

# ***MORELAND COURTS CONDOMINIUM ASSOCIATION***

## ***COMPLAINT POLICY AND PROCEDURE***

Primary responsibility for the consideration, mediation and disposition of all complaints has been assigned by the Board to the General Manager, and if necessary, the MCCA Rules Committee. If they are unable to resolve the complaint, the Board is responsible for a final review and enforcement of all Rules.

- All complaints should first go to the General Manager.
- Any complaints directed to any Officer, Director or Committee member of the Association will be forwarded to Management.
- A complaint arising outside of normal business hours and of immediate concern should be directed to Security. Security will attempt to resolve the matter informally by contacting the party responsible for the violation.
- If appropriate, or upon request, confidentiality will be maintained regarding the complainant.
- Management needs specific details: Complaint, time, place witnesses, etc. (A complaint form is available from the Management office or online)

### **COMPLAINT PROCEDURE:**

- Upon receipt of a complaint, Management reviews it as soon as possible, then addresses the complaint verbally with the alleged offending party.
- General practice is that Management does not disclose the identity of the complaining party.
- Every effort will be made to resolve the complaint informally, without necessity for further action.
- If a complaint is not able to be resolved informally, the General Manager will provide written notice to the alleged responsible party. The notice will provide:
  1. A description of the property damage or Rule violation
  2. A reasonable date by which they must remedy the violation to avoid any remedial directive and/or the applicable enforcement assessment and any costs (see Enforcement of Rules, Rules Book Section pages 37-38).
  3. The amount of any proposed enforcement assessment and any costs
  4. A statement that the party has the right to a hearing along with a copy of this *Policy and Procedure*, which outlines the process for requesting a hearing to contest the proposed enforcement assessment and any costs.

**If the General Manager is unable to resolve the complaint to the satisfaction of all parties, the Rules Committee shall convene a hearing, to mediate and settle the complaint by agreement.**

- The party requesting the hearing must provide a written request, to be received by the Management Office no later than ten (10) business days after the party's receipt of the written notice issued as above.
- Management forwards the request for a hearing to the MCCA Rules Committee Chair and to the Board, attention of its President.
- The Rules Chair will notify the Rules Committee and all parties to the complaint, in writing, of a date, time and place within Moreland Courts, for consideration of the complaint. This notice will be given at least seven (7) days in advance of the hearing.
- A hearing will be held in Executive session. All records of the hearing become a part of the confidential hearing record.
- The party requesting the hearing will have the opportunity to present the complaint and any related evidence, including witnesses, relating to the complaint.
- The General Manager (or the opposite party if confidentiality has been waived) shall present any opposing information.
- The Rules Committee will determine the validity of the complaint, make findings of fact and determine responsibility, if any, for violation of the Rules.
- A majority of members of the Rules Committee shall be a quorum for the hearing of any complaint.
- The determination of the Committee will be written and delivered promptly to all parties, the General Manager and all Board members.
- If not appealed to the Board, any remedial directive and/or enforcement assessment and costs shall be imposed within thirty (30) business days of the hearing

**FAILURE TO REQUEST A HEARING:** If a party fails to make a request for a hearing within ten (10) business days after receipt of a written notice from the General Manager, the right to a hearing is waived, and the enforcement assessment and any costs will be immediately imposed.

**APPEAL:** Either party may appeal the determination of the Rules Committee to the Board within a period of ten (10) business days after receipt of the written determination.

- The party requesting Board review of the hearing record must mail or deliver a written request for an appeal, to be received by the Management Office no later than ten (10) business days after receiving the written determination of the Rules Committee.
- The Management Office will send a copy of the request for Board review to every member of the Board and to the Chair of the Rules Committee.

- Upon receipt of a request for a Board review, and within a reasonable time period, the Board will meet in Executive Session to review the hearing record, including the written determination of the Rules Committee. In its sole discretion, the Board may ask the General Manager to supply additional information relevant to the issue.
- The Board will accept, reverse, or modify the determination of the Rules Committee.

**NO APPEAL:** If no appeal is undertaken, the decision of the Rules Committee shall be final.

**EXCESSIVE COMPLAINTS:**

From time to time complaints from residents may be considered excessive if they:

- Are an attempt by one resident to prevent another owner or management from conducting normal construction or maintenance activity on Moreland Courts property.
- Cross the line between communication of information and harassment of another resident or management.

Excessive complaints will result in a written notice from Management to the complainant that the standards of this Complaint Policy must be met. If the harassment does not stop, the Rules Committee will convene a hearing to be attended by all involved parties as described in the Policy.