



*“Government is best that governs least.”* – Thomas Jefferson  
Monticello Woods Policy Resolution # 2012-1

### **Monticello Woods Homeowners Association, Inc. Formal Complaint Procedures**

1. The Monticello Woods Board of Directors has a duty to its members to perform its responsibilities with efficiency, fairness, and transparency in compliance with all state, local, and federal laws and regulations and our Governing Documents. Nothing in this resolution is intended to change our longstanding and continuing policy that decisions or policy in any capacity on behalf of the Monticello Woods Homeowners Association, Inc. (MWHOA) may be appealed by a MWHOA Member to the MWHOA Board of Directors by submitting a request in writing to the MWHOA Association Manager or the President. Requests should describe the nature of the issue, and shall be placed on the agenda for the MWHOA Board not later than one of the next two regularly scheduled MWHOA Board meetings.
2. Nothing in this resolution is intended to substitute for the MWHOA’s longstanding and continuing policy that members shall have access to open meetings. This policy is contained in Monticello Woods Policy Resolution 2009-1 **Guidelines for Open Meetings** which, like this resolution and all the rest of our Governing Documents, is available to everyone on the MWHOA website at [www.monticellowoods.org](http://www.monticellowoods.org).
3. The Property Owners' Association Act (Code of Virginia Articles [55-508](#) thru [55-516.2](#)) and the regulations of the Virginia Common Interest Community Board require that the MWHOA also have an official complaint procedure for anyone who might wish to file a formal complaint with the Common Interest Community Board. Complaints to the CIC Board are somewhat narrowly defined and must be specifically brought before our local association before they will consider them. The pages attached is a resolution which implements this policy for the MWHOA and provides the form needed for filing such a complaint with the MWHOA. Links to websites of the CIC Board and the referenced statutes may be found on the “Library” page of our website.

Approved by the Monticello Woods Board of Directors, September 26, 2012

**RESOLUTION**  
**of the**  
**Board of Directors**  
**of**  
**Monticello Woods Homeowners Association, Inc.**  
**(MWHOA, The Association)**  
**(Association Complaint Procedures)**

**WHEREAS**, the Code of Virginia, 1950, as amended (the "Virginia Code"), was amended by statute effective July 1, 2008, to create a Common Interest Community Board ("CIC Board") and the Office of the Common Interest Ombudsman ("CICO"); and

**WHEREAS**, Section 55-530.E states the CIC Board "shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens"; and

**WHEREAS**, for the benefit and protection of the Association and of its individual Members, and with a goal of reducing and resolving conflicts among and/or between the Association and its Members, the MWHOA Board of Directors hereby establishes these Association Complaint Procedures to meet the requirements of Sections 55-530.E and F of the Virginia Code and regulations of the Common Interest Community Ombudsman regarding Association Complaint Procedures effective July 1, 2012; and

**WHEREAS**, the MWHOA Board of Directors will provide notice of this policy to all current Owners by mailing a copy of this Resolution to current Owners and to all future Owners by including the Resolution in resale certificates prepared pursuant to Virginia's Condominium Act and/or Property Owners' Association, as applicable; and

**WHEREAS**, this Resolution shall remain in full force and effect until amended by further resolution of the Board.

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NOW THEREFORE, the Board of Directors of Monticello Woods Homeowners Association, Inc. does hereby adopt this Resolution in order to adopt the following Association Complaint Procedures:

1. Right to Submit Association Complaint. When a complainant reasonably believes the Board of Directors ("Board"), the Association's Common Interest Community Manager ("Association Manager") or any individual MWHOA Board Member has or is continuing to violate any provision of the regulations or laws or regulations of the Commonwealth of Virginia pertaining to the governance of the MWHOA, all members and persons affected shall have the right to acquire, complete and submit an Association Complaint Form.
  
2. Association Complaint Form.
  - a. The Association Complaint Form shall conform substantially with the Association Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by Virginia's Common Interest Community Board ("CIC Board").
  
  - b. The Association Complaint Form shall be submitted to the Association Manager. The Association Complaint may be submitted to the Association:
    - (i) By U.S. Mail, registered or certified, return receipt requested;
  
    - (ii) By hand delivery, *provided, however*, the method of hand delivery must provide a means to prove delivery;
  
    - (iii) By facsimile to the Association Manager; and/or
  
    - (iv) By email to the Association Manager.
  
  - c. The Association Complaint Form must be submitted at least fourteen (14) days prior to the next scheduled regular MWHOA Board Meeting to ensure review at that meeting. If the Association Complaint Form is received less than fourteen (14) days prior to the next scheduled regular MWHOA Board Meeting, the Association Complaint Form shall be reviewed at the next subsequent regular MWHOA Board Meeting.
  
3. Association Complaint Receipt.
  - a. The Association shall provide written acknowledgment of receipt of the Association Complaint ("Association Complaint Receipt") to the Complainant within seven (7) days of receipt of the Association Complaint.

Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.

- b. Notice of the date, time and location that the Association Complaint will be considered shall be included in the Association Complaint. If such Notice is not included in the Association Complaint Receipt, such Notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery. Such Notice shall be mailed within a reasonable time prior to review of the Association Complaint but shall be mailed not less than three (3) days prior to the date set for review of the Complaint.

4. Review of the Association Complaint.

- a. The MWHOA Board shall review any Association Complaint Form received and shall, if necessary, consult with the Association's attorney and/or any other vendor or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.
- b. The MWHOA Board may, but shall not be required to, consult with the Member who submitted the Association Complaint Form to understand more fully the substance and/or basis of the Member's Complaint.
- c. In the event the MWHOA Board determines the Association Complaint is incomplete or contains insufficient information to render a decision, the Board shall cause a written request for additional information that identifies with specificity the information needed to complete the Association Complaint to be sent to the Complainant at the address provided in the Association Complaint. Such written request shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.

5. Final Determination Letter. The MWHOA Board shall render a written decision and/or review of the Complaint ("Association Complaint Final Determination Letter" or "Final Determination Letter") to the Member within seven (7) days of the regular MWHOA Board Meeting during which the Association Complaint was reviewed.

The Final Determination Letter shall:

- a. Be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
  - b. 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.
  - c. Include the Registration Number of the Association and the name and License Number of the Common Interest Community Association Manager.
  - d. Include the Complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman, along with the applicable contact information.
6. Appeal. The determination of the MWHOA Board as reflected in the Final Determination Letter shall be the final decision of the MWHOA Board. The MWHOA Board has not adopted an appeal process and shall not hear an appeal of the Final Determination Letter.
7. Should any Member need assistance in understanding the Member's rights and the processes available to common interest community Members, the Member may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233. The CICO's current telephone number is (804) 3678510. The CICO's email address is [cic@dpor.virginia.gov](mailto:cic@dpor.virginia.gov)
8. **Complainant's Rights Description required by Section 55-530-E.2 of the Code of Virginia, 1950, as amended.** In accordance with Section 55-530.F of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia's Common Interest Community Board (the "Board") of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 55-530.1. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.
9. The Association Complaint Form, all attachments thereto and a copy of the Final Determination Letter ("Complaint File") shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association's Board of Directors, the Association Manager and the Lot Owner(s) who submitted the original Complaint Form, *provided*,

*however*, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Association.

10. The MWHOA Board shall amend and restate this Association Complaint Procedures Resolution each time the name, address, telephone number and email address of the Association's Manager changes to remain compliant with Section 55530.E.2 of the Virginia Code.

**IN WITNESS WHEREOF** the Board of Directors of Monticello Woods Home Owner's Association, Inc. (MWHOA) has approved this Resolution September 26, 2012

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Robert Gasink,  
President, MWHOA

**Monticello Woods Homeowners Association, Inc. (MWHOA)  
ASSOCIATION COMPLAINT FORM**

This Form is available to all MWHOA Members as required by Section 55-530.E of the Code of Virginia, 1950, as amended ("Virginia Code"). Please complete and return this Form to the Association's Manager at least fourteen (14) days prior to the next scheduled regular MWHOA Board of Directors Meeting to ensure review at that Meeting. The MWHOA Board will provide a written response to any submitted Association Complaint Form within seven (7) days of the MWHOA Board Meeting during which the Complaint is reviewed.

Member Name (Printed): \_\_\_\_\_

Member Name (Signature): \_\_\_\_\_

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

Date: \_\_\_\_\_

**Please outline and/or address your specific complaint and attach to this Form. Please include copies of all applicable provisions of the MWHOA Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws and/or Rules and Regulations to assist the MWHOA Board in understanding your complaint. Please be sure to identify and/or attach the specific provisions of the Virginia Code you believe may apply.**

Forward the completed Association Complaint Form and all attachments to the MWHOA Association Manager at:

United Property Associates  
525 S. Independence Blvd. Suite 200  
Virginia Beach, VA 23452  
Telephone: (757)497-5752  
Facsimile: (757)497-9133  
[Email: resolutions@unitedproperty.org](mailto:resolutions@unitedproperty.org)

Your signature on this form acknowledges you have received and reviewed the MWHOA Complaint Procedures Resolution.

Should you need assistance in understanding your rights and the processes available to common interest community Members, you may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached:

Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233  
Telephone: (804) 367-8510 [Email: cic@dpor.virginia.gov](mailto:cic@dpor.virginia.gov)

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This Block for Association Use Only:

Date Complaint Received by the Association's Manager: \_\_\_\_\_

Printed Name of Association Manager who received Complaint:  
\_\_\_\_\_

Signature of Association Manager to certify Date Complaint Received:  
\_\_\_\_\_

Date Complaint Reviewed by the Board of Directors: \_\_\_\_\_

Date Final Determination Letter forwarded to Complainant: \_\_\_\_\_

Printed Name of Person who prepared Response:  
\_\_\_\_\_

Signature of Person who prepared Response:  
\_\_\_\_\_

Please attach a copy of the Response to this Association Complaint Form.

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**Complainant's Rights Description required by Section 55-530-E.2 of the Virginia Code**

In accordance with Section 55-530.F of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia's Common Interest Community Board (the "Board") of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 55-530.1. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.