

Shoreline Marina Condominium Property Owners' Association

Association Complaint Procedure

WHEREAS Shoreline Marina Condominium Property Owner's Association (the "Association") is a common interest community subject to regulation by the Virginia Common Interest Community Board ("CICB"); and

WHEREAS common interest communities in Virginia are required by law and CICB regulations to establish rules for receiving and considering Complaints from members and other citizens concerning a matter regarding the action, inaction or decision by the governing Board, managing agent or Association inconsistent with applicable laws and regulations; and

WHEREAS the Association desires to implement a Complaint Procedure in accordance with Section § 54.1-2354.4 of the Code of Virginia and regulations adopted by the CICB;

THEREFORE, it is hereby resolved that the Association, acting by its Board of Directors, adopts the following Complaint Procedure.

I. Filing the Written Complaint.

- A. A member of the Association, or other citizen, must register a Complaint in writing.
- B. The "Shoreline Marina Property Owner's Association Complaint Form" must be used when filing a complaint with the Association under these procedures. This form will be available upon request or on the ShorelinePOA.com website under Property Owner's/ Forms and Documents.
- C. The completed Complaint form with all supporting documents, correspondence, and other materials related to the Complaint, must be emailed to ShorelineMarinaPOA@gmail.com or attached to the link on the ShorelinePOA.com website under Property Owner's/ Contact the Board; provided the sender retains sufficient proof of electronic delivery, or hand delivered to an Association Board member (as listed on the Association's website). Hand delivery of the Complaint shall be made by contacting a Board member at the telephone number listed on the Association's website to arrange a mutually convenient time for delivery. The Complaint must be submitted to the Association within thirty (30) days of the alleged act, or failure to act, which is the subject of the Complaint.

II. Receipt and Adequacy of the Complaint.

- A. The Association shall provide written acknowledgment of receipt of the Association Complaint to the Complainant within seven (7) days of receipt. Such acknowledgment shall be sent by electronic means, provided the sender retains sufficient proof of the electronic delivery, or hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint form.

B. To the extent that the Complainant has knowledge of the law or regulation applicable to the Complaint, the Complainant shall provide that reference, as well as the requested action or resolution. If it appears that the submitted Complaint is inadequate in any way, then the Association may provide notice of such to the Complainant. The notice should describe how the Complaint is inadequate and advise the Complainant of the need to submit a revised Complaint, or additional information before it can be forwarded to the Board for consideration. If it appears that the submitted Complaint includes the required information, the President, or other officer designated by the Board, shall provide the Board of Directors with a copy of the Complaint for consideration.

III. Board Consideration of the Complaint.

A. The Board of Directors, shall consider the Complaint within ninety (90) days of receipt of an adequate and completed Complaint, or under extenuating circumstances, as soon thereafter as may be reasonably possible.

B. Notice of the date, time, and location informing the Complainant when and where the matter will be considered shall be delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, or hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint, at least fourteen (14) days prior to consideration by the Board.

C. If the Association has provided notice to the Complainant of the inadequacy of the Complaint as provided for in Section II B above, but if the Complainant does not submit a revised Complaint or additional information within thirty (30) days after such notice is sent, then the Association may consider the Complaint as submitted and make a final determination.

IV. Notice of Association Board/Hearing Committee Decision

A. After the final determination is made, the written notice of final determination shall be delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, or hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Complaint, within seven (7) days.

B. The notice of final determination shall 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, as well as the CICB registration number of the Association.

C. No further appeal process under this Association Complaint Procedure is available, and the decision rendered by the Association's Board or hearing tribunal may be considered a "final adverse decision" for purposes of this Complaint Procedure.

V. Notice of Final Adverse Decision to Common Interest Community Board.

A. The Complainant shall have the right to file a “Notice of Final Adverse Decision” with the Common Interest Community Board. A copy of a form for this purpose is located on the ShorelinePOA.com website under Property Owner’s/ Forms and Documents/ Complaint Forms and procedures labeled ”Common Interest Community Complaint Form”.

VI. Association Records.

A. A record of each Complaint shall be maintained for no less than one year after the Association acts upon the Complaint.

B. The Association Complaint Procedure must be readily available (upon request or on ShorelinePOA.com website under Property Owner’s/ Forms and Documents/ Complaint Forms and Procedures) to all members of the association and citizens.

C. The Association Complaint Procedure shall be included as an attachment to the association disclosure packet.