

RESOLUTION

of the

Board of Directors

of

TABB LAKES HOMES ASSOCIATION, INC.

Association Complaint Procedures

WHEREAS, the Code of Virginia, 1950, as amended (the “**Virginia Code**”), was amended by statute effective July 1, 2008, to create the Common Interest Community Board (the “**CICB**”) and the Office of the Common Interest Ombudsman (the “**CICO**”); *and*

WHEREAS, Section 55-530(E) of the Virginia Code states the CICB “shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens;” *and*

WHEREAS, the CICB established a regulation, effective July 1, 2012, that (i) requires associations to establish written complaint procedures; (ii) requires the maintenance of association complaint records; (iii) sets time frames in which associations must complete certain actions; (iv) indicates the consequences for failure of an association to establish and utilize a complaint procedure; and (v) establishes procedures and forms for filing a notice of final adverse decision; *and*

WHEREAS, it is the intent of the Board of Directors of the Tabb Lakes Homes Association, Inc. (the “**Board**”) to establish procedures that meet the requirements of Section 55-530 of the Virginia Code and 18 Virginia Administrative Code §§ 48-70-10 to -125 as the same may be amended and/or supplemented from time to time; *and*

WHEREAS, the Board will provide notice of this Resolution (i) to current owners by including in the Association Newsletter an internet link for current owner to access the Resolution; and (ii) to all future owners by including the Resolution in resale disclosure packages prepared pursuant to Virginia’s Property Owners’ Association Act; *and*

WHEREAS, this Resolution shall remain in full force and effect until the CICB adopts any applicable regulations pursuant to Section 55-530(E) of the Virginia Code or until amended by further resolution of the Board, whichever first occurs.

NOW THEREFORE, the Board does hereby adopt this Resolution in order to adopt the following ASSOCIATION COMPLAINT PROCEDURES:

1. When an Association Member or Citizen (the “**Complainant**”) reasonably believes the Board, the common interest community manager (the “**Community Manager**”), or any individual Board Member has or is continuing to violate any provision of the Association’s Articles of Incorporation, Bylaws, and/or Rules and Regulations (the “**Governing Documents**”) or any Virginia laws or regulations, the Complainant has the right to acquire, complete, and submit an Association Complaint Form.
2. The Board shall make available an Association Complaint Form that comports substantially with the Association Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by the CICB.
3. Completed Association Complaint Forms shall be submitted to the Tabb Lake Homes Association, Inc., care of the Community Manager,
by mail to:
Victory Community Management, Inc.
Attn: Sarah Knaub
5007 C Victory Blvd. #240
Yorktown, Virginia 23693
OR
by email to:
VictoryComMgt@gmail.com
4. The Board shall amend and restate this Resolution each time the name, address, telephone number and/or email address of the Community Manager changes to remain compliant with Section 55-530(E)(2) of the Virginia Code.
5. A fully completed Association Complaint Form shall provide: (1) a description of the complaint; (2) the requested action or resolution of the issues; (3) references to specific provisions of the Governing Documents that support the complaint; and (4) if necessary, an attachment with any supporting documents, photographs, correspondence or other materials related to the complaint. If additional information is requested in accordance with the provisions contained herein, an Association Complaint Form shall only be deemed fully completed upon receipt of such information.
6. The Community Manager shall (i) receive the Association Complaint Form; (ii) log it in the Association’s records; (iii) perform a preliminary examination of the Association Complaint Form for completeness; and (iv) distribute copies of the Association

Complaint Form to the Board, along with any notes composed by the Community Manager regarding any further documentation that may be necessary for evaluation of the Association Complaint Form.

7. The Community Manager, acting as an agent and on behalf of the Board, shall provide written acknowledgement of receipt of the Association Complaint Form to the Complainant within seven (7) days of receipt. The acknowledgement shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the address provided, or delivered by e-mail, provided the sender retains sufficient proof of the electronic delivery.
8. The Community Manager, acting as an agent and on behalf of the Board, shall notify the Complainant within fourteen (14) days of receipt of an Association Complaint Form of any additional information that is necessary for processing the complaint. If the requested additional information is not submitted to the Community Manager within fourteen (14) days of the Complainant's receipt of notification, the Board has the right to dispose of the complaint.
9. Any Association Complaint Form fully completed and submitted to the Community Manager shall be reviewed at the Board's next scheduled regular Board Meeting, *provided* however, that the Association Complaint Form is fully completed and submitted at least fourteen (14) days prior to the meeting. If the Association Complaint Form is fully completed and submitted less than fourteen (14) days prior to the meeting, the Board shall review the Association Complaint Form at the subsequent regular Board Meeting.
10. The Community Manager, acting as an agent and on behalf of the Board, shall provide the Complainant with notice of the date, time, and location of the regular Board Meeting during which the complaint will be reviewed at least seven (7) days prior such meeting. Notice shall be made by hand delivery or registered or certified mail, return receipt requested, to the address provided, or by e-mail provided the sender retains sufficient proof of the electronic delivery.
11. The Community Manager, acting as an agent and on behalf of the Board, shall provide the Complainant with written notice of the final determination within seven (7) days following the regular Board Meeting during which the Association Complaint Form was reviewed. Notice shall be made by hand delivery or registered or certified mail, return receipt requested, to the address provided, or by e-mail provided the sender retains sufficient proof of the electronic delivery.

12. The written notice of final determination shall include the date of issuance, specific citations to any applicable Governing Documents, laws, or regulations that led to the final determination, and the registration number of the association. If applicable, the name and license number of the Community Manager shall also be provided.
13. Should a Complainant need assistance in understanding the Complainant's rights and the processes available to common interest community Complainants, the Complainant may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233. The CICO's current telephone number is (804) 367-2941. The CICO's current email address is CICOmbudsman@dpor.virginia.gov.
14. **Complainant's Rights Description required by Section 55-530(E) of the Virginia Code.** In accordance with Section 55-530(F) of the Virginia Code and 18 Virginia Administrative Code 48-70-90 *et seq*, a Complainant may file notice with the CICB of any final adverse decision in accordance with regulations promulgated by the CICB. The notice:
 - (i) shall be filed within thirty (30) days of the final adverse decision;
 - (ii) shall be in writing on forms provided by the CICO;
 - (iii) shall include copies of all records pertinent to the decision, including a copy of the association complaint, the final adverse decision, reference to the laws and regulations the final adverse decision may have violated, any supporting documentation related to the final adverse decision, and a copy of the association complaint procedure; *and*
 - (iv) shall be accompanied by a \$25 filing fee.

The fee shall be collected by the Director of the Department of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, in accordance with Virginia Code Section 55-530.1. The CICB may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

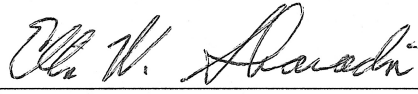
15. The Board shall retain the Association Complaint Form, all attachments thereto and a copy of any correspondence (the "**Complaint File**") for not less than one (1) year after the Board renders a final determination. The Complaint File is eligible for review and duplication solely by the Board, the Community Manager, and the Complainant(s) who submitted the original Association Complaint Form, *provided, however*, the Complaint

File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Board.

IN WITNESS WHEREOF the Board of Directors of Tabb Lakes Homes Association, Inc. has caused this instrument to be executed this 19th day of June, 2018.

By: 
Keith Ebert, President


Dated: 19 JUN 2018

By: 
Ellis Sharadin, Vice President

Dated: 19 JUN 2018

By: 
Ron Maddox, Member-at-Large

Dated: 19 JUN 2018

By: 
John Noble, Member-at-Large

Dated: 19 JUN 2018

By: 
Robert Self, Member-at-Large

Dated: 6/19/18

Original Approved: September 18, 2012
Restated upon change of management company mailing address: February 25, 2015
Restated upon change of management company: June 19, 2018

EXHIBIT A

TABB LAKES HOMES ASSOCIATION, INC.
c/o Victory Community Management, Inc. / Attn: Sarah Knaub
5007 C Victory Blvd. #240, Yorktown, Virginia 23693 / (757) 593-0166

ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors of the Tabb Lakes Homes Association, Inc. has established this complaint form for use by persons who wish to file written complaints with the Association regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations.

Please 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 provisions of the Association’s Articles of Incorporation, Bylaws, and/or Rules and Regulations, or any Virginia laws or regulations that support the complaint. If there is insufficient space, please attach a separate sheet of paper to this form. Also, attach any supporting documents, correspondence, and other materials related to the complaint.

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

_____	_____	_____
Printed Name	Signature	Date

Mailing Address		

Lot/Unit Address		

_____	_____	
E-mail Address	Phone Number	

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:

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