



1. **Purpose** - To establish the procedure the George Mason Forest Home Owners Association (GMFHOA) Board will follow to implement GMFHOA Policy 2012-01 concerning resolution of certain formal association complaints.

2. **Scope** - This procedure **only** applies to the processing of written complaints addressed by GMFHOA Policy 2012-01.

3. **Definitions** - Unless otherwise defined, the words, terms and phrases used in this policy document shall have the same meanings as defined in the Virginia Common Interest Community Board regulations in Section 55-530(E), Code of Virginia (referred to hereafter as "CICB regulations").

#### 4. **Applicable References**

4.1. GMF HOA Website- [www.gmfhoa.org](http://www.gmfhoa.org)

4.2. Virginia Common Interest Community Board regulations in Section 55-530(E), Code of Virginia.

4.3. Title 18, Virginia Administrative Code, Agency 48, Chp. 70, Sec. 50

4.4. GMFHOA Policy 2012-01, Resolution of Association Complaints

4.5. GMFHOA Form 2012-01-02, Association Complaint Form

4.6. GMFHOA Form 2012-01-03, Complaint Log

4.7. GMFHOA Form 2012-01-04, Complaint Receipt/Return

4.8. GMFHOA Form 2012-01-05, Notice of Board Decision

#### 5. **Responsibilities**

5.1 The GMFHOA Secretary shall be the GMFHOA Board (Board) representative. Written complaint forms must be submitted to the Secretary who shall assign a number to each form received. The Secretary shall maintain a registration log of all complaints. During a temporary absence of the Secretary, the Board will appoint an acting representative.

5.2 Once a completed complaint form has been received, the Secretary shall notify the other members of the Board that it has been received. The Secretary shall then review the written complaint form for completeness and compliance with the form's instructions. The Secretary shall notify the complainant of any deficiencies on the form and return it.

5.3 It is the responsibility of complainants to obtain, properly complete a GMFHOA Form 2012-01-02, Association Complaint Form and send or deliver it to the Secretary along with any supporting documents or other related materials. If a deficiency or error is found by the Secretary, it is the responsibility of complainants to retrieve the complaint form, correct any

deficiencies noted, and to re-submit the complaint form.

5.4 The Secretary shall keep the Board apprised of the status of complaints and notify the complainant in writing of the Board's final determination.

## **6. Procedure**

6.1. A GMFHOA Form 2012-01-02 may be obtained from the GMFHOA website, or from the Secretary.

6.1A complainant must follow the directions on the form for properly filling it out. All applicable sections are to be filled out in a legible manner, and supporting documents attached.

6.2A completed complaint form may be sent electronically or by post mail to the Secretary listed on the form. Within 7 days of receipt of the complaint form, the Secretary shall provide a dated electronic or post mail acknowledgement of receipt of the complaint.

6.3 If a submitted complaint form is deemed by the Secretary to be incomplete or improperly completed, the form will be returned along with the dated acknowledgement of receipt indicating the problem(s) identified and the actions required for correction before the complaint can be accepted and forwarded to the Board.

6.4 The Board will have 90 days to review, consider a complaint and respond. The 90 day period will begin with the date that a correct complaint form is received by the Secretary.

6.5 At least 14 days prior to the Board meeting at which the complaint will be considered, a complainant will be notified of the date, time and location of the meeting. If the complainant wishes to, but is unable to attend the scheduled meeting, at the discretion of the Board, consideration of the complaint may be postponed to the next scheduled Board meeting.

6.6 At the Board meeting, the Board will consider the complaint and shall decide what action, if any, will be taken in response to the complaint. The Board shall make a decision on the complaint by a simple majority vote in accordance with GMFHOA governing documents. The Board has the option to go in to executive session to discuss the complaint before voting in open session. The Board's decision at the meeting shall fall into one of two categories:

6.6.1 Insufficient information: The Board feels there is insufficient information to make a final determination on the complaint, or that the Board needs additional time to consider the complaint. In this case, the Board shall

postpone a final determination until another meeting is scheduled. The complainant will be notified of the new meeting per Para 6.5 above; or the Board may submit a written request for additional information from the complainant(s), specifying a 30 day timeframe by which the information is due. If the requested information is not received within the required 30 days the Board shall treat the complaint as though it had not been submitted.

6.6.2 Final determination: A final determination is made concerning the complaint. This can be a decision to grant, approve, or implement the action requested in the complaint, or to not do so.

6.7 The Secretary shall notify a complainant electronically or in writing within 7 days of a final determination by the Board.

6.8 There is **no internal GMFHOA appeal process** to the Board's final determination. A complainant dissatisfied with the Board's decision has the right to file a "Notice of Final Adverse Decision" with the CICB as described on the GMFHOA Form 2012-01-02. This must be done within 30 days of the being notified of the Boards' decision, and is at the complainant's expense.

## 7 Administration - Secretary

7.1 The Secretary shall number and log in on GMFHOA Form 2012-01-03 each GMFHOA Form 2012-01-02 received. The number shall begin with the year of receipt (e.g. 2015) followed by numbers from 01 to 99, assigned sequentially in the order that they are received (for example #2015 - 03). The complaint form will be reviewed for acceptability (i.e. it has been properly completed and documentation, if any, provided).

7.2 Acceptable form: If the form is filled out correctly, a written or electronic acknowledgment of receipt (GMFHOA Form 2012-01-04) is then sent to the complainant indicating the date received and whether the form is acceptable. Also that the complaint will be reviewed and considered by the Board within 90 days from receipt. Date of receipt = day 0.

7.3 Unacceptable form: If the form is incomplete, a written acknowledgment of receipt (GMFHOA Policy Form 2012-01-04) is sent to the complainant indicating the date received. List the specific deficiencies and indicate that the complainant must submit a revised or corrected complaint.

7.4 Notify the GMFHOA Board that a complaint has been received and its status. Once the form is acceptable, distribute copies of the complaint form and all supporting documents to the Board members for review.

7.5 Determine the date, time and location of the Board meeting at which the complaint will be reviewed. Notify the complainant of the meeting at least 14 before the meeting. If known, this may be done on the receipt acknowledgement of the complaint form.

## **8 Administration – GMFHOA Board**

8.1 The Secretary's report at each Board meeting shall include the number and status of known complaints and any other relevant information. Consideration and review of complaints received by the Board will be placed on the agenda of Board meetings as needed.

8.2 If there is a complaint to be considered, each Board member will be given an opportunity to comment on the complaint, to question the complainant and to request additional information. The complainant will be given an opportunity to address the board. There must be a quorum of Board members present for review and voting on a complaint.

8.3 The Board has the option to go into executive session to discuss those portions of the complaint pertaining to subjects eligible for executive session and only those portions; however, the vote to make a decision shall be done in open session. A motion shall specifically state the purpose of the executive session, and the motion and stated purpose for the executive session shall be included in the minutes. Executive session discussion shall be restricted to the matters and purposes specifically exempted and stated in the motion. The possible decisions on the complaint are outlined in Para. 6.6 above. The decision about complaint resolution will be documented in the meeting minutes. If needed, see Virginia Code §55-510.1.C for more details about executive sessions.

8.4 There is no GMFHOA internal appeal process. The Board's decision is final.

## **9 Notice of Final Determination**

9.1 Within 10 business days after the final determination is made, the Secretary must provide written notice to the complainant regarding the decision. The notice must include the following:

9.1.1 Specific citations to applicable provisions of the GMFHOA governing documents, laws or regulations that led to the decision;

9.1.2 The GMFHOA registration number as assigned by the CICB;

9.1.3 Notice of the complainant's right to file a "Notice of Final Adverse Decision;

9.1.4 A copy of the complaint form

**10 Other - Resale Disclosure Packet**

A copy of GMFHOA Policy 2012-01; GMFHOA Form 2012-01-01; and GMFHOA Form 2012-01-02 shall be included in each packet.

**11 Other - Annual Review**

The Board may revise this procedure whenever necessary, and particularly when necessitated by legislative changes to the Virginia Code that take effect on July 1st. Pending legislative changes should be studied in May so that any required revision(s) to this procedure can be drafted and approved by July 1st. This procedure is established in accordance with the GMFHOA By-Laws, Article VII, Section 1.f.