

# OAK HILL RESERVE HOMEOWNERS ASSOCIATION

## POLICY RESOLUTION NO. 12- 3

(Procedures Related to the Submission and Resolution of Violation Complaints)

**WHEREAS**, Article IV, Section 4.1 of the Bylaws of Oak Hill Reserve Homeowners Association ("Association") provides that the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Association; and

**WHEREAS**, Section 55-530(E) of the Virginia Code requires that the Association establish reasonable procedures for the resolution of written complaints from the members of the Association or 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; and

**WHEREAS**, for the benefit and protection of all owners, the Board deems it desirable to adopt a policy resolution to come into compliance with newly enacted provisions of the Virginia Administrative Code, prior to September 28, 2012, requiring all complaints to be submitted to the Association's Board of Directors in writing and establishing reasonable procedures governing the resolution of these written complaints so as to comply with the requirements of the governing documents and Virginia law;

**NOW THEREFORE, BE IT RESOLVED THAT** the Board duly adopts the following Complaint Policy procedures:

1. **Complaint Must Be in Writing.** The Association is only required to act on written complaints submitted to the Association's management, Management-witnessed violations, or Board-witnessed violations, in accordance with the procedures set forth in this Resolution. The Board or Management, in their sole discretion, may choose to act on all verbal complaints on a case-by-case basis; provided, however, that the Complainant subsequently completes and submits the Association's written Complaint Form to Management.
2. **Complaint Form.** In order to properly submit a formal complaint upon which the Association will act, all residents, owners and any other party must submit a written complaint on the form attached hereto as Exhibit A, to the Association's management office and to the attention of the Association's Board of Directors.
3. **Where Complaints Should be Sent.** All written complaints shall be sent either via United States Postal Service mail, hand-delivery, or facsimile using the following information, unless otherwise advised and requested by the Association's Board:

Oak Hill Reserve Homeowners Association  
c/o Service First Management

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9464 Innovation Drive  
Manassas, VA 20110  
(703) 392-6006

4. **Required Information.** All complaints shall include the following information or shall be deemed invalid, at the Board's sole discretion:
  - 1) The name and address of the Complainant;
  - 2) The nature of the alleged violation;
  - 3) The time, date and place of the alleged violation;
  - 4) The name and address of the suspected violator, if known;
  - 5) Any other information the Complainant deems relevant for the Board's review;
  - 6) A statement explaining why any of the above-referenced information was not included in the written complaint, if necessary; and
  - 7) The signature of the Complainant.
5. **Acknowledgment of Receipt.** Upon receipt of a valid written complaint, the Association, through its Board, will provide written acknowledgment of receipt of the complaint within seven (7) days, by either certified mail or hand-delivery. Acknowledgement may be sent via electronic means if the Complainant has consented to receive electronic communication from the Association or such method of communication is consistent with established Association procedure.
6. **Incomplete Complaint.** If the Association deems the complaint to be incomplete, the Association shall notify the Complainant either via hand-delivery, first class mail or electronic means, within seven (7) days of receipt of the submission and state the additional information the Complainant needs to provide to the Association in order for the Association to process the complaint. The Complainant shall have an additional thirty (30) days in which to provide the requested information. If the additional required information is not received within the 30 day time frame, the Association shall notify the Complainant via certified mail or hand-delivery that a valid written complaint was not received and the matter is deemed closed. If the additional information is received within the 30 day time frame, the Association shall send acknowledgement of receipt as identified in Section 5 above and commence with investigation described in Section 7 below.
7. **Investigation Period.** Upon receipt of a valid written complaint, the Association shall then take such appropriate action to investigate and resolve the complaint. The Board may contact the Complainant via e-mail or other written correspondence in order to conduct its investigation. The Complainant is obligated to cooperate with the Association's investigation. If the Complainant does not cooperate, the Association may close the matter for failure to cooperate.
8. **Conclusion of Investigation.** The Association will conclude its investigation within 30 days of its receipt of the valid written complaint, unless the Association deems that more time is necessary to conclude the investigation. Once the investigation is complete, the

Association shall proceed as set forth under paragraph 9 or 10 below, depending upon the type of alleged violation.

9. **Matters Not Involving a Unit Owner/Resident's Alleged Failure to Comply with Association Governing Documents, Policies, Rules or Regulations**

**A. Notice.** If the complaint does not involve a Unit Owner/Resident's alleged failure to comply with the Association's governing documents, or duly-adopted policies, rules or regulations, the Board of Directors shall notify the Complainant of the time, place and location where the matter will be considered by the Board. Such notice shall be hand-delivered or sent via certified mail. Notice may be sent via electronic means if the Complainant has consented to receive electronic communication from the Association or such method of communication is consistent with established Association procedure.

**B. Hearing.** The Board shall conduct a hearing on the subject of the alleged complaint. The Complainant may present any evidence deemed relevant to the subject of the complaint. The Board of Directors may question the Complainant, or any other person(s) it believes may have information relevant to the subject of the complaint. After all parties have finished presenting evidence, the Board shall meet in executive session to consider the evidence presented.

**C. Notice of Final Determination.** Following the conclusion of the hearing, the Board shall send the Complainant a Notice of Final Determination by certified mail, return receipt requested or hand-delivery, within seven (7) days after the hearing date. The Notice of Final Determination shall notify the Complainant of the Board's decision, the provisions in the governing documents, or rules and regulations upon which the Board relied in reaching its decision, the registration number of the Association, and shall notify the Complainant of his or her right to file a Notice of Final Adverse Decision as set forth in paragraph 11 below. If applicable, the name and license number of the common interest community manager involved will be provided.

10. **Matters Involving a Unit Owner/Resident's Alleged Failure to Comply with Association Governing Documents, Policies, Rules or Regulations**

**A. Notice.** If the complaint involves a Unit Owner/Resident's alleged failure to comply with the Association's governing documents, or duly-adopted policies, rules or regulations, and the Association determines that there is sufficient evidence to establish probable cause that such a violation may exist, the Association will initiate an enforcement action against the appropriate party in accordance with its governing documents to ensure due process in enforcement cases. In such cases, the Complainant shall receive a copy of the notice of violation. The notice will be dated as of the date of issuance and shall include specific citations to applicable Association governing documents, laws, or regulation that led to the final determination, as well as the registration number of the Association.

**B. Hearing.** The Association shall notify the Unit Owner of the date, time, and location of a hearing related to the cited violation within fourteen (14) days of the proceeding. The Association shall advise the Unit Owner of the right to present evidence relevant to

the cited violation and to be represented by counsel. Such hearing shall be called in accordance with any due process policies of the Association.

**C. Notice of Final Determination.** Following the conclusion of the hearing, the Board shall send the Complainant a Notice of Final Determination by certified mail, return receipt requested or hand-delivery, within seven (7) days after the hearing date. The Notice of Final Determination shall notify the Complainant of the Board's decision, the provisions in the governing documents, the Virginia Property Owners' Association Act, or rules and regulations upon which the Board relied in reaching its decision, the registration number of the Association, and shall notify the Complainant of his or her right to file a Notice of Final Adverse Decision as set forth in paragraph 11 below. If applicable, the name and license number of the common interest community manager involved will be provided.

Additionally, the Association shall send a separate Notice of Hearing Result to the Unit Owner alleged to be in violation within seven (7) days after the hearing date. The Complainant will receive a copy of the Notice of Hearing Result.

11. **Referral to Ombudsman.** The Notice of Final Determination shall advise the Complainant of his or her right to file a Notice of Final Adverse Decision rendered by the Association, to the applicable Office of the Common Interest Community Ombudsman:

Virginia Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1463  
Phone: 804-367-2941  
Email: CICOmbudsman@dpor.virginia.gov

12. **Record Keeping.** The Association shall maintain a record of the complaint for no less than one year from the date that the Association takes action on said complaint.
13. **Availability.** A copy of these procedures shall be made available to all owners and citizens upon request and on the Association's website.
14. **Resale Disclosure Packet.** A copy of these procedures shall be included in any resale disclosure packet issued after the effective date below.
15. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

The effective date of this Resolution shall be August 1, 2012.

OAK HILL RESERVE HOMEOWNERS  
ASSOCIATION

By: John C. Norrell  
JOHN C. NORRELL, President



**Exhibit A**  
**COMPLAINT FORM**  
**OAK HILL RESERVE HOMEOWNERS ASSOCIATION**

(To comply with Section 55-530 of the Virginia Code and 18 VAC 48-70-10, *et seq.*)

**You may use this form to file a complaint concerning Oak Hill Reserve Homeowners Association, (the "Association"). Should you choose to file a complaint using this form, please complete, sign and date this form and mail or fax it to the Association's community manager at the address below:**

Oak Hill Reserve Homeowners Association  
c/o Service First Management and Consulting, Inc. (SFMC, Inc.)  
9464 Innovation Drive  
Manassas, VA 20110  
(703) 392-6006

**Name of Complainant(s):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone: (Home)** \_\_\_\_\_ **(Work)** \_\_\_\_\_

**(Mobile)** \_\_\_\_\_ **(Email)** \_\_\_\_\_

**Preferred method of communication:** \_\_\_\_\_ **Writing** \_\_\_\_\_ **E-mail**

**Please described the nature of your complaint and cite any provisions of the Association Documents or applicable statute or regulations that is the basis for your complaint (please attach all documents and communications supporting your complaint – you may use additional pages):**

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

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**Description of relief being sought by Complainant or requested action:**

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