



Lake James Homes Association Guidelines for Resolution of Complaints to the Board of Directors

Discussion:

The Commonwealth of Virginia, Department of Professional and Occupational Regulations, via the Common Interest Community Ombudsman Regulations, has directed that all Associations establish a written process to resolve complaints from its members pertaining to the association's noncompliance with published covenants, rules, and regulations. This requirement is found in Chapter 29, Sec. 55-530, Title 55 of the Code of Virginia.

Purpose:

To establish and promulgate Lake James Homes Association procedures to receive and resolve complaints about the Association regarding the action, inaction or decision by the Board of Directors that appear to be inconsistent with applicable covenants, rules and regulations of the Association.

To provide the community a process to file a notice of final adverse decision with the Virginia Common Interest Community Ombudsman.

Action:

The Board of Directors will establish a written complaint procedure, maintain a record of complaints, set time frames to complete certain actions, indicate the consequences for failure of the Board to utilize a complaint procedure, and establish a procedure and form for filing a notice of final adverse decision complaint. The Board will ensure such procedures are readily available to its members, are posted on the Association's web site, and are included with the Association disclosure package. These procedures shall be completed by September 28, 2012.

Complainant Procedure:

The Lake James Homes Association Board respectfully requests that all complaints first be addressed to the Board during a scheduled monthly meeting, and resolved informally. If an informal resolution to the complaint is not to the satisfaction of the complainant, then the complaint must be submitted in writing using the Lake James Homes Association Complaint Form provided on our web site, and delivered via registered mail; a sample form will be provided upon request. The mailing address for the association is: Lake James Homes Association Box 64928 Virginia Beach, Virginia 23464. The association shall provide the complainant written acknowledgement of the complaint to the address provided via e-mail (primary) or registered mail within seven days of receipt.

Lake James Homes Association

September 18, 2012

The complaint form shall include:

1. The name(s), address, lot number, phone number and e-mail address of the person(s) filing the complaint.
2. Citing of the specific section(s) of the association covenants, rules, and regulations pertaining to the complaint. Provide specific amplifying information pertaining to the complaint to support the complaint. If the complaint pertains to property within the association, then provide the address or location of the property.
3. The requested action or resolution.

Board Procedure:

The Vice President shall act as the initial reviewer of the submitted written complaint and make the initial contact, within 30 days, with the complainant to resolve the issue. If the complaint pertains to one of the association's committees, then the chairman of the committee shall work with the Vice President to resolve the issue. If additional information is required to seek a resolution, the complainant must provide the information in writing to the Vice President within 15 days of request. If additional information is not provided within 15 days, the Vice President will respond with a disposition at the next regularly scheduled Board Meeting.

The initial attempt at resolution on a written complaint may be an informal meeting at the discretion of all parties involved; however, a written summary of the meeting shall be delivered to the Board at the next monthly scheduled Board meeting (not to exceed 30 days) and made a part of the official minutes.

Notice of the date, time, and location of the informal meeting on the matter to be considered shall be e-mailed (primary) or sent by registered or certified mail, return receipt requested, to the complainant at the address provided at least 14 days prior.

After a determination is made, written notice of the determination shall be e-mailed (primary) or sent by registered or certified mail, return receipt requested, to the complainant at the address provided within seven days. The notice of determination shall be dated as of the date of issuance and include specific citations applicable with association governing documents, laws, or regulations that led to the final determination, as well as the registration number of the association. The registration number shall be four numbers: the first two will be the last two numbers of the calendar year, the second two will be the consecutive number of the complaint.(eg. 1201 for the first submission)

If an adverse decision is reached following the initial attempts to seek a resolution, then the complainant(s) may present an appeal to the Board of Directors at the next available scheduled monthly association meeting (not to exceed 60 days from the initial meeting). The appeal will be a meeting agenda item, and it will be an open process available for all members to observe.

The notice of final determination by the Board shall include the complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Board within 30 days if a final adverse decision is rendered.

When an adverse decision is rendered by the Board of Directors, the complainant(s) may notify the Office of the Common Interest Community Ombudsman in accordance with Sec. 55-530 F of the Code of Virginia. Access to the Code is available online at: <http://leg1.state.va.us/000/reg/TOC.HTM> A copy of the complainant(s) notice shall be provided to the Association via registered mail.

Failure by the Board of Directors to act timely and in the best interest of the association shall be addressed before the members of the association in a monthly meeting. The specific agenda on this subject shall be promulgated to the community via an announcement during the monthly meeting preceding the scheduled meeting, via the community newsletter, and on the community web site. The community members shall decide, by majority vote of those present, the outcome and status of the Board of Directors.