

**Forest Lakes Community Association  
Grievance Procedure  
Approved 9/17/05**

Approval Signature: \_\_\_\_\_  
Approval Date: \_\_\_\_\_

The Grievance Procedure is a formal system established by the Board of Directors to uniformly receive, investigate, process and resolve alleged violations of the: Declaration of Covenants, Conditions and Restrictions; Bylaws; Rules & Regulations; and Architectural Standards of the Association.

The Grievance Procedure requires that a Compliance Committee be established, or that the Board of Directors be charged with the responsibility to investigate alleged violations.

Procedure:

1. When a member of the Association (Complainant) believes that another member (Alleged Violator) has allegedly violated the Declaration, Bylaws, Rules & Regulations or Architectural Standards of the Association, the Complainant is requested to first contact the Alleged Violator, inform the Alleged Violator of the alleged violation and request that the Alleged Violator cease, correct or remove the alleged violation.

(Example: If a neighbor has parked in your assigned parking space, simply contact the neighbor and ask if the vehicle in your parking space belongs to them or a guest of their unit. If the vehicle does belong to them or their guest, inform them that the parking space is reserved for your unit and ask that they kindly remove their car.)

2. If the Alleged Violator does not correct the alleged violation or the Complainant is reluctant to confront the Alleged Violator, the Complainant should then contact a member of the Compliance Committee or Board of Directors. If the alleged violation is of a brief or temporary nature, the Complainant may contact the member of the Committee or Board by telephone to request immediate action. In all other instances, the Complainant is requested to write a brief description of the alleged violation (noting the time, date, location and all other pertinent facts), print the Alleged Violator's name, address and telephone number, and deliver or mail the letter to the Committee or Board member **[or drop the complaint in the Association's community mailbox]**.

(Example: In the parking alleged violation example described above, the Complainant would likely telephone the Committee or Board member if the vehicle was not moved, since the vehicle would likely soon be driven by the neighbors and thereby remove the evidence of the alleged violation.)

3. The Committee or Board member is then charged to investigate the complaint to determine whether the alleged violation is in fact a violation of the Declaration, Bylaws or Rules & Regulations. If there is no violation of any of the governing instruments, the Complainant should then be contacted by the Committee or Board member and informed of the findings.

(Example: The Association's instruments state that parking is not assigned or reserved, and is on a first-come, first-served basis; therefore, although it is regrettable and inconvenient that someone parked in front of their unit, the neighbor has not violated the instruments and the Association cannot take any further action.)

4. If the Committee or Board member determines that there is a violation of the governing instruments, the member is charged to send a letter by regular mail to the Alleged Violator to inform of the alleged violation and request that the alleged violation be immediately ceased, corrected or removed (see attached sample "First Letter").

The Committee or Board member, by verifying the violation, then takes the place of the Complainant for all future proceedings and thereby protects the identity of the original Complainant.

5. Should a repeat violation occur by the same Alleged Violator within the stipulated ninety-day period, the initial Complainant should again initiate the procedures outlined above. The Committee or Board will then send another letter (see attached "Second Letter") by both regular and certified mail. The second letter will invite the Alleged Violator to a hearing before the Compliance Committee or next regularly scheduled meeting of the Board of Directors.
6. At the hearing to be held before the Board Meeting, the President or Committee Chair shall convene the hearing, recognize the members present and state that the purpose of the hearing is to determine whether there has been a violation of the Association's governing instruments. The President or Committee Chair shall then request that the Complainant (the Committee or Board member) summarize the facts concerning the alleged violations. The Board or Committee may also be asked to read both of the letters sent to the Alleged Violator. The President or Committee Chair will then have the pertinent section of the governing documents read which refer to the alleged violation. The Alleged Violator will then be given the opportunity to speak and explain the circumstances surrounding the alleged violation, and may also call witnesses or legal counsel to speak. After the presentation by the Alleged Violator, the Board or Committee members may ask the Alleged Violator questions. After the question period, the Alleged Violator will be asked if there are any final or closing remarks, which they may desire to make. After the closing remarks by the Alleged Violator, the President or Committee Chair will adjourn the Hearing.
8. During the Board Meeting following the Hearing, the Board or Committee shall go into a closed or "Executive Session" under the New Business portion of the Meeting. At that time, the Board or Committee members shall review the alleged violation and make a determination as to what, if any, action is to be taken concerning the Alleged Violation.

The actions to be taken by the Board may consist of forced removal of the alleged violation, suspension of recreational or other facility privileges in accordance with the governing instruments, or a charge of up to \$50.00 for a single offense or \$10.00 per day for any offense of a continuing nature. It should be stressed that the Board must be consistent with its decisions.

(Example: If a previous Alleged Violator was assessed \$50.00 for his infraction and a similar violation occurs by a second Unit Owner, the same or a similar assessment should be made against the second Unit Owner.)

FIRST LETTER

March 1, 2004

Joe Sample  
1234 Maple Street  
Anytown, VA 23456

Re: 1234 Maple Street

Dear Mr. Sample:

The Board of Directors of Forest Lakes Community Association has requested that we contact you concerning a motorcycle, which is allegedly being stored on the back patio of your unit. If this information is not correct, please disregard this letter and contact us so we locate the correct party.

Otherwise, please be advised that Article V, Section 8(k) of the Bylaws of the Association states "All back yards and patios must be maintained in an orderly appearance so as not to detract from the neat appearance of the community" and that "no motorcycles or other motorized vehicles may be kept on the patios, balconies or on the common elements".

We would greatly appreciate your cooperation if you would kindly remove the motorcycle from your patio within ten days from receipt of this letter and either store it in the designated storage parking area on Elm Street, within your unit or remove it off the property.

Please also be advised that, if the motorcycle is not brought into compliance with the above-mentioned section of the Bylaws or if a repeat violation occurs within ninety days from the date of this letter, the Board may exercise its right to call a hearing. At the hearing, the Board may assess a charge of up to \$50.00 for the violation or \$10.00 per day for every day of the continuing infraction.

Should you have any questions or if I may be of any assistance, please do not hesitate to contact me. Thank you in advance for helping to keep Richmond condominiums looking its best!

Sincerely,

Joe Smith  
Compliance Committee

SECOND LETTER

March 15, 2004

1. Regular Mail
2. Certified Mail

Joe Sample  
1234 Maple Street  
Anytown, VA 23456

Re: 1234 Maple Street

Dear Mr. Sample:

On March 1, 2004 I wrote to you informing that the motorcycle being stored on your back patio was in violation of Article V, Section 8(k) of the Bylaws of the Forest Lakes Community Association and requested that the motorcycle either be kept in the designated storage area on Elm Street, within your unit or removed from the property.

To date, we have received no communication from you and the motorcycle is still being stored on the patio of your unit.

Because of the continuing nature of this alleged violation, the Board of Directors of the Association has called a hearing at 6:30 p.m. on Monday, March 31, 2004, to review the circumstances of the reported alleged violation. The meeting will be held at the Richmond Condominium Owners Clubhouse. During the hearing, you will be allowed to be present during the review of the alleged violation, address the Board, ask questions, present witnesses, make closing remarks and, if you so desire, bring legal counsel.

After the hearing, the Board will meet to determine what, if any, action is to be taken. Please be advised that the Virginia Condominium Act [or Virginia Property Owners' Association Act] enables the Board of Directors to assess a charge of up to \$50.00 for a single offense or \$10.00 per day for any offense of a continuing nature.

If you have not already done so, I urge you to remove the motorcycle from your patio as originally requested so as to limit any charges, which may be assessed against you by the Board of Directors.

Should you have any questions or if I may be of any assistance, please do not hesitate to contact me.

Sincerely,

Joe Smith  
Covenants Committee

Forest Lakes Community Association Compliance Committee  
Frequently Asked Questions

**SAMPLE SUGGESTIONS:**

**How do I submit a complaint?** A complaint should be in writing and signed. Sufficient details should be included.

**Where do I submit my complaint?** The complaint should be sent Forest Lakes Community Association

**Once I submit a complaint, how will I know if it has been handled?** The committee meets monthly. After they meet, a written letter is mailed to the alleged violator requesting their compliance. A blind copy will go to you so you know when the alleged violator has been contacted. If you see that the alleged violation continues, please submit another complaint in writing after a reasonable amount of time for compliance has occurred.

**What happens if I submit a complaint and I don't hear back within 30 days or the alleged violation continues?** We ask that you Forest Lakes Community Association to see if the complaint was actually received and what is status.

**What happens if the complaint is remedied, then there is a re-occurrence. Do I have to file another complaint?** Yes, a new complaint needs to be filed and the process begins again.

**Will my name be given out if I make a complaint?** No, not normally. However, in the unlikely event that the situation is elevated to the court system, your name may be released, if necessary. In the normal situation, your name would not be released.

**Should I get a neighbor to agree that there is a problem?** In general, it is beneficial if more than one person agrees that there is a problem. It may remove the situation from being a one-on-one problem.