

## Kayhill – Greenhill POA ‘Common Interest Community’ Complaint Process

### Background:

On July 1, 2012, the Commonwealth of Virginia’s Common Interest Community Board defined a new set of regulations called the Common Interest Community Ombudsman Regulations (“Regulations”). A “common interest community” means real estate located within the Commonwealth subject to a declaration which contains lots, at least some of which are residential or occupied for recreational purposes, and common areas to which a person, by virtue of his ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration. The Kayhill-Greenhill Property Owners Association is a “common interest community” because members of the Association are obligated to pay yearly dues per our Association Bylaws.

Among other requirements, the Regulations require associations to:

- Establish a written process or resolving ‘common interest’ association complaints from members and citizens.
- Adopt the association’s written complaint procedure by September 28, 2012
- Ensure the association complaint procedure conforms to the minimum requirements contained in the Regulations.
- Make the association compliant procedure readily available upon request and include it as an attachment to the resale certificate or the association disclosure packet.

What are common interest complaints? A common interest complaint is an issue or disagreement pertaining to the common interests of the Association. The focus of typical complaints are access to books and records, notice of meetings, open meeting requirements, methods of communication, and open forums. This complaint process DOES NOT include complaints related to internal issues in the association; for example, architectural guideline violations or violations of our covenants or bylaws. Information pertaining to the Property Owners’ Association Act can be found at [www.dpor.virginia.gov/Homeowners-Associations](http://www.dpor.virginia.gov/Homeowners-Associations).

### Kayhill-Greenhill POA Complaint Process

The complaint process for Kayhill-Greenhill POA (“the Association”) is a three tiered process. The three tiers are:

- Initiate resolution by discussing the issue with an Association Board member depending on the type of complaint. This is usually done with the President but may require input from the treasurer or secretary.
- Submission of an Association Complaint Form (see attached) to the Association Board of Directors for resolution. The complaint will be discussed at a Board of Directors meeting. The Board of Directors will provide a majority vote resolution to the complaint, in writing.
- The complainant may appeal the Board's decision to the full Association membership at the annual Association meeting or at a specially called Association meeting. A majority vote by the Association membership will be final. The final resolution will be provided in writing.

If, after the Association's consideration and review of the complaint, the Association issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the Commonwealth's 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. (see attachment)

## Reference Material

Documentation pertaining to the Property Owners' Association Act, The Common Interest Community Ombudsman Regulations, Association Complaint Forms and other related materials can be found on the Association website at [www.kayhill-greenhill.org](http://www.kayhill-greenhill.org).