

Sachem's Head Homeowners' Association, Inc.

Association Complaint Procedure

WHEREAS Sachem's Head Homeowners' Association, Inc. (the "Association") is a common interest community subject to regulation by the Virginia Common Interest Community Board ("CICB"); and

WHEREAS common interest communities in Virginia are required by law and CICB regulations to establish rules for receiving and considering Complaints from members and other citizens concerning a matter regarding the action, inaction or decision by the governing Board, managing agent or Association inconsistent with applicable laws and regulations; and

WHEREAS the Association desires to implement a Complaint Procedure in accordance with § 54.1-2354.3 of the Code of Virginia and regulations adopted by the CICB;

THEREFORE, it is hereby resolved that the Association, acting by its Board of Directors, adopts the following Complaint Procedure.

I. Filing the Written Complaint.

- A. A member of the Association, or other citizen, must register a Complaint in writing.
- B. A sample of the "Association Complaint Form" is attached hereto and must be used when filing a Complaint with the Association under these procedures.
- C. The completed Complaint form with all supporting documents, correspondence, and other materials related to the Complaint, must be emailed to president@sachemshead.org, provided the sender retains sufficient proof of electronic delivery, or delivered through the US Mail to the Sachem's Head HOA address listed on the complaint form in this package.

II. Receipt and Adequacy of the Complaint.

- A. The Association shall provide written acknowledgment of receipt of the Association Complaint to the Complainant within seven (7) days of receipt. Such acknowledgment shall be sent by electronic means, provided the sender retains sufficient proof of the electronic delivery, or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint form.

B. To the extent that the Complainant has knowledge of the law or regulation applicable to the Complaint, the Complainant shall provide that reference, as well as the requested action or resolution. If it appears that the submitted Complaint is inadequate in any way, then the Association may provide notice of such to the Complainant. The notice should describe how the Complaint is inadequate and advise the Complainant of the need to submit a revised Complaint, or additional information before it can be forwarded to the Board for consideration. If it appears that the submitted Complaint includes the required information, the President, or other officer designated by the Board, shall provide the Board of Directors with a copy of the Complaint for consideration.

III. Board Consideration of the Complaint.

A. The Board of Directors, or other hearing tribunal constituted by the Board, shall consider the Complaint within ninety (90) days of receipt of an adequate and completed Complaint, or under extenuating circumstances, as soon thereafter as may be reasonably possible.

B. Notice of the date, time, and location informing the Complainant when and where the matter will be considered shall be delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint form.

C. If the Association has provided notice to the Complainant of the inadequacy of the Complaint as provided for in Section II B above, and the Complainant does not submit a revised Complaint or additional information within thirty (30) days after such notice is sent, then the Association may consider the Complaint as submitted and make a final determination.

IV. Notice of Association Board/Hearing Committee Decision

A. After the final determination is made, the written notice of final determination shall be delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint, within seven (7) days.

B. 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 determination, as well as the CICB registration number of the Association.

C. No further appeal process under this Association Complaint Procedure is available, and the decision rendered by the Association's Board or hearing tribunal may be considered a "final adverse decision" for purposes of this Complaint Procedure.

V. Notice of Final Adverse Decision to Common Interest Community Board.

A. The Complainant shall have the right to file a "Notice of Final Adverse Decision" with the Common Interest Community Board. The Complainant may request a waiver of the filing fee via the "Request for Waiver of Filing Fee" form. A copy of the CIC Ombudsman Regulation and the latest version of all forms are available for download at: <http://www.dpor.virginia.gov/CIC-Ombudsman/>

VI. Association Records.

A. A record of each Complaint shall be maintained for no less than one year after the Association acts upon the Complaint.

B. The Association Complaint Procedure must be readily available (upon request) to all members of the association and citizens.

C. The Association Complaint Procedure shall be included as an attachment to the association disclosure packet.

DULY ADOPTED THIS 21st DAY OF March, 2022, BY THE BOARD OF DIRECTORS.

Xel F. J. 3/21/2022
President Date

Sachem's Head Homeowner's Association, Inc.

P.O. Box 5628

Midlothian, VA 23112-5628

Email: president@sachemshead.org

ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 23.3 of Title 55.1 of the Code of Virginia, the Board of Directors (Board) of the Sachem's Head Homeowners' Association, Inc., (Association) has established this Complaint form for use by persons who wish to file written Complaints with the Association regarding the action, inaction or decision by the governing board, managing agent or association inconsistent with applicable laws and regulations.

Legibly describe the Complaint in the area provided below, as well as the requested action or resolution of the issues described in the Complaint. Please 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, please attach a separate sheet of paper to this Complaint form. Also, attach any supporting documents, correspondence and other materials related to the Complaint.

Sign, date and print your name and address below and submit this completed form to the Association via email or at the address listed above.

_____ Printed Name	_____ Signature	_____ Date
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Lot Address

Mailing Address (if not same as Lot Address)

_____ E-mail Address	_____ Phone Number
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Contact Preference: ☐Phone ☐E-mail ☐Other _____

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
Phone: (804) 367-2941
CICOmbudsman@dpor.virginia.gov

The latest version of all CICB documents and forms are available for download at:
<http://www.dpor.virginia.gov/CIC-Ombudsman/>