

Common Interest Community Ombudsman Regulations

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Common Interest Community Ombudsman

CIC Ombudsman Regulations Open Forum

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The Bottom Line

- All associations must have a written complaint procedure
- Associations must review complaints
- Associations must issue a decision
- If decision is adverse, complainant may “appeal” to CIC Ombudsman
- Only for violations of common interest community law, NOT governing documents or condominium instruments

The Complaint Procedure

- **All** common interest community associations **MUST** have a complaint procedure (*No template available*).
 - In writing
 - Readily available to members *and* citizens
 - Sample form (*Template available*)
 - 90 days
 - Disclosure packet/Resale certificate
 - Annual certification
 - Don't forget §55-530



[Name of Common Interest Community Association]
[Address and Telephone Number of Association or Managing Agent]

ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors (Board) of the [Community Association Name] (Association) has established this complaint form for use by persons who wish to file written complaints with the Association regarding the action, inaction or decision by the governing board, managing agent or association inconsistent with applicable laws and regulations.

Legibly describe the complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Please include references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the complaint. If there is insufficient space, please attach a separate sheet of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to the complaint.

Sign, date and print your name and address below and submit this completed form to the Association at the address listed above.

_____ Printed Name _____ Signature _____ Date

_____ Mailing Address

_____ Lot/Unit Address

_____ E-mail Address _____ Phone Number _____ Contact Preference Phone E-mail Other _____

If, after the Board's consideration and review of the complaint, the Board issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the 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. The Ombudsman may be contacted at:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
804/367-2941
CICombudsman@dpor.virginia.gov

Approved at 10/26/2009 Board Meeting



Final Adverse Decision

- The complaint procedure *may* result in a final adverse decision
 - A final determination from the association
 - All avenues for appeal (if any) have been exhausted
 - The determination is adverse to what complainant sought
 - Provides the complainant the right to submit a **Notice** of Final Adverse Decision to the Office of the CIC Ombudsman

Notice of Final Adverse Decision

- Opportunity to have a complaint reviewed one more time
 - Complainant must submit Notice of Final Adverse Decision to Ombudsman office on CICB forms
 - Within 30 days of notice of final determination by the association
 - Include a copy of complaint and all other documentation
 - A \$25 filing fee or “*Request for Waiver*”

NOTICE OF FINAL ADVERSE DECISION

(PLEASE PRINT LEGIBLY OR TYPE)

NOTE: *The Department cannot guarantee anonymity. By law, all complaints received by the Department are subject to public disclosure once a case is closed. Anonymous Notices of Final Adverse Decision will not be accepted.*

COMPLAINANT INFORMATION

Name: _____
Mailing Address: _____
City, State, and Zip: _____
Phone: Home _____ Business _____ Cell _____
E-mail Address: _____
City/County: _____
Date of Final Adverse Decision: _____

ASSOCIATION INFORMATION

Name of the Association: _____
Contact Name: _____
Address: _____
City, State, and Zip: _____
Phone: Business _____ Cell _____ Other _____
E-mail Address: _____
Management Company (if applicable): _____

I understand this Notice of Final Adverse Decision will not be complete until I have submitted all required documents and the filing fee. A financial hardship waiver may be submitted in lieu of the filing fee, but this will delay review of my Notice of Final Adverse Decision and there is no guarantee that I will be granted the waiver.

Signature: _____ Date: _____

OCICO Notice of Final Adverse Decision (10/26/09)



REQUEST FOR WAIVER OF FILING FEE

(PLEASE PRINT LEGIBLY OR TYPE)

NOTE: The Department cannot guarantee anonymity. By law, all complaints received by the Department are subject to public disclosure once a case is closed. Anonymous Notices of Final Adverse Decision will not be accepted.

REQUESTOR

Name: _____
Mailing Address: _____
City, State, and Zip: _____
Phone: Home _____ Business _____ Cell _____
E-mail Address: _____

REASON FOR REQUEST

Please use this area to provide an explanation why paying the \$25.00 filing fee would cause you undue financial hardship:

Please use additional pages if necessary and include with the Request for Waiver of Filing Fee

I understand the Notice of Final Adverse Decision will not be complete until I have submitted all required documents and the filing fee. This Request for Waiver of Filing Fee may be submitted in lieu of the filing fee, but this will delay review of my Notice of Final Adverse Decision and there is no guarantee that I will be granted the waiver.

Signature: _____ Date: _____



Review of Final Adverse Decision

- After we receive the Notice of Final Adverse Decision and all necessary documents and fees
 - The Final Adverse Decision will be reviewed by the CIC Ombudsman (aka the Director or his designee)
 - The Ombudsman may provide information to association or complainant, in her sole discretion
 - The decision made by the Ombudsman is final
 - The decision is not subject to further review
 - The decision is non-binding
 - The matter may be referred to the CICB for further action.



Referral to the CIC Board

- The CIC Board has the authority to
 - File Suit,
 - Intervene,
 - Issue a Cease and Desist Order, and
 - Assess Monetary Penalties

No Complaint Procedure?

- On rare occasions, a complaint can be submitted directly to the Ombudsman
 - If the association does not have a complaint procedure in place
 - If the association does not respond to a submitted complaint in the necessary timeframe
 - If the complaint is related to a violation of the CIC Manager Regulations (these go to DPOR)

Contact Information



Office of the Common Interest Community Ombudsman

DPOR

9960 Mayland Drive, Suite 400

Richmond, VA 23233

(804) 367-2941

Email: cicombudsman@dpor.virginia.gov

Website: www.dpor.virginia.gov

Regulatory: www.townhall.virginia.gov

