

# Indian Springs Homeowners Association

## Formal Complaint Procedure

Under § 55-530 E of the Code of Virginia, the Indian Springs Homeowners Association is required to have a written process for resolving association complaints from members or citizens. An "association complaint" means a written complaint filed by a member of the association or citizen pursuant to an association complaint procedure. An association complaint shall concern a matter regarding an action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations [per 18 VAC 48-70-10].

Nothing in this procedure prohibits or is intended to prohibit association members or citizens from making complaints to the association which are not association complaints as defined by this procedure. Such regular or informal complaints may take any form the complainant wishes, are not subject to this procedure and will be acted on in the normal course of business for the association.

This formal complaint process is intended to be used to address all "association complaints" as follows [per 18 VAC 48-70-50] :

1. The association complaint must be in writing.
2. The association complaint must include:
  - a. The name of the complainant
  - b. Contact information for the complainant
  - c. The nature of the complaint – which action, inaction or decision does the complainant disagree with and what do they feel should occur.
  - d. Which specific reference in the law, regulations, Declaration of Covenants Conditions and Restrictions, Bylaws, or association rules, if any, does the complainant believe applies to warrant this complaint.
  - e. Any specific documentation that can clarify the cause of the complaint, e.g., pictures, plans, drawings, agreements, minutes, etc.
3. The association complaint shall be delivered to the President or the Secretary of the Homeowners Association, either by electronic mail, hand delivery or US Postal Service.
4. The President or his designee shall provide written acknowledgment of receipt of the association complaint to the complainant within seven days of receipt. Such acknowledgment shall be by electronic mail, hand delivery or US Postal Service.
5. Association complaints which are deemed by the President to be of an urgent and serious nature will be addressed at a special meeting of the Board called for the purpose of considering the formal complaint. Association complaints which can be addressed by an existing committee or the Architectural Review Board will be referred to the respective body for action at their next meeting. All other association complaints will be taken up at the next regular Board meeting. The President or his designee will inform the complainant within thirty days of receipt of the complaint which body will review the complaint, and the date, time, and location that the matter will be considered. This notice will be either by electronic mail, hand delivery or US Postal Service. If the complainant is an association member they will be able to attend the meeting where the complaint is reviewed. Citizen complainants may be invited to attend that portion of the meeting where the matter will be reviewed.

6. Within seven days after the final determination by the reviewing body is made, the President or his designee shall deliver the written notice of final determination to the complainant either by electronic mail, hand delivery or US Postal Service. The notice of final determination shall be dated as of the date of issuance and include specific citation to applicable association governing law, regulations, Declaration of Covenants Conditions and Restrictions, Bylaws, or association rules. The notice of final determination shall also include the registration number of the association and the complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman and the applicable contact information:  
[cicombudsman@dpor.virginia.gov](mailto:cicombudsman@dpor.virginia.gov)  
(804) 367-0373

This Formal Complaint Procedure must be readily available upon request to all members of the association and citizens. This procedure shall be included as an attachment to the resale certificate or the association disclosure packet [both per 18 VAC 48-70-60].

Approved: June 12, 2014