

# MERCERTRIGIANI

## **VIRGINIA COMMON INTEREST COMMUNITY OMBUDSMAN**

- The Ombudsman replaced - with an expanded scope of responsibility - services previously offered by the Common Interest Community Liaison.
- Ombudsman must be a member in good standing of the Virginia State Bar.
- The Ombudsman is responsible for assisting association members in understanding rights and the processes available under the declaration and bylaws.
- The Ombudsman:
  - Answers inquiries;
  - Provides information concerning common interest communities;
  - Makes information available via a website and receive notices of complaint;
  - Maintains date on inquiries received, the types of assistance requested, notice of complaints, actions taken, and the disposition of each matter;
  - Assists members in using procedures and processes available in the association;
  - Provides non-binding explanations of the laws governing associations and regulations of the board;
  - Refers people to public and private agencies offering alternative dispute resolution.
- Common Interest Community Board Regulations establish a procedure for resolving written complaints by individual members or others.
- The complaint must provide that complaint records are maintained for at least one year.
- The association must provide complaint forms or written procedures that include:
  - Contact information for the association or manager;
  - Contact information for the Office of Ombudsman;
  - A clear understandable description of complainant rights to give notice of adverse decisions.
- The complainant may give notice of a final adverse decision in accordance with Common Interest Community Board regulations.
  - Notice must be filed within 30 days of a final adverse decision on forms prescribed by the Common Interest Community Board.
  - Notice must include copies of all records pertinent to the decision and a \$25 filing fee.

- The Director of the Department of Professional Occupational Regulation may request additional information from the association concerning the complaint and the association must provide information within a reasonable time frame.
- The Director of the Department of Professional Occupational Regulation may determine whether the final adverse decision from the association is in conflict with the laws or Common Interest Community Board Regulations or interpretations of the law and regulations by the Common Interest Community Board.

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February 6, 2024