

Regulations for Required Association Complaint Procedure Changed and Simplified

Authors: Deborah M. Casey, CCAL®, Kathleen W. Panagis

Amendments to the Common Interest Community Ombudsman Regulations went into effect August 1, 2025. These amendments change the required association complaint procedure. The changes may appear minor but add clarity and are favorable.

What is the statutorily required association complaint procedure?

Every Virginia community association is required to have an association complaint procedure for members and citizens to file a written complaint regarding an action, inaction, or decision by the association, governing board, or management agent that conflicts with common interest community laws or regulations.

What are the favorable updates to the applicable regulations?

The notable updates made to the regulations regarding association complaint procedure include:

- Clarifies that the applicable “common interest community laws or regulations” for an association complaint only involve complaints pertaining to: Common Interest Communities, Virginia Property Owners’ Association Act, Virginia Condominium Act, Virginia Horizontal Property Act, and Virginia Real Estate Cooperative Act.
- Removes reference to “association governing documents” in the regulations, as they do not fall under the purview of common interest community laws or regulations.
- Allows an association 14 days to provide written acknowledgement of receipt of the association complaint to the complainant. Previously, acknowledgement had to be provided within 7 days of receipt. If your association complaint procedure currently requires acknowledgement within 7 days, then the changes to the regulations will not provide additional time.
- Provides slightly different methods to provide notices, eliminates the registered or certified requirement when using U.S. mail, and permits third-party courier with proof of delivery. Written acknowledgement of the receipt of an association complaint, notice when the association complaint will be considered by the board, and/or notice after a final determination is made must be hand delivered, mailed, or delivered by third-party courier with proof of delivery to the complainant at the address provided.
- Requires an appeal process to be stated in the association complaint procedure, if one is available. It must include relevant timeframes to file the request for appeal. Similarly, if no appeal process is available, the association complaint procedure must indicate that fact and that the rendered decision is final.
- Allows the Common Interest Community Board to waive or refund the fee for filing a notice of final adverse decision by using the U.S. Department of Health and Human Services Poverty Guidelines to establish a financial hardship threshold. The complainant will be required to provide the Common Interest Community Board with supporting documentation that provides proof of income.

What steps should Virginia Community Associations take next?

Although not new, a copy of the association complaint procedure must be included in resale documents. Associations must certify annually, when CICB registration is renewed, that they have a complaint procedure in place.

Review your association's current association complaint procedures and revise it to align with the new regulations.

Review your procedures periodically to ensure that filing information is current.

Authors:



Deborah M. Casey, CCAL®
Principal, Norfolk

Deborah M. Casey, CCAL® is a principal with Woods Rogers, serves on the firm's Executive Board and Chairs its Community Association law practice. She has represented Virginia community associations for 35 years. Debbie is a Fellow in the College of Community Association Lawyers and listed in Best Lawyers in America for Community Association law.



Kathleen W. Panagis
Of Counsel, Norfolk

Kathleen W. Panagis is an attorney with Woods Rogers and a member of the firm's Community Associations law team. With more than 17 years of experience, she serves as general counsel to homeowner and condominium associations located in Virginia. Kathleen is President-Elect and serves on the Board of Directors of SEVA-CAI.