

**Kings Park West Community Association, Inc.**  
**Post Office Box 271, Fairfax, Virginia 22038**

Adopted September 11, 2012

Subject: Complaint Procedures

Members of the Kings Park West Community Association (Association) have a right to complain to the Association Board of Directors (Board) about any action, inaction, or decision taken by the Association (the Board or the Association's management company.) The procedures for filing a complaint are outlined below, and a sample complaint form is attached. The Board has the obligation to respond to a complaint within a reasonable time.

These procedures and the complaint form are to be used for filing a complaint about the performance of the Association and its Board of Directors (for example, the Board failed to take action concerning an issue of concern; the Board improperly disapproved a requested architectural modification; the Association management company failed to deliver a homeowner's resale packet in a timely manner.) The complaint form need not be used for raising such matters as a neighbor's behavior, snow removal, responsiveness of public utilities, traffic, or other community issues, which may be brought to the Board's attention at any time without using the formal complaint procedures. If, however, the member wishes to complain about the Board's actions or inactions regarding such community issues, the complaint form should be used. The complaint form must be used in order for a member to appeal a decision to the Virginia Common Interest Community Board (see paragraph 11 below.)

**PROCEDURES FOR FILING A COMPLAINT**

1. Complaints about Association actions must be in writing and filed using the Association Complaint Form (sample attached.) A downloadable form is available at the KPWCA website [www.kpwhoa.org](http://www.kpwhoa.org) or will be sent upon written or E-mail request to [KPWHOA@yahoo.com](mailto:KPWHOA@yahoo.com).
2. The completed complaint form and supporting documentation may be mailed to the Association's mailing address or sent as an attachment to an E-mail to the Association. It is recommended that the complaint form be attached in portable document format (.pdf). Alternatively, it may be hand delivered to an individual Board member or brought to a monthly Board meeting or annual membership meeting.
3. The Association shall provide formal acknowledgment of receipt of the complaint to the member within seven days of receipt. At the discretion of the Board, such acknowledgment shall be hand delivered or mailed by certified mail, return receipt requested, to the complainant at the address provided, or by E-mail to the complainant's E-mail address provided. The Association shall retain sufficient proof of the electronic delivery of the complaint and the acknowledgement for a period of one year after receipt of the complaint.
4. Copies of pertinent correspondence between the complainant and the Association (the Board and/or the Association's management company) must be included with the complaint form. Other additional documentation to support the complaint will depend on the nature of the complaint. Examples may include copies of the property's deed and/or plat, or architectural drawings or plans. It is not necessary to submit copies of the following Association documents: Declaration of Covenants, Conditions, and Restrictions; Exhibit 1; the Association By-laws; or meeting minutes, however the complainant should cite the portions of these documents that are applicable to the complaint. To the extent the complainant has knowledge of a public law or regulation applicable to the complaint, the complainant shall provide that reference. Finally, the complainant should specify the action or resolution that

he/she seeks from the Board. If the Board requires additional documentation or information to that submitted with the complaint form, the complainant will be notified within fourteen days of the receipt of the complaint.

5. Upon receipt of the complaint, all Board members will be informed of the matter immediately so that the complaint may be addressed in a rapid manner. The complaint will automatically be added to the agenda of the first Board meeting following receipt. A special Board meeting may be held if the complaint is of sufficient urgency. The Association's By-laws permit the Board to decide issues by E-mail vote if it is not feasible to hold a meeting; any decision reached by an E-mail vote must be a unanimous one.

6. The Board will reach a final decision on the complaint as quickly as possible, but not later than the conclusion of the second monthly Board meeting following receipt of the complaint. This time limit may be extended if the Board requests additional documentation or information from the complainant (see Para 4, above.) If the additional documentation or information is not received within thirty days after the Board has requested it, and the complainant has not explained or justified the delay or non-provision, the complaint will be considered null and void.

7. The Board will notify the complainant of the date, time, and location that the matter will be considered (normally a regular monthly Board meeting.) At the discretion of the Board, this notification shall be hand delivered or mailed by certified mail, return receipt requested, to the complainant at the address provided, or by E-mail to the complainant's E-mail address. The Association shall retain sufficient proof of the physical or electronic delivery of this notification for a period of one year.

8. Within seven days after the final determination concerning the complaint is made, the written notice of final determination shall be provided to the complainant. At the discretion of the Board, this notice will be hand delivered or mailed by certified mail, return receipt requested, to the complainant at the address provided, or by E-mail to the complainant's E-mail address provided. The Association shall retain sufficient proof of the physical or electronic delivery of this notice for a period of one year.

9. The notice of final determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents, laws, or regulations that led to the final determination, as well as the registration number of the association. If applicable, the name and license number of the management company shall also be provided, however all final determination decisions will be issued by the Board and not the management company.

10. If the complainant is not satisfied with the Board's final determination, the member may appeal to the Board for reconsideration without submitting a new complaint form. The member may also request that the complaint be added to the agenda of the next annual membership meeting.

11. In accordance with Virginia law (18 VAC 48-70) a member can appeal the final determination issued by the Board if the member believes the determination is opposite of, or does not provide for the cure or corrective action sought by the complainant, and is inconsistent with applicable laws and regulations. This appeal is done by filing a Notice of Adverse Decision with the Virginia Common Interest Community Board via the Common Interest Community Ombudsman. Brief instructions for filing such a Notice of Adverse Determination are contained in the attached Association Complaint Form; more detailed instructions are posted on the Association's website or are available upon request to the Board.

**Attachment: Association Complaint Form**

KINGS PARK WEST COMMUNITY ASSOCIATION  
P.O. Box 271, Fairfax, VA 22038

**ASSOCIATION COMPLAINT FORM**

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors (Board) of the Kings Park West Community Association (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 by the governing board, management company or association inconsistent with applicable laws or regulations.

Legibly describe your 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 (if any) that support your complaint. If there is insufficient space, please attach a separate sheet of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to your complaint.

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Sign, date, and print your name and address below and send this completed form to the Association at the address on the letterhead or as an E-mail attachment to the Association at [kpwhoa@yahoo.com](mailto:kpwhoa@yahoo.com)

_____ Printed Name	_____ Signature	_____ Date
_____ Mailing Address		
_____ Lot/Unit 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 your 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 Virginia 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 and Occupational Regulation  
9960 Maryland Drive, Suite 400  
Richmond, VA 23233  
(804) 367-2941  
[CICOmbudsman@dpor.virginia.gov](mailto:CICOmbudsman@dpor.virginia.gov)