

**Belden Woods Homeowners Association
Procedure for Resolving Complaints for Members & Citizens**

Background Information:

In accordance with section 55-530 of the Code of Virginia, associations such as ours that are registered with the State of Virginia's Common Interest Community Board (CICB) must establish a written process for resolving association complaints from members and other citizens regarding the action, inaction or decision by the governing board, managing agent or association inconsistent with applicable laws and regulations (documented in the Code of Virginia, including Title 55, Chapter 26 Property Owners' Association Act). Even though the CICB only has jurisdiction over and is only requiring this complaint process for allegations involving violations of State community association laws or regulations, the Belden Woods Homeowners Association Board of Directors has decided to implement this written complaint procedure to address all forms of member complaints (including possible violations of our homeowners covenants and restrictions).

Definitions:

"Association" refers to the Belden Woods Homeowners Association.

"Board" means the Board of Directors for the Belden Woods Homeowners Association.

"Common interest community" means real estate located within the Commonwealth subject to a declaration which contains lots, at least some of which are residential or occupied for recreational purposes, and common areas to which a person, by virtue of his ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration.

"Lot" means any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area.

"Association governing documents" means collectively the applicable organizational documents, including but not limited to the current and effective articles of incorporation, declaration, and bylaws of a property owners' association, all as may be amended from time to time. Association governing documents also include, to the extent in existence, resolutions, rules and regulations, or other guidelines governing association member conduct and association governance.

"Declaration" means any instrument, however denominated, recorded among the land records of the county in which the development or any part thereof is located, that either (i) imposes on the association maintenance or operational responsibilities for the common area as a regular annual assessment or (ii) creates the authority in the association to impose on lots, or on the owners or occupants of such lots, or on any other entity any mandatory payment of money as a regular annual assessment in connection with the provision of maintenance or services or both for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition.

"Association complaint" means a written complaint filed by a member of the association or citizen pursuant to an association complaint procedure.

"Association complaint procedure" means the written process adopted by an association to receive and consider association complaints from members and citizens.

"Complainant" means an association member or citizen who makes a written complaint pursuant to an association complaint procedure.

"Record of complaint" means all documents, correspondence, and other materials related to a decision made pursuant to an association complaint procedure.

"Adverse decision" or "final adverse decision" means the final determination issued by an association pursuant to an association complaint procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the complainant. Such decision means all avenues for internal appeal under the association complaint procedure have been exhausted.

Procedures for Receiving Complaints:

1. Complete the Association Complaint Form (copies are available by request) and attach additional documentation as required.
2. If you have knowledge of a law or regulation applicable to the complaint, provide that reference as well as the requested action or resolution.
3. Mail this form and any attached documentation to:

Belden Woods Homeowners Association
1240 Windridge Pkwy
Hardy, VA 24101-3385

4. Acknowledgement of receipt by the Board will occur within seven days of receipt of a complaint. Acknowledgment of complaints will be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided, or via e-mail if requested and an address is provided.

Rules for Considering Complaints:

1. The Board of Directors of Belden Woods Homeowners Association will attempt to resolve the complaint at the next monthly board meeting following receipt of the complaint.
2. Notice of the date, time, and location that the matter will be considered shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided.

3. If a resolution decision is not possible, reasons will be stated in published meeting minutes along with follow-on actions to reach resolution (further research, requests for more information from complainant, etc.).
4. If further research or requests for information are required, these will occur prior to the next monthly board meeting when complaint resolution will resume again. Board action on active complaints will be detailed in meeting minutes until a final decision is rendered.
5. After the final determination is made, the written notice of final determination shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided within seven days. The notice of final determination shall include specific citations to applicable association governing documents, laws, or regulations that led to the final determination.
6. Appeals are not available. Rendered decisions are final.
7. A complainant may file a notice of final adverse decision issued by the Board of Directors of Belden Woods Homeowners Association with the Office of the Common Interest Community Ombudsman in accordance with Section 55-530 F of the Code of Virginia. The Association Complaint Process and the Ombudsman's Determination are only allowed for allegations involving violations of community association laws or regulations (the Condominium Act or Regulations; the Property Owners' Association Act; or the Real Estate Cooperative Act or Regulations). If your Complaint alleges violations of Association documents (even if the Board reviews it and provides a Final Adverse Decision) the Ombudsman does not have jurisdiction to review your Complaint, and you are not eligible to submit a Notice of Final Adverse Decision. For more information visit this website: <http://www.dpor.virginia.gov/CIC-Ombudsman/>

Notes:

- This process was approved by the BWHOA Board of Directors on August 10, 2013.
- This process will be reviewed periodically by the board to insure compliance with Commonwealth of Virginia and association requirements.