

Chancellor West Homeowners Association, Inc.

Policy Resolution No. 22.01

Complaint Procedures

This Resolution replaces a previously uncodified Association Policy. Policy Resolution No. 22.01 amplifies, clarifies, and adds additional information to assist the Association home owner in filing a Complaint. It also provides additional information for filing a Notice of Final Adverse Decision with the Common Interest Community Board.

Authorities

WHEREAS, § 55.1-1819, Adoption and enforcement of rules within the Virginia Property Owners' Association Act (POA Act), empowers the board of directors to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members.

WHEREAS, § 54.1-2354.4, Common Interest Community Ombudsman Regulations, requires Home Owner Associations to establish written Complaint Procedures to include a form with a clear and understandable description of the complainant's right to give notice of Final Adverse Determination pursuant to Ombudsman Regulations.

WHEREAS, for the benefit and protection of all members of the association, the Board of Directors deems it desirable to replace the previously uncodified Association Complaint Procedures and Form with Policy Resolution No. 22.01. This Resolution codifies the requirement and provides additional information to Association homeowners on filing a Notice of Final Adverse Determination.

Approved by the Chancellor West Board of Directors

During an Open Board Meeting on 24 May 2022.

Michael Jordan, President

Chancellor West Home Owners' Association, Inc

Box 783 Locust Grove, VA 22508

COMPLAINT Procedures

1. The complaint must be in writing using the association's Complaint form.
2. The association complaint may be hand delivered or emailed to a Board member, or mailed to the above address.
3. The Chancellor West Home Owners' Association Board of Directors (CWHO A BOD) shall provide written **acknowledgment of receipt of the association complaint to the complainant within seven days of receipt**. Such acknowledgment shall be hand delivered, mailed by registered or certified mail, return receipt requested, to the complainant at the address provided, or e-mailed with proof of electronic delivery.
4. The complainant must site the specific portion(s) of the Property Owners' Association Act (if allegedly violated) and / or specific portions of applicable CWHO A governing documents allegedly violated. The complainant shall also state a requested action to resolve the alleged violation.
6. The CWHO A BOD shall examine the complaint and, if needed, request additional information within 7 days of receipt ... necessary for the complainant to provide in order to continue processing the association complaint. The association shall provide 7 days for the complainant to respond to the request. If the information is for the disposition of the complaint and not received within the 7 days, then the CWHO A BOD shall move forward with the conduct of a meeting to address the complaint.
7. Notice of the date, time, and location that the matter will be considered shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided or e-mailed with proof of electronic delivery.
8. The CWHO A BOD shall deliver within 2 days a Final Determination to the complainant. Delivery shall be by hand, mailed by registered or certified mail, return receipt requested, or e-mailed with proof of electronic delivery to the complainant at the address provided.
9. The Final Determination shall be dated as of the date of issuance and include specific citations to applicable Virginia law and association governing documents that led to the final determination, as well as the registration number of the association.
10. **Should the CWHO A BOD issue a Final Adverse Decision to the Complainant, then the complainant has 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. See excerpts from Common Interest Community Ombudsman Regulations.

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Box 783 Locust Grove, VA 22508

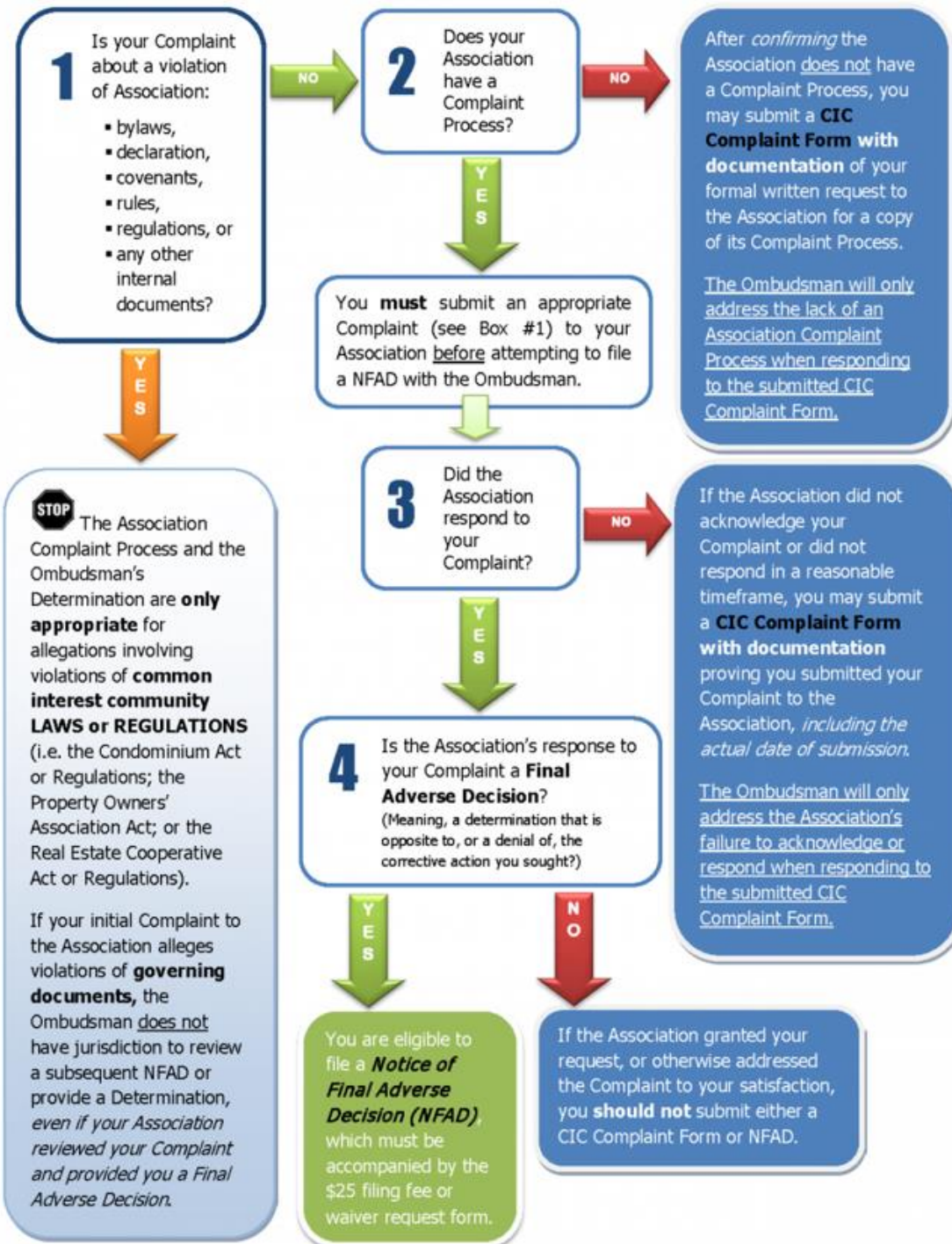
COMPLAINT FORM

1. Pursuant to Chapter 23.3 of Title 54.1 of the Code of Virginia, the Chancellor West Home Owners' Association Board of Directors (CWHOA BOD) has established this complaint form for use by persons who wish to file a written complaint with the Association regarding the **action, inaction or decision by the CWHOA BOD that is inconsistent with applicable laws and regulations.** Submit this form to the CWHOA BOD at the above address.
2. Legibly **describe the complaint** in the area provided below, as well as **the requested action or resolution of the issue(s) described in the complaint.** Include references to the specific facts and circumstances at issue and the provisions of Virginia law (most likely Title 55.1, Chapter 18. Property Owners' Association Act), and / or CWHOA governing documents that support the complaint. Attach a separate sheet of paper, if needed. Also, attach any supporting documents, correspondence and other materials related to the complaint.

Printed Name	Signature	Date	Email
Phone #	Mailing Address	Lot#	

If, after the Board's consideration and review, the Board issues a Final Adverse Decision 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 Maryland Drive, Suite 400, Richmond, VA 23233 804/367-2941, CICombudsman@dpor.virginia.gov

CIC Complaint Flow Chart





Department of Professional and Occupational Regulation
 9960 Mayland Drive, Suite 400
 Richmond, VA 23233-1485
cicbudsman@dpor.virginia.gov
www.dpor.virginia.gov

COMPLAINTS (804) 367-2941

VA RELAY 7-1-1

FAX (844) 246-2334

HOTLINE FOR OLDER VIRGINIANS (804) 367-2178

NOTICE OF FINAL ADVERSE DECISION

A complainant may give notice to the Common Interest Community Board via the Common Interest Community Ombudsman of any final adverse decision issued by a common interest community association.

As defined in 18 VAC 48-70-10, a final adverse decision means the final determination issued by an association pursuant to an association complaint procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the complainant. Such decision means all avenues for internal appeal under the association complaint procedure have been exhausted.

Any Notice of Final Adverse Decision must be filed within **30 DAYS** of the date of the final adverse decision. Notices of Final Adverse Decision must be complete at the time of filing.

A complete Notice of Final Adverse Decision consists of:

- a copy of the association complaint;
- a copy of the final adverse decision;
- a reference to the laws and regulations the final adverse decision may have violated;
- any supporting documents, correspondence, and other materials related to the final adverse decision;
- a copy of the association complaint procedure or form;
- any applicable association governing documents, and
- a filing fee or a request for waiver of filing fee.

Anonymous Notices of Final Adverse Decision will NOT be accepted.

FEE FOR FILING A NOTICE OF FINAL ADVERSE DECISION

Complainant must submit a \$25 filing fee with the Notice of Final Adverse Decision. The Notice of Final Adverse Decision will not be considered complete until the filing fee has been received by the Department of Professional and Occupational Regulation. The Office of the Common Interest Community Ombudsman will not begin reviewing the Notice of Final Adverse Decision until the request is considered 'complete'.

WAIVER OF FILING FEE

The Common Interest Community 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 complainant. A waiver form must be completed and submitted with the Notice of Final Adverse Decision. The waiver request form can be obtained online at www.dpor.virginia.gov/CIC-Ombudsman/Forms. If a waiver is requested, the Common Interest Community Ombudsman will not review the Notice of Final Adverse Decision until the waiver has been granted or a filing fee of \$25 has been submitted by the Complainant.

WHAT HAPPENS WHEN YOU FILE A NOTICE OF FINAL ADVERSE DECISION?

The Office of the Common Interest Community Ombudsman may request additional information from the association. The Office of the Common Interest Community Ombudsman will review the final adverse decision, and if the final adverse decision is in conflict with laws or regulations governing common interest communities or interpretations thereof by the Common Interest Community Board, the Common Interest Community Ombudsman may provide the complainant and the association with information concerning such laws or regulations or interpretations thereof by the Common Interest Community Board.

The determination of whether the final adverse decision may be in conflict with Virginia laws or regulations or interpretations thereof by the Common Interest Community Board shall be a matter within the sole discretion of the Common Interest Community Ombudsman whose decision is final and not subject to further review. This determination shall not be binding upon the complainant or the association.

NOTICE OF FINAL ADVERSE DECISION FORM INSTRUCTIONS

1. Fill in the complaint information.
2. Fill in the date of final adverse decision.
3. Fill in the name, address and telephone number(s) of the association.
4. Include a copy of each of the following:
 - ✓ the association complaint;
 - ✓ the final adverse decision received from the association;
 - ✓ the laws and regulations the final adverse decision may have violated;
 - ✓ any supporting documents, correspondence, and other materials related to the final adverse decision;
 - ✓ the association complaint procedure, and any applicable association governing documents.
5. Include a check in the amount of \$25 made payable to the Treasurer of Virginia;
6. If a waiver of the filing fee is requested, include the Request for Waiver of Filing Fee along with the Notice of Final Adverse Decision;
7. Sign and date the form at the bottom of the page.
8. Submit the completed form, supporting documents, correspondence, and other related materials to:

Department of Professional & Occupational Regulation
Office of the Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1485

NOTE: By law, all Notices of Final Adverse Decision and any accompanying documents received by the Department of Professional and Occupational Regulation are subject to public disclosure once a case is closed.

Processing of the Notice of Final Adverse Decision will be conducted in a timely manner. The complainant will be contacted if additional information is required and at the conclusion of the review. Thank you for your patience during the review process.



Department of Professional and Occupational Regulation
 Department of Professional and Occupational Regulation
 9960 Mayland Drive, Suite 400
 Richmond, VA 23233-1485
cicbudsman@dpor.virginia.gov
www.dpor.virginia.gov

Reset Form

Print Form

Office Use Only

\$25 Received

Staff Initials

Office of the Common Interest Community Ombudsman
NOTICE OF FINAL ADVERSE DECISION

Fee \$25.00*

NOTE: The Department cannot guarantee anonymity. By law, all Notices of Final Adverse Decision received by the Department are subject to public disclosure once a case is closed. Anonymous Notices of Final Adverse Decision will not be accepted.

SECTION I - REQUIRED INFORMATION

COMPLAINANT INFORMATION

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Telephone Numbers _____
 Home Business Cell

Email Address _____

City/County _____

Date of Final Adverse Decision _____

ASSOCIATION INFORMATION

Association Name _____

Contact Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone Numbers _____
 Business Cell Other

Email Address _____

Management Company* _____
 * if applicable

SECTION II - SIGNATURE

I understand that this Notice of Final Adverse Decision will not be complete until I have submitted all required documents and the filing fee. A Request for Waiver of Filing Fee may be submitted in lieu of the filing fee, but this will delay review of my Notice of Final Adverse Decision, and there is no guarantee that I will be granted the waiver.

Signature _____ Date _____

* A Complainant must submit a \$25 filing fee or a completed [Waiver of Filing Fee Request Form](#).