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MEMORANDUM

TO: Hayden Village Community Association Members

FROM: Sharon Bucklin, CMCA®, AMS®
Community Manager

DATE: October 18, 2023

SUBJECT: Administrative Resolution 2023-2 – Association Complaint Procedures

Please find enclosed a copy of Administrative Resolution 2023-2: Association Complaint Procedures, which the Board of Directors adopted at their September 2023 meeting. A copy of this resolution is enclosed and should be retained with your other important Hayden Village Community Association documents.

Please contact me at sbucklin@sequoiamgmt.com or (703) 803-9641 with any questions.

**HAYDEN VILLAGE COMMUNITY ASSOCIATION
ADMINISTRATIVE RESOLUTION NO. 2023-2**

**ASSOCIATION COMPLAINT PROCEDURES
(for resolving certain complaints from Members and others)**

WHEREAS, Hayden Village Community Association (the “Association”) is a property owners’ association organized and operating pursuant to the Virginia Property Owners’ Association Act (“Act”) and the Declaration of Covenants, Conditions and Restrictions recorded among in the land records of Loudoun County in Deed Book 7651 at Page 0331 (“Declaration”);

WHEREAS, the Association’s Board of Directors desires to establish policies and procedures for receiving, considering and resolving complaints about actions, inactions or decisions by the Association, the Association’s Board of Directors or the Association’s management agent consistent with requirements of the Virginia Code and applicable regulations of the Virginia Common Interest Community Board (“CICB”).

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby adopts the following CICB-mandated procedures **for handling written complaints concerning Association actions or inactions allegedly inconsistent with state laws and regulations specifically governing common interest communities:**

- A. **Definitions.** Unless otherwise defined in these Association Complaint Procedures (“this Policy”), the words, terms or phrases used in this Resolution shall have the same meanings as defined in the CICB regulations or in the Declaration and Bylaws.

- B. **Complaint Form.** If a member of the Association (*i.e.*, an owner), a resident or other individual alleges that an action, inaction or decision of the Association, the Association’s Board of Directors (“Board”) or the Association’s management agent (“Managing Agent”) is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complaint (“Complaint”) to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. *Alternatively, if the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Managing Agent or the Board without using the attached form.*

- 1. **Complaint Form Instructions and Attachments.** A completed Complaint Form must include a description of the specific facts and circumstances relevant to the individual’s Complaint, and the specific action, result or resolution that is being requested. If the individual submitting the Complaint Form (the “Complainant”) knows the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documents that Complainant believes support the validity of the Complaint (not including laws, regulations or the Association’s governing documents).

A copy of this Policy (including the required Complaint Form) will be available upon request by contacting the Association c/o the Managing Agent, using the Managing Agent’s contact

information listed on the Exhibit A Complaint Form which is incorporated by reference into this Policy.

- C. **Mailing or Delivering Complaint to Board of Directors.** The fully completed, signed and dated Complaint (including the Complaint Form and all attachments) must be mailed or otherwise delivered to the Board c/o the Managing Agent, at the Managing Agent's address listed on the Exhibit A Complaint Form.
- D. **Means of Providing Notices to Complainant.** All written acknowledgments or other notices required by these procedures to be provided by the Association to the Complainant must be hand-delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided on the Complaint Form, or by facsimile transmission or email if the Complainant has previously provided the Association with the Complainant's written consent to communicate with him/her by electronic transmission. The Managing Agent must retain in the Association's records proof of the mailing, delivery or electronic transmission of the acknowledgments and notices per Section H below.
- E. **Acknowledging Receipt of Complaint.** Within seven (7) days after receipt of a Complainant's Complaint Form, the Managing Agent must provide the Complainant with written acknowledgement of the Association's receipt of the Complaint.
1. **Incomplete Complaint.** If it appears to the Managing Agent that the submitted Complaint is missing the required minimum information (including, e.g., an allegation of a violation of applicable state laws or regulations), then the acknowledgment of receipt will 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. The Managing Agent may consult with the Association's president and/or the Association's legal counsel, if needed, to make this determination. Receipt of a revised/corrected Complaint will again trigger the requirements in this Section E.
 2. **Forwarding to the Board.** If it appears to the Managing Agent that the submitted Complaint includes the required minimum information, then on the same day that acknowledgment of receipt of the Complaint is provided to the Complainant, the Managing Agent will provide the Board with a copy of the Complaint for consideration.
- F. **Formal Action – Consideration of Complaint by Board.** All completed, signed and dated Complaints forwarded to the Board will be considered by the Board at a meeting, and the Board will decide what action, if any, to take in response to the Complaint.
1. **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.
 2. **Notice to the Complainant.** At least 14 days prior to the Board meeting at which the Complaint will be considered, the Managing Agent must 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 E above.

3. **Board's Decision on Complaint.** The Board will 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 will 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 to be held within 60 days (with the time/date/location 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 Managing Agent for forwarding to the Board; or
- (b) A *final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is 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. No internal appeal process is available; the Board's rendered decision is final.

G. **Notice of Final Determination.** Within seven days after the final determination is made (per subsection F.3.b. above), the Managing Agent must provide the Complainant with written notice of the Board's final determination. The notice of final determination must be dated as of the date of issuance and include:

- 1. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the final determination;
- 2. The Association's registration number as assigned by the CICB, and if applicable, the name and CICB-issued license number for the Managing Agent; and
- 3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman (providing the applicable contact information).

H. **Records.** The Managing Agent must 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.

I. **Resale Disclosure Certificates.** A copy of this Policy (including the Exhibit A Complaint Form) will be included as an attachment to Association-issued resale disclosure certificates.

EFFECTIVE DATE OF RESOLUTION

The effective date of this Resolution is: September 19, 2023.

HAYDEN VILLAGE COMMUNITY ASSOCIATION

Resolution Type: Administrative No. 2023-2
Pertaining to: CICB Association Complaint Procedures

Duly adopted at a meeting of the Board of Directors held on (or adopted by unanimous written consent on) September 19, 2023.

Motion by: Jeff Adams Seconded by: JoAnne Loiselet

VOTE:

DIRECTOR: (printed name)	YES	NO	ABSTAIN	ABSENT
Daniel Cassidy	X			
Jeff Adams	X			
JoAnne Loiselet	X			
Randy Wyant	X			
Israr Mirza				X

ATTEST:

Randall A. Wyant
Randall A. Wyant (Oct 1, 2023 15:38 EDT)
Secretary

Oct 1, 2023
Date

Resolution's Effective Date: date of adoption.

CERTIFICATE OF MAILING

I hereby certify that on the 18 day of October, 202~~2~~³, a copy of the above-referenced Resolution was mailed (by first-class U.S. mail) to all Owners as reflected in the Association's books and records.


Managing Agent

EXHIBIT A
HAYDEN VILLAGE COMMUNITY ASSOCIATION

c/o Select Community Services
4840 Westfields Blvd. Suite 160
Chantilly, Virginia 20151
Fax: (703)-266-2804

ASSOCIATION COMPLAINT FORM
(for Complaints against Association, Board or Managing Agent)

Pursuant to Section 54.1-2354.4 of the Code of Virginia, 1950, as amended, the Board of Directors ("Board") of Hayden Village Community Association (the "Association") has established this complaint form for use by persons who wish to register written complaints with the Association regarding an alleged action, inaction or decision by the Association or its Board or managing agent inconsistent with applicable state laws and regulations.

1. Legibly describe your complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Include references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the complaint. If there is insufficient space, attach a separate sheet of paper to this complaint form. Also, *attach any supporting documents*, correspondence and other materials related to the complaint (not including copies of laws, regulations or the Association's governing documents).

2. Sign, date & print your name and address below and submit this completed form to the Association at the above address.

_____ Printed Name	_____ Signature	_____ Date
_____ Mailing Address		
_____ Address		
_____ E-mail Address	_____ Phone Number	Contact Preference <input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Other _____

If, after the Board's consideration and review of the complaint, the Board issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by a \$25 filing fee. The Ombudsman may be contacted at:

Department of Professional and Occupational Regulation
Office of the Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, VA 23233
(804) 367-2941 / CICombudsman@dpor.virginia.gov