

# SHAKER WOODS HOMEOWNERS ASSOCIATION

## Policy Resolution 23-001 (Regarding Processing of Complaints)

**WHEREAS**, § 54.1-2354.4 of the Virginia Code requires that the Association establish reasonable procedures for the resolution of written complaints from the members of the Association or other citizens; and

**WHEREAS**, Section 18 VAC 48-70-10, *et seq*, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code and outlines the requirements of said complaint procedures; and

**WHEREAS**, the Board believes it is in the best interest of the Association and the owners to adopt orderly complaint procedures and to clarify the rights and responsibilities of owners who allege that an action, inaction or decision of the Association, the Board, or the Association's managing agent is inconsistent with state laws or regulations governing the Association.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board adopts the following policy which shall supersede and replace the prior policy number 12-001:

1. **Complaint Must Be in Writing.** The terms of this Resolution pertain only to written complaints (a "Complaint") which relate to Common Interest Community ("CIC") law or regulations, and are submitted to the Board or the Association's Registered Agent in accordance with the procedures set forth in this Resolution. All other complaints shall be appropriately handled within the reasonable discretion of the Board of Directors, but need not be processed in accordance with the terms of this Resolution.
2. **Complaint Form.** In order to properly submit a formal Complaint upon which the Association will act, all residents, owners and any other parties must submit a written Complaint on the form attached hereto as Exhibit A, to the Association by sending it to party designated herein.

A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting the Board of Directors.

**Where Complaints Should be Sent.** All Complaints, including the complaint form and any attachments, shall be sent either via United States Postal Service mail, hand-delivery, or email to the Association (Boardofdirectors@shakerwoods.org).

Shaker Woods Homeowners Association  
P.O. Box 1017  
Herndon, VA 2017

If the Complaint is submitted via the United States Postal Service, the Board should be notified of the submission by email to ensure prompt receipt of the Complaint by the Board.

3. **Required Information.** All Complaints must concern a matter regarding the action, inaction or decision by or of the Board that is inconsistent with applicable laws and regulations. All Complaints shall include the following information or shall be deemed incomplete and nonactionable, at the Board's sole discretion:
  - 1) Description of reasonable efforts to communicate and directly resolve the issue between affected parties.
  - 2) The name and address of the complainant;
  - 3) The nature of the alleged complaint, including the relevant times, dates and places involved;
  - 4) Reference to the applicable laws or provisions of the Governing Documents that the complaint concerns (copies are not required);
  - 5) The name and address of any other persons involved, if known;
  - 6) The relevant common interest community law or regulation allegedly violated.
  - 7) Any other information the complainant deems relevant for the Board's review;
  - 8) The signature of the complainant.
4. **Acknowledging Receipt of Complaint.** Within seven (7) days of receipt of a Complaint Form, the Association shall provide the Complainant with written acknowledgement (by email) of receipt of the Complaint.
  - A. *Incomplete Complaint or Complaint Which Doesn't Pertain to CIC Law or Regulations.* If it appears to the Board that the submitted Complaint is missing the required minimum information or does not pertain to a violation of CIC law or regulations, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be accepted and forwarded to the Board for consideration.
  - B. *Forwarding to the Board.* If it appears to the Board that the submitted Complaint includes the required minimum information and pertains to a violation of CIC law or regulation, then the Board shall continue its review and further consideration of the Complaint.
5. **Formal Action — Consideration of Complaint by Board.** All completed, signed and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board shall decide what action, if any, to take in response to the Complaint.

- A. *Meeting at which Complaint will be considered.* Complaints will be considered by the Board at a regular or special Board meeting held within 90 days from the date on which the complaint was forwarded to the Board for consideration.
  - B. *Notice to the Complainant.* At least fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Association shall provide the complainant with notice of the date, time, and location of the Board meeting at which the matter will be considered by the Board. This notice may be combined with the acknowledgment of receipt referenced in section 5 above.
  - C. *Board's Decision on Complaint.* The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. The Board's decision at the meeting shall fall into one of the following two categories:
    - a. A decision that there is *insufficient information* on which to make a final determination on the Complaint *or that additional time is otherwise required* to make a final determination, in which case the Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting (announced at the meeting or by giving at least 14 days' notice to the Complainant) and, if needed, make a written request for additional information from the applicable party(s), specifying a deadline by which time the additional information must be received by the Association; or
    - b. *A final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is, or is not, being granted, approved, or implemented by the Board. A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional information that was requested by the Association or that the issue is outside the authority of the Board (nonactionable). No appeal process is available; the Board's rendered decision is final.
6. **Notice of Final Determination.** Within seven (7) days after the final determination is made (per subsection 6(C)(b) above), the Board shall provide the Complainant with written notice of the Board's final determination. The notice of final determination shall be dated as of the date of issuance and include:
- A. The decision of the Board.
  - B. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the final determination;

- C. The Association's registration number as assigned by the Common Interest Community Board (the "CICB"), and, if applicable, the name and CICB-issued license number for the Managing Agent (if any); and
- D. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CIC Ombudsman:

Virginia Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1463  
Phone: 804-367-2941  
Email: [CICombudsman@dpor.virginia.gov](mailto:CICombudsman@dpor.virginia.gov)

- 7. **Records.** The Association shall retain as part of the Association's records, a record of each Complaint (including the Complaint Form and attachments, related acknowledgments and notices, and any action taken by the Association or Board in response to such Complaint) for a period of at least one (1) year from the date of the Association's final action on the Complaint.
- 8. **Availability.** A copy of these procedures shall be made available to all owners and citizens upon request.
- 9. **Resale Disclosure.** A copy of these procedures, including the Exhibit A Complaint Form, shall be included in any resale disclosure packet/certificate issued after the effective date below.
- 10. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

## SHAKER WOODS HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_  
Board President

**Exhibit A**

**SHAKER WOODS HOMEOWNERS ASSOCIATION  
COMPLAINT FORM**

**(To comply with Section 54.1-2354.4 of the Virginia Code and 18 VAC 48-70-10, *et seq.*)**

**You may use this form to file a complaint concerning the Shaker Woods Homeowners Association (the “Association”). Should you choose to file a complaint using this form, please complete, sign and date this form and mail or fax it to the Association’s registered agent at the address below:**

Shaker Woods Homeowners Association  
(CICB registration number, 0550002050)  
P.O. Box 1017  
Herndon, VA 20172  
Boardofdirectors@shakerwoods.org

**Name of Complainant(s):**

\_\_\_\_\_

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

**Phone: (Home)** \_\_\_\_\_ **(Mobile)** \_\_\_\_\_

**(Email)** \_\_\_\_\_

**Preferred method of communication:** \_\_\_\_\_ **Writing** \_\_\_\_\_ **E-mail**

**Please describe the nature of your complaint and cite any provisions of the Governing Documents and applicable laws or regulations that are the basis for your complaint (please attach all documents and communications supporting your complaint – you may use additional pages):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name and address of persons that are the subject of complaint and a description of efforts to resolve the complaint directly:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Description of relief being sought by complainant or requested action:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

Be advised, the Association may elect not to take action on any complaint which does not conform to the above-referenced delivery requirements or include the requested information on this form.

The Association will provide written acknowledgement of receipt of the form within seven (7) days via certified mail, hand delivery, or electronic means, if applicable. If additional information is required, you will be notified in accordance with the Association's complaint procedures.

The Association will begin investigation of your complaint when it has received a complete and actionable written complaint. You will be notified of when and where your matter will be reviewed by the Board (or other body, if applicable). After the Board has made its final determination, the Board will send you a written Notice of Final Determination within seven (7) days of the decision by either via certified mail, hand delivery, or electronic means, if applicable.

Once you have received a Notice of Final Determination, you have the right to contact the Office of the Common Interest Community Ombudsman. In accordance with the Common Interest Community Board's ("CIC Board") rules and procedures and Va Code § 54.1-2354.4-, you may give notice to the CIC Board of any final adverse decision which your Association may make regarding your complaint. You must file the notice within thirty (30) days of the final adverse decision. Your notice must be in writing on forms prescribed by the CIC Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$ 25 filing fee. The CIC Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause you undue financial hardship. For more information or to submit a complaint to the Common Interest Community Ombudsman, please contact the Office of the Common Interest Community Ombudsman at:

Virginia Common Interest Community Ombudsman  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1463  
Phone: 804-367-2941  
Email: [CICOmbudsman@dpor.virginia.gov](mailto:CICOmbudsman@dpor.virginia.gov)

**You must date and sign this form. Anonymous complaints will not be accepted.**

Signature: \_\_\_\_\_

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

The Association will maintain a record of your complete and actionable complaint for one (1) year from the date upon which it takes action to resolve your complaint.

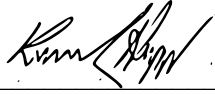
*To be completed by Association representative only*

Received by: \_\_\_\_\_

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

**SHAKER WOODS HOMEOWNERS ASSOCIATION  
FOR ASSOCIATION RECORDS**

I hereby certify that a copy of the foregoing Policy Resolution was uploaded into the Shakerwoods.org website documents section and will be included in future Disclosure packets.



---

Board President

Nov. 3, 2023

---

Date

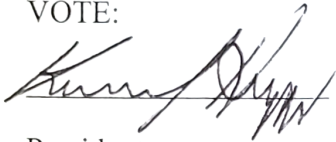
**POLICY RESOLUTION NO. 23-001**

(Procedures Related to the Submission and Resolution of Complaints)

Duly adopted at a meeting of the Board of Directors held May 4, 2023.

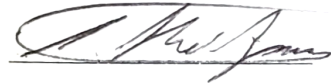
VOTE:

YES NO ABSTAIN ABSENT



X

President



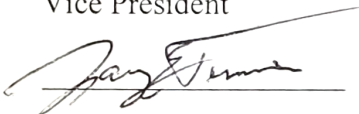
X

Vice President



X

Vice President



X

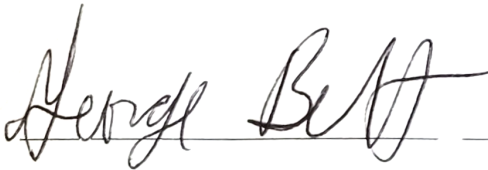
Treasurer



X

Secretary

ATTEST:

 10/15/23

Secretary

Date

Resolution effective: 11/1/23 Nov 1, 2023.