

**Yorkshire Homeowners Association, Inc. (the “Association”)**

**Member Complaint Policy (the “Policy”)**

1. Introduction.

- a. This Member Complaint Policy is adopted by the Board of Directors (the “Board”) of the Association pursuant to the requirements of Virginia Code Section 55-530 and the related regulations promulgated by the Virginia Common Interest Community Board, 18 VAC 48-70.
- b. This policy is designed to address complaints by both members of the Association as well as the citizens of the Commonwealth of Virginia.

2. Certification.

- a. The Association shall certify with each annual report that this Policy has been adopted and is in effect.

3. Complaints.

a. Who May Submit A Complaint.

- i. Any member of the Association (as such term is defined in the Association’s governing documents) and a citizen of the Commonwealth of Virginia may submit a complaint (the “Complaint”) to the Association in accordance with the following requirements and procedures.
- ii. The Complaint may only concern a matter regarding an action, inaction, or decision by (i) the Board, (ii) the community manager (if applicable), or (iii) the Association, that is inconsistent with applicable laws and regulations. A Complaint may not relate to general matters about the Association’s business and affairs, separate and apart from a violation of a law or regulation.

b. Form of Complaint.

- i. The Complaint must be in writing.
- ii. The Complaint must be on the form maintained by the Association for that purpose, and such form shall be provided to the complaining person upon his or her request. Such form is attached hereto as Exhibit A, and incorporated herein by reference.

- iii. The Complaint must state the complaining person's mailing address.
  - iv. The Complaint must be delivered to the Association via certified mail / return receipt requested, at the following address: Yorkshire Homeowners Association, Inc., P. O. Box 1736, Williamsburg, VA 23187.
  - v. The Complaint must include all supporting documentation that the complaining person believes supports the Complaint. By way of illustration, and not limitation, the Complaint must include copies of any contracts, meeting minutes, records, and pictures, that the complaining person may have in support of the Complaint.
  - vi. To the extent that the complaining person has knowledge of the law(s) or regulation(s) applicable to the Complaint, the Complaint must also reference the specific law(s), regulation(s), or provision(s) of the Association's governing documents relating to the Complaint.
  - vii. The Complaint must also state a request for action by the Association, or a proposed resolution by the Association, and an explanation for why such an action or resolution is appropriate and warranted.
- c. Association's Response to the Complaint.
- i. Acknowledgment. Within 7 days of receipt of a Complaint, the Association will provide written acknowledgement of receipt of the Complaint to the complaining person. Such acknowledgement will be hand delivered, or mailed by certified mail / return receipt requested, to the complaining person, at the address provided by the complaining person on the complaint. Written acknowledgement of the Complaint does not constitute a representation by the Association that the Complaint is a fully-valid Complaint that complies with this Policy.
  - ii. Compliance Review. The Association will review the Complaint to ensure that it fully complies with all of the terms and conditions of this Policy and Virginia law. The Association shall have twenty-one (21) days to conduct such a review, and in the event that the Complaint fails to fully comply with the terms and conditions of this Policy, the Association shall send a notice of such to the complaining person via certified mail / return receipt requested. [NOTE: this twenty-one (21) day period runs concurrently with,

and is not in addition to, the twenty-one (21) day review period described in 3(c)(iii) below].

- iii. Review and Assessment. After the Association receives a Complaint that fully complies with the terms of this Policy and Virginia law, it shall have twenty-one (21) days to review and assess the Complaint, and during that time it shall be entitled to issue written request(s) to the complaining person for any additional information from the complaining person that the Association reasonably believes that it needs in order to evaluate and assess the Complaint. The Association shall issue such request(s) via certified mail / return receipt requested, and the complaining person shall have twenty-one (21) days to respond to such request(s) from the date that such request(s) are mailed by the Association. The Association shall then have an additional twenty-one (21) days to review and assess the additional information. In the event the complaining person fails to respond to the Association within that time period, the Complaint will be disposed of, and the Association will have no further obligation whatsoever related to the Complaint.
- iv. Notice of Consideration.
  1. In the event that the Association does not issue any written request(s) to the complaining person, the Association will, within ten (10) days of the end of the twenty-one (21) day period, deliver via hand delivery or certified mail / return receipt requested, to the complaining person, a statement that will contain notice of the date, time, and location that the Complaint will be considered.
  2. In the event that the Association issues any written request(s) to the complaining person, the Association will, within ten (10) days of the end of the additional twenty-one (21) day period for assessing the additional information, deliver via hand delivery or certified mail / return receipt requested, to the complaining person, a statement that will contain notice of the date, time, and location that the Complaint will be considered.
- v. Consideration. The Association shall convene in executive session with its legal counsel for the purpose of considering a decision on the Complaint. As such proceeding will be conducted in executive session, the complaining person will not have any right to attend, observe, and/or record such proceeding.

- vi. Final Determination. After a final determination is made about the Complaint by the Association, in consultation with its legal counsel, the Association shall, within seven (7) days, send a written notice of final determination (the “Final Determination”) to the complaining person by either hand delivery or certified mail / return receipt requested.
- vii. Requirements Of Final Determination.
  - 1. The Final Determination shall be dated as of the date of issuance, and, to the extent reasonably possible, will include specific citations to applicable governing documents of the Association, and/or laws and regulations. The Final Determination will also include the registration number of the Association, and, if applicable, the name and license number of its common interest community manager.
  - 2. The Final Determination will also include a notice that the complaining person has a right to file a “Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman,” and will provide the applicable contact information.
- viii. No Appeal. A complaining person does not have the option to appeal the Final Determination to the Association; any appeal must be made to the Common Interest Community Ombudsman.

4. Distribution.

- a. The Association will make a copy of this Policy available upon the request of any member of the Association and a citizen of the Commonwealth of Virginia.
- b. This Policy will be included as an attachment to the Association’s disclosure packet.

5. Maintenance of Complaints.

- a. All Complaints filed with the Association pursuant to this Policy shall be maintained by the Association for at least five (5) years.