

PALATINE COMMONS TOWNHOME OWNERS ASSOCIATION

**RESOLUTION TO ADOPT
A WRITTEN POLICY FOR RESOLVING COMPLAINTS MADE BY OWNERS
PURSUANT TO SECTION 35 OF THE
ILLINOIS CONDOMINIUM AND COMMON INTEREST COMMUNITY
OMBUDSPERSON ACT**

WHEREAS, the Palatine Commons Townhome Owners Association (“Association”) is governed by provisions of the Association's Declaration (“Declaration”), and the Illinois Common Interest Community Association Act; and

WHEREAS, Section 1-90 of the Illinois Common Interest Community Association Act provides that every common interest community association, except for those exempt from the Act under Section 1-75, must comply with the Condominium and Community Interest Community Ombudsperson Act and is subject to all provisions of the Condominium and Community Interest Community Ombudsperson Act; and

WHEREAS, Section 35 of the Condominium and Common Interest Community Ombudsperson Act (“Ombudsperson Act”) requires the Association to adopt a written policy for resolving complaints made by Owners, and the Board of Directors (“Board”) of the Association desires to adopt such a policy.

NOW THEREFORE, in furtherance of the foregoing, the Board of Directors of the Association does hereby adopt the following written policy for resolving complaints made by Owners pursuant to Section 35 of the Ombudsperson Act.

Adopted by the Board of Directors at a meeting held on July 19, 2016, at Palatine, Illinois.

Motion made by Niemi and seconded by Saylor.

Vote Taken:	For	<u>3</u>
	Against	<u>0</u>
	Abstain	<u>0</u>

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POLICY FOR RESOLVING COMPLAINTS MADE BY OWNERS
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OMBUDSPERSON ACT**

The following is the Policy of the Board of Directors (“Board”) of the Palatine Commons Townhome Owners Association (the “Association”) for resolving complaints made by Owners pursuant to Section 35 of the Condominium and Common Interest Community Ombudsperson Act (“Ombudsperson Act”).

1. Owners who wish to make a complaint (“Complaining Owner”) to the Association pursuant to Section 35 of the Ombudsperson Act must complete, date, and sign a Complaint Form. The required Complaint Form is attached to this Policy.

2. The Complaining Owner must deliver a completed Complaint Form to the Association, by certified mail or in person, to the Management Office/Board, at the following address:
_____ Noted below _____, within thirty (30) days of the date of the event that is the subject of the Complaint. **Palatine Commons c/o Mperial Asset Management, LLC
110 N Brockway St. Suite 320 Palatine, IL 60067**

3. Within thirty (30) days of receipt of a Complaint Form from a Complaining Owner, the Board shall meet in executive session to review the Complaining Owner’s Complaint. At such meeting, the Board may make a Final Determination in response to the Complaining Owner’s Complaint, or may make a determination that additional information/documents and/or investigation is required in order to respond to the Complaining Owner’s Complaint before making a Final Determination.

4. (a) If the Board determines that additional information/documents is required in order to review the Complaining Owner’s Complaint before making a Final Determination, the Board shall promptly make a request for such additional information/documents to the Complaining Owner. The Complaining Owner shall deliver such additional information/documents, by certified mail or in person, to the Management Office/Board, at the address provided in Section 2, within ten (10) days of the date of the Board’s request for additional information/documents.

(b) If the Board determines that additional investigation is required in order to respond to the Complaining Owner's Complaint before making a Final Determination, the Board shall promptly engage in such investigation.

(c) Within thirty (30) days after receipt of the additional information/documents requested under Section 4(a) above and/or the conclusion of its investigation under Section 4(b) above, the Board shall meet in executive session to review the Complaining Owner's Complaint, the additional information/documents, and the results of its investigation. At such meeting, the Board shall make a Final Determination in response to the Complaining Owner's Complaint, unless the Board determines that it still does not have sufficient information/documents in order to respond to the Complaint before making a Final Determination. If the Board determines that it still does not have sufficient information/documents in order to respond to the Complaining Owner's Complaint before making a Final Determination, or determines that further investigation of the Complaining Owner's Complaint is necessary, the Board shall promptly seek such additional information/documents and continue and conclude its investigation, and shall reconvene, as soon as practical thereafter in order to respond to the Complaining Owner's Complaint.

5. The Final Determination of the Board in response to a Complaining Owner's Complaint shall be:

(a) Made in Writing;

(b) Made within a reasonable time after receipt of the Complaining Owner's Complaint, provided that the Board shall use its best efforts to make a Final Determination in response to a Complaining Owner's Complaint within ninety (90) days of the date of receipt of the Complaining Owner's Complaint.; and

(c) Marked clearly and conspicuously as "Final."

6. The decision of the Board to approve the written Final Determination in response to a Complaining Owner's Complaint shall be made at a Board meeting, or portion thereof, open to the Owners; however, the details of the written Final Complaint shall not be disclosed at the Board meeting, or portion thereof, open to the Owners.

7. The written Final Determination shall include the following:
 - (a) A summary of the Complaining Owner's Complaint;
 - (b) A summary of the documents and information considered by the Board.
 - (c) The Board's determination with respect to the Complaining Owner's Complaint and any action to be taken by the Association pursuant to such a determination.
8. The written Final Determination of the Board in response to a Complaining Owner's Complaint shall be issued to the complaining Owner by certified mail, within ten (10) days after the date the Board approves the written Final Determination.
9. The written Final Determination shall be deemed confidential and shall not be available to any person other than the Complaining Owner, the Board of Directors, and the Association's managing agent (if any), and the Complaining Owner shall not disclose the written Final Determination to any person (other than such Complaining Owner's attorney), except as may be required by law.
10. The Complaining Owner shall cooperate with requests of the Board for additional information/documents.
11. All Complaint Forms and additional information/documents requested by the Board in connection with the Complaining Owner's Complaint shall be date stamped by the Association upon receipt.
12. The foregoing procedure shall not be available:
 - (a) If the Complaining Owner owes outstanding assessments, fees, or funds to the Association, unless the assessments, fees or funds are central to the Complaining Unit Owner's Complaint.
 - (b) If there is a pending complaint filed in any court or administrative tribunal in any jurisdiction or for which arbitration or alternative dispute resolution is scheduled to occur or has previously occurred, concerning the subject matter of the Complaining Owner's Complaint.

(c) To address violations of the Association's Declaration and or Rules for which the Board can levy a fine, as that is governed by a separate procedure.

13. This Policy shall be made available to all Owners upon request.

14. If adopted by the Board of Directors prior to January 1, 2017, this Policy shall be effective on January 1, 2017.

**PALATINE COMMONS TOWNHOME OWNERS ASSOCIATION
OWNER COMPLAINT FORM**

Owner Name: _____

Address: _____

Phone No. _____

Date of Event: _____

Time of Event: _____

Location of Event: _____

Description of Event: _____

(Use Additional Copies of Form if Necessary)

The following documents are attached concerning the Incident:

Names and Contact Information for Witness(es) to Incident (if applicable)

_____, 20__
Owner Signature Date