

# ENCLAVE FAIR LAKES HOMEOWNERS ASSOCIATION, INC.

## Policy Resolution 2022-01 (Regarding Processing of Complaints)

**WHEREAS**, Article 4, Section 4.1 of the Bylaws of Enclave Fair Lakes Homeowners Association, Inc. (“Association”) provides the Board of Directors (“Board”) shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not required by the Virginia Nonstock Corporation Act or the Association Documents to be exercised and done by the Owners;

**WHEREAS**, the Virginia Code 54.1-2354.4(A) and Regulations (Chapter 70 of the Common Interest Community Ombudsman Regulations) require community associations to adopt a policy and procedures for the receipt and resolution of complaints alleging a violation of applicable law or regulations;

**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 54.1-2354.4 of the Virginia Code and outlines the requirements of said complaint procedures; and

**WHEREAS**, the Board has adopted a policy resolution requiring all complaints to be submitted in writing and establishing reasonable procedures governing the resolution of these written complaints to comply with the requirements of Virginia law.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board adopts the following policy:

1. **Definition.** A “Complaint” shall mean a written complaint filed by an owner or a citizen pursuant to these procedures. A “Complaint” must concern an alleged action, inaction or decision of the Board, the Managing Agent, or Association that is inconsistent with applicable laws and regulations governing common interest communities. The “Complainant” means an owner or citizen who makes a written complaint pursuant to the Association’s complaint procedures.
2. **Complaint Must Be in Writing.** The Association is only required to act on written Complaints which pertain to Common Interest Community (“CIC”) law or regulations, and which are submitted to the Managing Agent in accordance with the procedures set forth in this Resolution.
3. **Complaint Form.** To properly submit a formal Complaint upon which the Association will act, the Complainant must submit a written Complaint on the form attached hereto as Exhibit A (“Complaint Form”) and remit the same to the Managing Agent as instructed herein.

4. **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, facsimile, or email to the Managing Agent using the information provided on the Complaint Form.
  
5. **Required Information.** All Complaints must concern a matter regarding the action, inaction, or decision by or of the Board, the Association, or Managing Agent that is inconsistent with applicable laws and regulations. This Resolution does not apply to allegations that the Association, Board, or Managing Agent violated provisions of the Association's governing documents. All Complaints shall include the following information or shall be deemed incomplete and nonactionable, at the Board's sole discretion:
  - 1) The name and address of the Complainant;
  - 2) The nature of the alleged complaint, including the relevant times, dates and places involved;
  - 3) Reference to the applicable laws or provisions of the governing documents that the complaint concerns (copies are not required);
  - 4) The name and address of any other persons involved, if known;
  - 5) Any other information the Complainant deems relevant for the Board's review;
  - 6) The relief or action requested by the Complainant; and
  - 7) The signature of the complainant.
  
6. **Acknowledging Receipt of Complaint.** Within seven (7) days of receipt of Complainant's Complaint Form, the Managing Agent shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint. The written notice may be sent via electronic means if the Complainant has consented to receive electronic communication from the Association and, in such event, the Managing Agent shall retain a record of delivery of such acknowledgment.
  - A. *Nonactionable Complaint or Complaint Which Doesn't Pertain to CIC Law.* If it appears to the Managing Agent that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that they will need to submit a revised/corrected Complaint within ten (10) days before it can be accepted and considered by the Board. If a Complainant fails to submit any additional documentation or information to the Managing Agent within ten (10) days of the written request, the Board shall deem the matter closed.
  - B. *Forwarding to the Board.* If it appears to the Managing Agent that the submitted Complaint includes the required minimum information and pertains to a violation

of CIC law or regulation, then the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

7. **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 ninety (90) days from the date on which the Complaint Form was forwarded to the Board for consideration. The Complainant is obligated to cooperate with any requests of the Board during its investigative timeframe.
  - B. *Notice to the Complainant.* At least fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Managing Agent 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 6 above.
  - C. *Board's Decision on Complaint.* The Board shall make a decision regarding the Complaint by an appropriate vote of the members of the Board at the meeting. 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 fourteen (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, 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 Board. There is no appeal by right; the Board's rendered decision is final, although the Board may, in its sole discretion, reconsider a Complaint or supplement thereto.
8. **Notice of Final Determination.** Within seven (7) days after the final determination is made, the Managing Agent shall provide the Complainant with written notice of the

Board's final determination. The written notice will be sent via registered or certified mail, return receipt requested and first-class mail or hand-delivery at the address provided by the Complainant unless the Complainant has consented to receive electronic communication from the Association and, in such event, the Managing Agent shall retain a record of delivery of such acknowledgment. The notice of final determination shall be dated as of the date of issuance and include:

- A. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the Board's final determination;
- B. The Association's registration number as assigned by the Common Interest Community Board ("CICB"), and, if applicable, the name and CICB-issued license number for the Managing Agent; and
- C. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CIC Ombudsman:

Office of the Common Interest Community Ombudsman  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233  
Phone: 804-367-2941

Email: [CICombudsman@dpor.virginia.gov](mailto:CICombudsman@dpor.virginia.gov)

- 9. **Records.** The Managing Agent 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 Board in response to such Complaint) for a period of at least one (1) year from the date of the Board's final action on the Complaint.
- 10. **Availability.** A copy of these procedures shall be made available to all owners and citizens upon request.
- 11. **Resale Disclosure.** A copy of these procedures, including the Exhibit A Complaint Form, shall be included in any resale disclosure packet issued after the effective date below.
- 12. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

This Resolution supersedes any other prior resolution governing the submissions and resolution of Complaints pursuant to Virginia Code Section 54.1-2354.4(A) and shall become effective on August 4, 2022.

**Exhibit A**

**ENCLAVE FAIR LAKES HOMEOWNERS ASSOCIATION, INC.  
COMPLAINT FORM**

Pursuant to Section 54.1-2354.4(A) of the Code of Virginia, 1950, as amended, the Board of Directors for Enclave Fair Lakes Homeowners Association, Inc. (the “Association”) has established this Complaint Form for use by persons who wish to file written complaints with the Association regarding the action, inaction or decision of the Board, the Managing Agent, or the Association which is inconsistent with applicable Common Interest Community laws and regulations.

Please complete, sign and date this form and remit it to the Association’s Managing Agent at the information below:

Enclave Fair Lakes Homeowners Association  
c/o Community Manager  
Gates Hudson Community Management  
3020 Hamaker Court, Suite 300  
Fairfax, VA 22031  
Phone: 703-752-8300 Fax: 703-876-9594  
Email: mgenebroso@ghacm.com

Legibly describe the Complaint in the area provided below, as well as the requested action or resolution of the issues described in the Complaint. Please 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, please attach a separate piece of paper to this Complaint Form. Also, attach any supporting documents, correspondence and other materials related to the Complaint.

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ENCLAVE FAIR LAKES HOMEOWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held August 4, 2022.

Motion by: Stuart Prince Seconded by: Andrew Spencers

VOTE:

YES NO ABSTAIN ABSENT

Stuart Prince

President

Andrew Spencers

Vice President

[Signature]

Secretary/Treasurer

ATTEST:

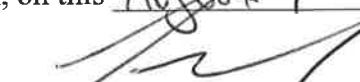
[Signature]  
Secretary

8/4/22  
Date

Resolution effective: August 4, 2022

**ENCLAVE FAIR LAKES HOMEOWNERS ASSOCIATION, INC.  
FOR ASSOCIATION RECORDS**

I hereby certify that a copy of the foregoing Policy Resolution was provided to the members of Enclave Fair Lakes Homeowners Association, on this August 4, 2022.

  
August 4, 2022  
Todd Landford  
Secretary/Treasurer