



FILING A COMPLAINT AGAINST YOUR ASSOCIATION

There are many reasons you might want to file a complaint about your association. Listed below are the most common types of complaints and the best way to address them.

IF YOUR COMPLAINT IS RELATED TO:

Criminal law, you should contact your local law enforcement office or Commonwealth Attorney's office.

Fair Housing violations, you can contact the Office of Fair Housing at 804-367-8530 or fairhousing@dpor.virginia.gov. Fair Housing laws prohibit housing discrimination based on race, color, national origin, sex, disability, familial status (families with children under age 18), "elderliness" (age 55 or older), source of funds, sexual orientation, gender identity, and military status.

The governing documents, noise, harassment, or any other civil law matter of your association, you may have to obtain legal guidance as no state agency, including DPOR and the Office of the Common Interest Community Ombudsman, has authority to review, interpret or enforce your governing documents or address civil law violations. Governing documents include your declaration, covenants, bylaws, architectural guidelines, rules and regulations, or any other documents specific to your association.

The Condominium Act, the Property Owners' Association Act or the Virginia Real Estate Cooperative Act, you can file a complaint through your association's state-mandated complaint procedure (*see below*). Collectively, these are all considered "*common interest community laws*" which is where the authority of the Office of the Common Interest Community Ombudsman lies. Allegations related to common interest community regulations can also be submitted through your association's complaint procedure. You can access these laws and regulations by clicking below:

The Condominium Act:

<https://law.lis.virginia.gov/vacode/title55.1/chapter19>

The Property Owners' Association Act:

<https://law.lis.virginia.gov/vacode/title55.1/chapter18>

The Virginia Real Estate Cooperative Act:

<https://law.lis.virginia.gov/vacode/title55.1/chapter21>

Common Interest Community Regulations:

<https://law.lis.virginia.gov/admincode/title18/agency48>

Where do I file my complaint if it is related to common interest community law?

If you wish to submit a complaint alleging a possible violation of common interest community law or regulation you must submit it using your association’s complaint procedure. All common interest communities (associations) in the Commonwealth of Virginia, are required to have an association complaint procedure. These complaint procedures are only intended to address violations of common interest community law, meaning that your complaint **must** allege a violation of the Property Owners’ Association Act, the Condominium Act or the Virginia Real Estate Cooperative Act.

If you do not have a copy of your association’s complaint procedure, you will need to request it, in writing, from either your board of directors or your manager, if your association has one. The complaint procedure should be readily available. When you submit your complaint through your association’s complaint procedure, make sure you read the procedure carefully and follow it precisely.

My association said it does not have a complaint procedure or it did not provide me a copy of the complaint procedure and more than 10 days has passed since my request.

In these situations, you can complain directly to this office by filing the CIC Complaint Form, which you can find under the “Forms and Applications” tab here: www.dpor.virginia.gov/cic-ombudsman. You must also submit a copy of the request you sent to the association so that we can be certain the complaint procedure was requested. The Ombudsman’s office will reach out to the association and will require it to adopt a complaint

procedure so that you will then be able to utilize that procedure to submit a complaint alleging a violation of common interest community law.

I submitted my complaint to the association and it never responded.

If you submitted a complaint alleging a violation of common interest community law through your association complaint procedure and more than 30 days has passed, you can file a complaint directly with this office alleging a failure to respond to your complaint. You can find the required CIC Complaint Form under the “Forms and Applications” tab here: www.dpor.virginia.gov/cic-ombudsman. Once we receive the form, we will contact the association and require it to respond to the submitted complaint in a limited timeframe. If we learn that your complaint did not allege a violation of common interest community law, we will not be able to assist you.

What if my complaint is about a Common Interest Community Manager?

Most complaints against CIC Managers are actually complaints against the association, because it is ultimately the association’s responsibility to comply with the laws that govern common interest communities. CIC Managers are hired by associations to help take care of the daily operations, but do not have the ultimate responsibility for adhering to common interest community law and regulations. If, however, a CIC Manager is in violation of the management agreement and his or her actions fall under the prohibited acts section of the CIC Manager Regulations, the association’s Board of Directors can file a complaint against the CIC Manager using the regular DPOR Complaint Form.

For questions or additional information, please contact the Office of the Common Interest Community Ombudsman at (804) 367-2941 or cicombudsman@dpor.virginia.gov.