

**Stripers Landing Condominium
Property Owners Association**

(Policy Required under Virginia Law for the Receipt and Resolution of Complaints)

WHEREAS, Article III, Section 3.1 of the Bylaws of the Stripers Landing Condominium (“the Association”) provides that the Board of Directors shall have all rights, powers, duties and authority necessary for the administration of the affairs of the Association, which shall be performed by the Board of Directors on behalf of the Association, except those matters which the applicable law or the Condominium Instruments require the Unit Owners to do;

WHEREAS, Article III, Section 2(f) of the Bylaws provides that the Board of Directors shall be responsible for making and amending the Rules and Regulations respecting the use and enjoyment of the Property; and

WHEREAS, the Association often receives complaints, both written and oral, from the Association’s membership and residents regarding alleged violations of the Association’s Governing Documents; and

WHEREAS, the Virginia Code 55-530 (E) and Regulations (Chapter 70, Part One of the Common Interest Community Ombudsman Regulations) require community associations to adopt a policy and procedures for the receipt and resolution of complaints alleging a violation of applicable law or regulations; 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 and outline the requirements of said complaint procedures; and

NOW, THEREFORE, the Board of Directors adopts the following Complaint Process:

I. PROCEDURES

- A. *Complaints.* The association encourages Owners and residents to contact each other to discuss complaints before initiating formal procedures that involve the Board of Directors and its Managing Agent.
- B. *Formal Written Complaint.* If informal discussions fail, complaints must be made in writing, on the form(s) provided directly to the Managing Agent and must include a cite to the particular provision(s) in the Association’s Declaration, Bylaws, or Rules and Regulations that has allegedly been violated, by any member or representative along with specific allegations of fact sufficient to support a showing that the Owner or resident has violated a particular provision(s).
 - (i) Written complaints may be made by hand delivery, only to the management agent, or if by mailing, only by U.S. Postal Service Certified Mail, Return Receipt requested and First Class Mail, to the management agent, along with a first class mailed copy to the Association Secretary.

- (ii) In the event the Board of Directors elects to proceed with enforcement action, the Board of Directors reserves the right to release to any party, including the Complaining Party, the responding Owner and/or resident, a copy of any and all complaints it receives.
- (iii) The complaint form attached shall be used for complaint to be received by the Board of Directors and the Managing Agent. The Board may act on the Complaint without holding a formal “Complaint Hearing”, but must do so within thirty (30) days of receipt of the Complaint form in accordance with Section I (B) (i).

C. *Board of Directors and Managing Agent.* Upon receipt of the written complaint form, the Managing Agent will promptly distribute copies of the Complaint to the Board of Directors and the Board of Directors will determine whether it has the authority and means by which to proceed with an investigation into the complaint. If the Board of Directors decides to proceed, the Managing Agent will distribute copies of the Complaint to the Complaining Party and Owner, with a copy to the tenant, against whom the charge is made, when required by the nature of the complaint filed with the Board.

II. LIMITATIONS AND OTHER REMEDIES

A. *Police.* County, City or Town Police (“Police”) may enforce the law against violations of noise or other local ordinances without regard to any other remedies available in the Association’s Declaration, Bylaws or Rules and Regulations. Police are specifically permitted to enter upon the Common Elements to enforce the law, and any Owner or resident may call the police for any violation without regard to other remedies available in the Association’s Declaration, Bylaws, or Rules and Regulations.

III. EXHAUSTION OF REMEDIES

- A. The Board, at its discretion, may call the Complaining Party to a formal Complaint Hearing, if needed to render a determination concerning the Complaint, or may follow the process set forth in Section IV (A) or the process set forth in any Due Process resolution.
- (i) At the conclusion of the Complaint Hearing, the Board shall provide a written response (the Final Determination), setting forth the decision of the Board and the Complaint Hearing results within seven (7) calendar days of the hearing, by USPS Certified Mail or hand delivery to the Complaining Party.
 - (ii) At the conclusion of the formal Complaint Hearing (when the Due Process Hearing is not required), Owner may file an appeal of the hearing decision to the Board of Directors (a Rehearing), which appeal must be done, in writing, within ten (10) days of the issuing date of the Board’s Final Determination.
- B. The Board shall review and act upon any request for an appeal (the Rehearing) promptly submitted by a party who is determined to have standing. The Board shall promptly review the appeal and shall schedule and conduct an Appeal Rehearing in order to provide the Owner with an opportunity to be heard,

- (i) Written hearing results must be mailed to the Complaining Party and or Owner within seven (7) calendar days of the Appeal Rehearing by Certified Mail – Return Receipt and First Class Mail, or by hand delivery to the Complaining Party.
- C. The Board may reconsider, review, modify, or revise any prior determination decided within the preceding 30-day period, if requested to do so by any participant to the hearing process. The Board need only reconsider, review, modify, or revise a prior determination of the Board if there is a unanimous agreement of the full Board of Directors to reconsider the matter. Any modification or revision to the prior decisions of the Board must be by unanimous approval of the full Board.
- D. Forty Seven (47) days after an initial decision is made, or Ten (10) days after an Appeal Rehearing is held and the Rehearing Final Determination letter is transmitted to the Complaining Party, by Certified Mail - Return Receipt and First Class Mail, or by hand delivery to the Owner of Complaining Party, the determination of the Board shall be deemed a Final Decision not subject to revision, modification or reversal.

IV. OTHER COMPLAINTS:

- A. All other complaints regarding Association matters are to be made in writing to the Management Agent to be provided to the Board for its consideration and deliberation. The Complaint Form attached shall be used for complaint to be received by the Board of Directors and Management. The Board may request the attendance of the Complaining Party at a regularly scheduled Board meeting to hear testimony regarding the complaint filed, in the event the written testimony is insufficient for the Board to make a determination based solely on the completed Complaint Form, the Governing Documents, or the Virginia Condominium Act.

V. WRITTEN RESPONSE

- A. A written response by email or letter shall be provided to all Complainants by the Managing Agent on behalf of the Board of Directors. The written response is to be deemed a Board Determination letter and subject to the provisions of Paragraph III.
- B. All written determination and responses to the Complaint Form from the Board shall include notice to the Owner that Virginia Code and regulation provide the Complaining Party with thirty (30) days from an adverse determination to file a written complaint with the office of the CIC Ombudsman, where the Complaining Party believes that Virginia laws may have been violated.

This resolution supplements and expressly does supersede all previously adopted Resolutions governing formal complaint procedures. I hereby certify that the Policy Resolution was adopted by the Board of Directors on the 7th day of February, 2015.

The effective date of this Resolution shall be March 01, 2015.

STRIPERS LANDING CONDOMINIUM

By: _____
President

Attest:

I hereby certify that the foregoing Resolution was adopted at a fully constituted regular meeting of the Board of Directors of the Unit Owners Association of the Stripers Landing Condominium, the 7th day of February, 2015.

Secretary

Exhibit A
STRIPERS LANDING CONDOMINIUM
COMPLAINT FORM

(To comply with Section 55-530 of the Virginia Code)

You must use this form to file a complaint. Please complete, sign and date this form and mail, or email it to the Association's Covenants Committee Chairperson at the address below:

Stripers Landing Condominium Association
C/o Covenants Committee Chairperson
P.O. Box 604, Moneta VA. 24121
myslc@aol.com

Name of Complainant(s):

Address: _____

Phone: (Home) _____ **(Work)** _____

(Mobile) _____ **(Email)** _____

Preferred method of communication: _____ **Writing** _____ **E-mail**

Please describe the nature of your complaint, including relevant times, dates and locations, and the specific provision of state law and/or regulations that you believe has been violated (please attach all documents and communications supporting your complaint – you may use additional pages):

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

Explain what you want the Association to do in response to your complaint:

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 year from the date upon which it takes action to resolve your complaint.

To be completed by Association representative only

Received by: _____ **Date:** _____

**STRIPERS LANDING CONDOMINIUM ASSOCIATION
RESOLUTION ACTION RECORD**

Duly adopted at a meeting of the Board of Directors held Saturday, January 07, 2015.

Motion by: _____ Seconded by: _____

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| VOTE: | YES | NO | ABSTAIN | ABSENT |
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| <u>Teresa Harris</u> Director | _____ | _____ | _____ | _____ |
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| <u>Kristi Mason</u> Director | _____ | _____ | _____ | _____ |
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| <u>Steve Bernard</u> Director | _____ | _____ | _____ | _____ |
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| <u>Jerry Bailey</u> Director | _____ | _____ | _____ | _____ |
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| <u>Phil Wilkinson</u> Director | _____ | _____ | _____ | _____ |
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Resolution effective: March 01, 2015.