The Managing Agent shall retain, as part of the Association's records, a record of each Complaint (including the Complaint Form and attachments, related acknowledgments and

notices, and any action taken by the Association or Board in response to such Complaint) in accordance with § 55-530 E 1 of the Code of Virginia.

- b) The record shall be maintained for a period of at least one (1) year from the date of the Association's final action on the Complaint.
- c) Unless otherwise specified by the director or his designee, the Managing Agent shall provide to the director or his designee, within 14 days of receipt of the request, any document, book, or record concerning the association complaint. The director or his designee may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within 14 days of receiving the request.

11) RESALE DISCLOSURE PACKET. A copy of this Resolution (including the Exhibit A Complaint Form) shall be included as an attachment to Association-issued resale certificates or disclosure packets.

RESOLVED FURTHER: That the Secretary of the Corporation is hereby authorized and directed to certify to any interested party that this resolution has been duly adopted, is in full force and effect, and is in accordance with the provisions of the Declaration and By-Laws of the Corporation.

I further certify that this Corporation is duly organized and existing, and has the power to take the action called for by the foregoing resolution.

Mark C. Diffin

PRESIDENT

19 MAY 2016

DATE

To Wit:

Jean Murphy

SECRETARY

5-19-16

DATE



**Exhibit A
(Policy Resolution 16-03)**

Mailing or Hand Delivery: 8405A Richmond Highway
Alexandria, VA 23109
Phone Number: (703) 360-0904

PARK WEST COMMUNITY ASSOCIATION, Inc. COMPLAINT FORM
(for Complaints Against the Association, and Board Member or Managing Agent Representative)

Pursuant to Section 55-530(E) of the Code of Virginia, 1950, as amended, the Board of Directors (“Board”) of the Park West Community Association, Inc. (the “Association”) has established this complaint form for use by persons who wish to register written complaints with the Association regarding the action, inaction or decision by the Association or its Board or Managing Agent inconsistent with applicable laws and regulations.

1. Legibly describe your complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. 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, attach a separate sheet of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to the complaint (not including copies of laws, regulations or the Association’s governing documents).
