

**RIVERS BEND HOMEOWNERS ASSOCIATION**  
**REVISED COMPLAINT PROCEDURE**  
**September 2012**

**Part 1 – General**

Purpose

To bring the Rivers Bend Homeowners Association (RBHA) complaint procedure into conformity with requirements of the Common Interest Community Board and Code of Virginia, Title 55, Chapter 29.

Definitions

“Complaint” means a written complaint filed by a member of the association pursuant to this procedure. The complaint shall concern an action, inaction, or decision taken by the RBHA Board or the association inconsistent with the applicable laws, regulations, and/or association governing documents.

“Complainant” means an RBHA member or citizen who submits a written complaint in accordance with this complaint procedure.

“Complaint procedure” means this written process adopted by the RBHA Board of Directors to receive and consider complaints from members and citizens.

“Mail to complainant” means correspondence related to a written complaint which shall be delivered by: hand, signature for receipt required; registered or certified mail, return receipt requested; or electronically with the sender retaining proof of electronic delivery.

“Association governing documents” means collectively the applicable RBHA documents, including the current and effective Articles of Incorporation, Declaration and Bylaws, Resolutions, Rules and Regulations, or other guidelines governing association members conduct and association governance.

“Record of complaint” means all documents, correspondence, meeting minutes, proof of correspondence and other materials related to the complaint.

“Final Adverse Decision” means the final determination issued by the RBHA Board of Directors pursuant to the complaint that does not either wholly or in part cure or initiate action sought by the complainant. Such a decision means all avenues of internal appeal under this compliant procedure have been exhausted.

“Common Interest Community Board and Ombudsman” means the Virginia entity and person assigned responsibility to assist association members in understanding the rights and processes available under the laws and regulations governing common interest communities and provide referrals to public and private agencies offering alternative dispute resolution services, with a goal of reducing and resolving conflicts among associations and their members.

**Part II – RBHA Complaint Procedure**

1. Complaints must be submitted in writing to the RBHA Board President. The complaint may be hand delivered to the President or submitted by mail to the Board of Directors at:

Rivers Bend Association  
P.O. Box 605  
Heathsville, Virginia, 22473

2. The complaint must include:
  - a. A clear statement of the issue, including specific relevant facts and circumstances, as well as any history if applicable.
  - b. Reference to the applicable RBHA governing documents and/or state laws or regulations that support the complaint.
  - c. The requested action to resolve the issue
  - d. Contact information for the complainant.
  - e. Any supporting documents, correspondence and other materials related to the complaint.
  - f. The complaint must be signed and dated.
3. The President will, by mail, acknowledge receipt of the complaint within 7 days. The response will include the name(s) of the representative(s) the President has appointed to investigate the complaint.
4. The representative(s) assigned to investigate the complaint may request additional information from the complainant within 30 days of the President's receipt of the complaint. Other information that may be accessed includes, but is not limited to, association governing documents, state laws and regulations, records of the RBHA Board of Directors or RBHA committees, and interviews.
5. The complainant shall have up to 30 days to submit any additional information requested by the Board's representative(s). Should the complainant fail to submit the information or documentation requested, the complaint will be dismissed.
6. The Board's representative(s) will complete the review and prepare a recommendation to the Board of Directors within 30 days of the representative(s)'s receipt of the complaint or within 30 days of the receipt of any additional information requested of and submitted by the claimant.
7. The RBHA Board of Directors will review the complaint and the appointed representative(s)' recommendations, along with supporting materials as necessary, and make a decision on the disposition of the complaint within 15 days of receipt of the recommendations. The decision of the Board is final and no further appeal to the Association can be made.
8. The President will mail written notification of the decision to the complainant within 7 business days of that decision. The final written determination will include:
  - a. A clear statement of the Board's decision.
  - b. Specific citations to applicable association governing documents, laws and/or regulations.
  - c. The RBHA registration number.
  - d. If the decision is adverse to the complainant, an explanation of the complainant's right to file a Notice of Adverse Decision with the Office of the Common Interest Community Ombudsman within 30 days of the RBHA Board's adverse decision. Means of contact include:

Office of the Common Interest Community Ombudsman  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, VA 23233  
804-367-2941  
[CICombudsman@dpor.virginia.gov](mailto:CICombudsman@dpor.virginia.gov)
9. The Secretary of the RBHA will maintain the complaint record for no less than one year after the Board acts upon the complaint.