



## BIRKDALE COMMUNITY ASSOCIATION

### BOARD RESOLUTION 2026 – 6

#### CIC Complaint Procedures Policy

The Board of Directors of Birkdale Community Association at their meeting held on February 5, 2026, approved the **CIC COMPLAINT PROCEDURES POLICY** attached hereto to be effective immediately. This resolution and policy supersede any previous policies approved by the Board.

*Elizabeth A. Martello*

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President

*[Signature]*

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Secretary



## Birkdale Community Association – CIC Complaint Procedures Policy

### I. Recitals

**WHEREAS**, pursuant to § 54.1-2354.4 of the Virginia Code, the Virginia Common Interest Community Board ("CICB") has promulgated final regulations imposing a requirement that each common interest community adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

**WHEREAS**, Common Interest Community Ombudsman Regulations, 18 VAC 48-70-10, et seq. ("Regulations") have been adopted in accordance with § 54.1-2354.4 of the Code of Virginia and the Board of Directors of the Association is establishing this CICB Complaint Procedure in accordance with the Regulations;

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** Birkdale Community Association, Inc. ("Association"), acting through its Board of Directors, hereby adopts and establishes the following CICB-mandated Association complaint procedure in accordance with § 54.1-2354.4 of the Code of Virginia and the Regulations, which shall apply to the resolution of all complaints made to the Association by members of the Association and other citizens regarding an action, inaction, or decision of the Association or its Board or managing agent in conflict with applicable common interest community laws or regulations ("Policy").

### II. Definitions

Unless otherwise defined in this Policy, the words, terms or phrases used in this Policy shall have the same meanings as defined in the Regulations and/or in the Association's recorded covenants.

### III. Submitting a Complaint

1. When to Submit a Complaint. If a member of the Association, a resident or other individual alleges that an action, inaction or decision of the Association, the Board of Directors ("Board") or the Association's management agent ("Managing Agent") is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complaint ("Complaint") to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. If the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Managing Agent or the Board without using the attached form.
2. Issues Not Appropriate for Complaint Process. To be considered, Complaints must allege a violation of an applicable common interest community law or regulations (collectively, "CIC Laws"). CIC Laws include:



- Va. Code §54.1-2345, et seq. (Common Interest Communities);
- Va. Code §55.1-1800, et seq. (Property Owners Association Act);
- Va. Code §§55.1-1900, et seq. (Virginia Condominium Act which is only applicable to condominiums and does not apply to the Association);
- Va. Code §55.1-2000 (Horizontal Property Act which is the predecessor to the Condominium Act and is not applicable to the Association);
- Va. Code §55.1-2100 (Virginia Real Estate Cooperative Act which only applies to co-ops and is not applicable to the Association); and
- Regulations adopted by the Virginia Common Interest Community Board.

Complaints that allege a violation of the Association's governing documents (Declaration, Articles of Incorporation, Bylaws, rules, etc.), concerns about the work done by Association vendors, complaints about the behavior of persons or business entities other than the Association or its Board or managing agent, alleged violations of any laws other than applicable CIC Laws, or general complaints that don't allege violation of applicable CIC Laws are not appropriate for this Complaint process and will not be considered using the procedures described in this Policy.

3. Complaint Form Instructions and Attachments. A completed Complaint Form must include a description of the specific facts and circumstances relevant to the individual's Complaint, and the specific action, result or resolution that is being requested. If the individual submitting the Complaint Form (the "Complainant") knows the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documents that Complainant believes support the validity of the Complaint (not including laws, regulations, or the Association's governing documents).
4. Obtaining a Copy of Complaint Procedures. A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting the Association c/o ACS West, Inc., AAMC®, P.O. Box 11361, Richmond, VA 23230 or by email to the Association's Managing Agent.
5. Mailing or Delivering Complaint. The fully completed, signed, and dated Complaint (including the Complaint Form and all attachments) shall be mailed or otherwise delivered to the Board at the following address or shall be sent by email to the Managing Agent:

By Mail: Board of Directors, Birkdale Community Association, Inc.  
c/o ACS West, Inc., AAMC®  
P.O. Box 11361  
Richmond, VA 23230  
Email: [leeann@acswest.org](mailto:leeann@acswest.org) as of the date this Policy was adopted



#### **IV. Means of Providing Notices to Complainant.**

All written acknowledgments or other notices required by these procedures to be provided by the Association to the Complainant shall be emailed or hand-delivered, mailed, or delivered by third-party courier to the Complainant at the address provided on the Complaint Form. Such notices shall generally be sent by the Managing Agent but may also be sent by a Board member, by the Association's legal counsel, or by other person requested to send such notice by the Board or Managing Agent. The Managing Agent shall retain in the Association's records proof of the mailing, delivery, or electronic transmission of the Acknowledgment and notices.

#### **V. Acknowledging Receipt of Complaint.**

1. Notice Acknowledging Receipt. Within fourteen (14) days of receipt of a Complainant's Complaint Form, the Association shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint ("Acknowledgement").
2. Improper Complaint. If the Complaint does not allege a violation of CIC Laws the Acknowledgment may state this and that no further action will be taken in response to the Complaint; provided, however, this may instead be communicated to the Complainant at a later date in lieu of holding a meeting to consider the Complaint or as part of the Final Determination if the Association later determines that the Complaint does not allege a violation of CIC Laws.
3. Incomplete Complaint. If it appears to the Managing Agent that the submitted Complaint is missing the required minimum information, then the Acknowledgment shall include notice to the Complainant of the identified missing information and advise the Complainant that he/she will need to submit that information before the Complaint can be accepted and forwarded to the Board for consideration.
4. Forwarding to the Board. If it appears to the Managing Agent that the submitted Complaint alleges a violation of CIC Laws and includes the required minimum information, then on or before the day that Acknowledgment is provided to the Complainant, the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

#### **VI. Formal Action - Consideration of Complaint by Board.**

1. Consideration of Complaint. All proper 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.
2. Meeting at which Complaint will be Considered. Complaints will be considered by the Board at a regular or special Board meeting held within 90 days from the date on which the Complaint was forwarded to the Board for consideration. Meetings to consider the



Complaint shall generally be open to attendance by the Members of the Association except that, with an appropriate motion to do so, the Board may convene in executive session to consult with legal counsel or if the subject matter of the Complaint is otherwise appropriate for discussion during executive session.

3. 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 above.
4. Board's Decision on Complaint. The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. Such decision shall be voted on in an open meeting of the Board and shall be reflected in the minutes of 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 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 ("Final Determination"). 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 Association. No appeal process is available; the Board's rendered decision is final.

#### **VII. Notice of Final Determination.**

1. Written Notice of Final Determination to Complainant. Within seven (7) days after the Final Determination is made, the Managing Agent or other person designated by the Board shall provide the Complainant with written notice of the Board's Final Determination. The notice of Final Determination shall be dated as of the date of issuance and include:
  - a. Specific citations to applicable provisions of the CIC Laws that led to the final determination;
  - b. The Association's registration number as assigned by the 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 CICB via the CIC Ombudsman (providing the applicable contact information as provided on the Complaint Form attached hereto as Exhibit "A").

#### **VIII. 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, the Final Determination notice, and any action taken by the Association or Board in response to such Complaint) for a period of at least one (1) year from the date of the Association's final action on the Complaint. The Association shall provide such records and information as may be requested by, and shall otherwise cooperate with, the CICB and the Ombudsman in their review of the Complaint.

#### **IX. Resale Disclosure Packet.**

A copy of this Resolution (including the Exhibit "A" Complaint Form) shall be included as an addendum to Association issued resale certificates.

#### **X. Effective Date and Amendment**

The Board may amend or repeal this Policy by resolution.

