

**DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION**



**OFFICE OF THE  
COMMON INTEREST COMMUNITY OMBUDSMAN**

Report to the

**House Committee on General Laws  
Senate Committee on General Laws and Technology  
Housing Commission**

*Annual Report 2014-2015*



Department of Professional and Occupational Regulation

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## **PREFACE**

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The Office of the Common Interest Community Ombudsman prepared the report contained herein pursuant to [§ 55-530.C.11](#) of the *Code of Virginia*.

This annual report documents the activities of the Office of the Common Interest Community Ombudsman for the reporting period covering November 26, 2014, through November 25, 2015.

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## **EXECUTIVE SUMMARY**

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In 2008, the General Assembly created the Office of the Common Interest Community Ombudsman (“Office”), and the Common Interest Community Board (“CICB”), at the Department of Professional and Occupational Regulation (“DPOR”). In accordance with statutory requirements, this document reports on the activities of the Office for the period from **November 26, 2014, through November 25, 2015.**

Although Ombudsman Regulations (“Regulations”) governing this Office’s operations and community association complaint processes became effective more than three years ago, complaints alleging associations’ failure to adopt procedures or respond to submissions continue to result and even increased slightly this year. In virtually all such instances, the Office is able to resolve these cases without needing to refer matters to the CICB for enforcement action.

This year, the Office received a roughly equivalent number of Notices of Final Adverse Decision (NFADs) overall—of which about one-third again were found not appropriate for the association complaint procedure due to their subject matter involving governing documents over which the Office has no jurisdiction. The other two-thirds, however, were eligible for submission and review by the Ombudsman. Determinations issued for eligible NFADs are published at <http://www.dpor.virginia.gov/CIC-Ombudsman/Determinations/>.

As part of the ongoing work of the Ombudsman Committee, this year the Ombudsman collaborated with the CICB Executive Director on a well-received outreach campaign focused on community association-related trade shows and expos. The Office continues to serve as an important source of information and guidance for owners in common interest communities, as well as for managers and others involved in the association world on a peripheral level.

## **OMBUDSMAN REGULATIONS & ROLE OF OFFICE**

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The Common Interest Community Ombudsman Regulations (18VAC48-70)—effective July 1, 2012—required existing community associations to establish an internal complaint procedure within a 90-day grace period (by September 28, 2012). Newly-formed associations or those not currently registered with the CICB must adopt a complaint procedure within three months of registration. The Regulations detail the standards associations must satisfy to remain compliant with internal complaint procedure requirements, as well as eligibility criteria complainants must meet to obtain a Determination from the Ombudsman (as designee for the Agency Director).

The statutory framework for complaint processing, established by the legislature when the Ombudsman and Board were initially formed, generally provides for the Office to accept and review only “Notices of Final Adverse Decision,” not *de novo* complaints from association members or owners. Such Notices of Final Adverse Decision (NFADs), as described in § 55-530

and the Regulations, are obtained after—and *only after*—a member or owner submits a complaint to the association through the mandatory internal dispute resolution procedure. Complaints subject to review are legally restricted to allegations of violations of common interest community law or regulation (not association governing documents, which are contractual).

Upon receipt of an eligible complaint from an association member or owner, the association board is required to provide a definitive response to the complainant. If that final decision is “adverse” or contrary to whatever action or outcome the complainant sought, the complainant may *then* submit a NFAD to the Office for review by the Ombudsman (along with the statutorily mandated \$25 fee or a fee waiver request).

Additionally, if an owner fails to receive a response from the community association in a reasonable timeframe, or an individual requests a copy of the association’s complaint procedure and the association fails to provide one, a complaint alleging either of these regulatory violations may be submitted directly to the Office using a form specific to that purpose.

## **OFFICE ACTIVITIES**

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### **Complaint Statistics**

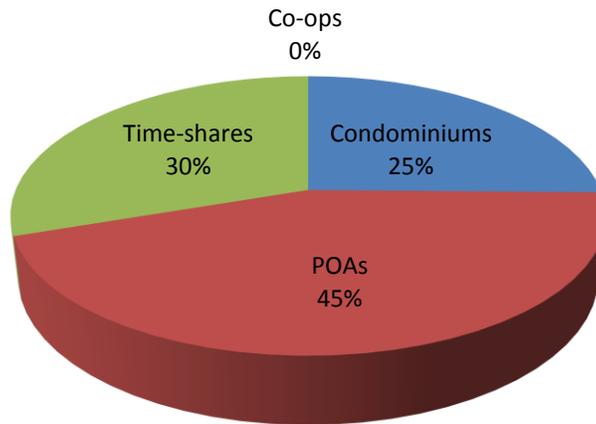
During the 2014-15 reporting period, the Office responded to 1,691 telephone calls and 2,554 email messages (generally within one business day, barring exceptional circumstances). The number of phone inquiries remained steady when compared with the prior year, while the volume of email increased approximately 14% over the previous reporting period.

The Office received a total of 182 complaints (including NFADs) during the 2014-15 reporting period in the following areas:

- 45% related to Property Owners’ Associations;
- 25% related to Condominium Unit Owners’ Associations;
- 30% related to Time-Shares; and
- 0% related to Cooperatives.

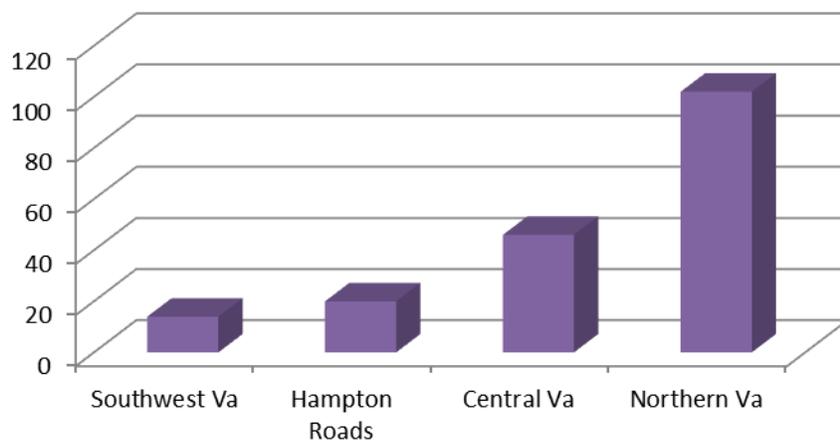
As in prior years, the majority of complaints concerned Property Owners’ Associations, with the number increasing by 11 percentage points over the last reporting period. Condominium-related complaints continue to make up roughly a quarter of the total complaint volume, which decreased overall as a result of time-share complaints dropping 12% since 2013-14.

## Total Complaints 2014-2015



The Office closed 197 complaints in 2014-15, many of which continued to result from associations' failure to adopt procedures or respond to submissions. The proportion of these types of complaints increased slightly this year, suggesting many associations continue to fall short in meeting their responsibilities under the Regulations.

## 2014-2015 Complaints by Region

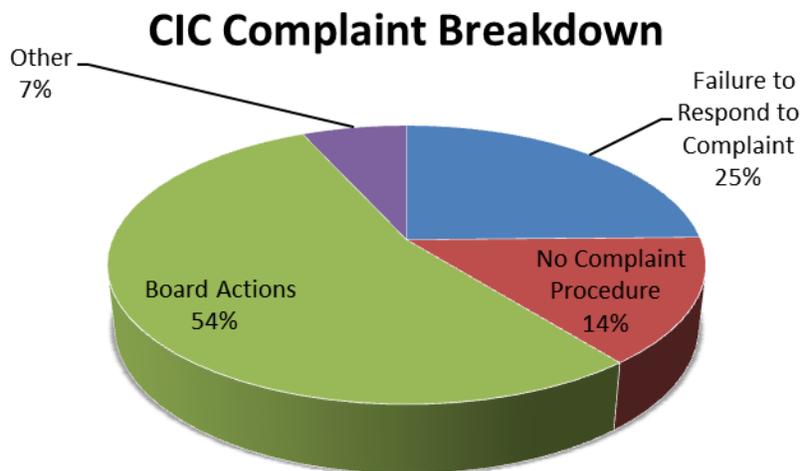


## Compliance & Enforcement

In virtually all cases, the Office is able to facilitate satisfactory resolution without needing to refer matters to the CICB for potential disciplinary action.

In common interest community complaints involving absent or deficient internal complaint procedures (14%), the Office walked associations through their legal obligations and the requirements outlined in the Regulations. Achieving regulatory compliance is a slow process, given that most often the associations that lack an internal complaint procedure also do not have a manager or an attorney and, therefore, are not familiar with the laws and regulations governing their community.

Frequently, cases involving an association's failure to respond (25%) fell outside the parameters of the law because the complaint improperly cites an alleged violation of *governing documents*, rather than common interest community laws or the Regulations. The Office has no jurisdiction over the governing documents of an association, and the complaint procedure is not intended to address those types of contractual disputes.



The majority (54%) of common interest community complaints received—including NFADs—related to actions by common interest community boards of directors, covering a broad swathe of issues: denying access to association books and records; increasing assessments inappropriately; failing to hold an annual meeting; neglecting to provide a method of communication; and disregarding pesticide application notification requirements.

Finally, associations must certify on their Annual Report filed with the CICB that the mandatory internal complaint procedure is in place. Often, associations fail to make the required certification, which necessitates the Office initiate compliance efforts.

Typically the non-compliant association will be given several weeks to adopt a complaint procedure and provide the Office a copy. In the rare instances when an association fails to adopt a complaint procedure, the matter is referred to the DPOR investigations section. Because this Office has no enforcement authority—as is appropriate for an ombudsman—any disciplinary sanctions must derive from an investigation and subsequent decision by the CICB.

## Ombudsman Determinations

This year, the Office received approximately the same number of NFADs (38) as last year—with roughly the same proportion (34%) ultimately deemed ineligible for submission because their subject matter involved topics not appropriate for the association complaint procedure. These ineligible NFADs involved governing document matters and alleged landscaping violations, parking breaches, unethical behavior, architectural guideline disputes, and changes to common areas. (Some NFADs were closed immediately because the complainant failed to file or neglected to submit complete documentation in the required 30-day timeframe.)

The remaining two-thirds of NFADs received, however, *were* appropriate for the complaint process and, therefore, eligible for submission. After review as to whether these NFADs “conflict[ed] with laws or regulations governing common interest communities” (18VAC48-70-120), the Ombudsman issued Determinations based on NFADs that pertained to the following subject areas:

- access to books and records (13%);
- notice (13%)
- communication methods (5%);
- executive sessions (5%);
- pesticide application (4%);
- annual meetings (4%); and
- due process (2%).

The Office continues to post Determinations issued by the Ombudsman as a resource for owners and citizens who may wish to file NFADs or who are simply trying to research particular issues. The published Determinations are listed by association name and subject matter area at <http://www.dpor.virginia.gov/CIC-Ombudsman/Determinations/>.

*An Ombudsman Determination is not a judicial verdict, court decree, Board order or official opinion.*

*It is legally non-binding and strictly limited to laws and regulations pertaining exclusively to common interest communities.*

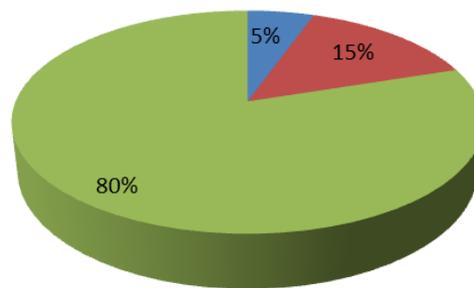
## Time-Shares

Time-shares are not subject to the Ombudsman Regulations because they are not legally considered common interest communities. As a result, individuals can submit complaints concerning time-shares directly to the Office (rather than going first through an internal association complaint procedure).

During the 2014-15 reporting period, while the overall number of time-share complaints decreased substantially (from 97 to 55), the primary subject matter remained unchanged: 80% of complainants alleged sales presentation misrepresentations.

### Time-Share Complaint Breakdown

■ Resale Issues ■ Other ■ Misrepresentations at Sales Presentation



General economic improvement may partially explain the decrease in complaint volume, as owners are perhaps better able to pay for their time-share obligations in a better economy. The lower number may also reflect a growing acceptance among owners that the Office is simply unable to provide recourse or substantial assistance when they make allegations involving sales presentation misrepresentation (because often the promises made are verbal and therefore no proof exists to support enforcement action).

At present, CICB regulations to provide regulatory oversight of time-share resellers are in the final approval stage and should become effective in 2016, which may provide some assistance to consumers involved with time-share transactions.

## EDUCATION & OUTREACH

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As part of the ongoing work of the CICB Ombudsman Committee—established to support the Office’s education initiatives—this year the Ombudsman collaborated with the CICB Executive Director on an outreach campaign focused on community association-related trade shows and expos. The Committee helped facilitate partnerships with groups such as the Virginia

Association of REALTORS® (VAR), which sponsored several events through its local chapters, and guided staff in producing professional table covers and displays for these opportunities.

During the 2014-15 reporting period, the Ombudsman and the CICB Executive Director attended a half-dozen such events, staffing the eye-catching community association display for four to six hours at each, successfully reaching mass audiences and interacting with the public, answering questions, and providing educational materials.

The Ombudsman also delivered three presentations during this reporting period; continued to meet with members of the General Assembly; served on the Common Interest Communities and Time-Share workgroups of the Housing Commission; and educated new DPOR employees and other agency sections through in-house training sessions. The Office responds to media inquiries about common interest communities, including a national feature published by the Pew Charitable Trusts about ombudsmen and similar roles in other states.

Finally, the Office is finalizing a survey to help determine how best the Ombudsman Committee can help in the area of stakeholder outreach. The survey will be disseminated among community association managers, owners, attorneys, and others involved in common interest communities to measure actual needs with regard to education.

### **HB 1632 Stakeholder Committee**

The 2015 General Assembly enacted HB 1632, directing the CICB to “develop and publish best practices for the content of declarations consistent with the requirements of the Property Owners’ Association Act (§ 55-508 et seq.).”

In response, this summer the CICB formed a committee of subject matter experts representing property owners’ association members, common interest community managers, and developers. A local planning commissioner, as well as attorneys specializing in association and community development law, also served on the stakeholder committee.

After several meetings, the HB 1632 Stakeholder Committee finalized a draft Best Practices document, one intended to provide a summary of matters that should be considered for inclusion in a declaration (not a “model” declaration or template).

The CICB will consider the draft Best Practices document at its December 2015 meeting.

## **CONSTITUENT EXPECTATIONS**

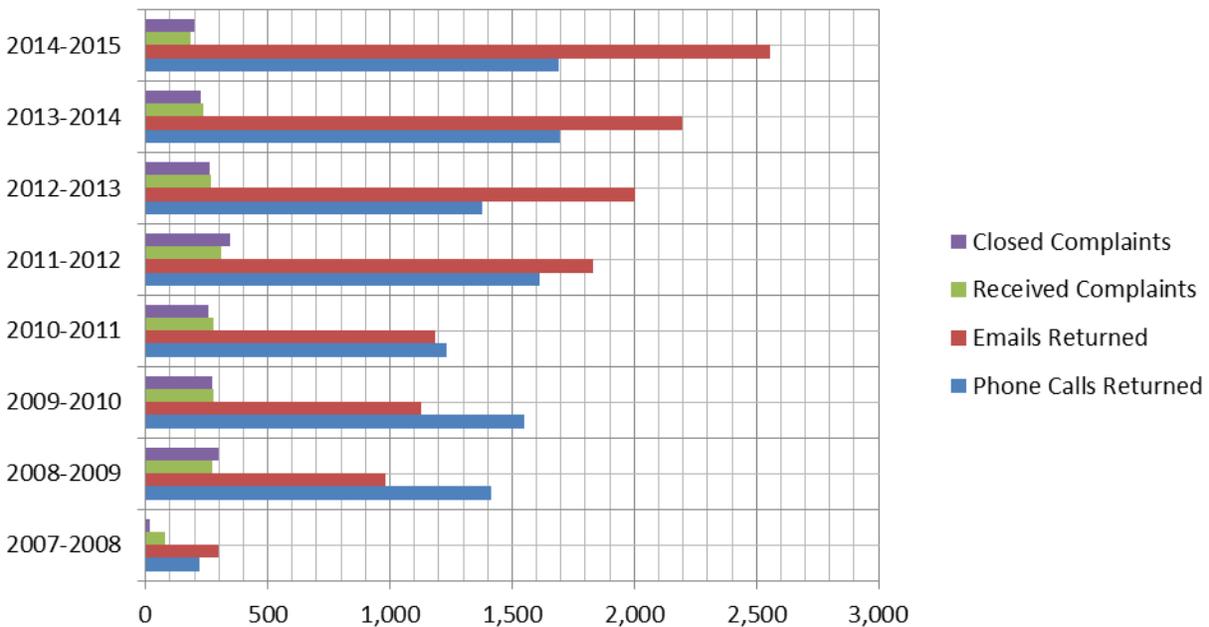
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The Office continues to serve as an important source of information and guidance for owners in common interest communities, as well as for managers and others involved in the association world on a peripheral level. Workload metrics over the past seven years clearly demonstrate the value constituents place on the Office and the Ombudsman as a reliable resource. In addition to

inquiries related to common interest communities, we also frequently field questions on a variety of topics including non-stock corporations, fair housing and discrimination, Federal Housing Administration (FHA) certification, and the Civil Relief Act.

Although the Ombudsman cannot provide legal advice, nor is the Office able to provide answers to questions outside the scope of common interest community law, we always make certain to refer individuals to available resources that might be of assistance in the hope that the person seeking guidance can find some resolution of the situation.

## Ombudsman Office Activity 2008-2015



Some association owners continue to express dissatisfaction with the “new” complaint procedure—even when it works as intended. Ideally, a complaint submitted through an association’s internal complaint process is not the opening salvo but, rather, the end of a misunderstanding. When a complaint is resolved at that stage, because the complainant and association reach agreement, no NFAD is filed.

Similarly, even when a NFAD does make its way to the Office, oftentimes the association or the complainant simply misunderstood the applicable law and once that has been explained via the Determination, both sides of the issue can come to some understanding and agreement.

In certain circumstances, however, individuals embroiled in a dispute are simply unable to come to a resolution. Those disputes are likely to remain no matter the form of complaint procedure or service offered by this Office, which is why the court system remains the ultimate recourse.

## LEGAL DEVELOPMENTS

### State Legislation

Successful legislation from the 2015 General Assembly Session listed below.

Bill No.	Patron	Description
HB 1285	Scott	Amends the definition of employee within the Virginia Workers' Compensation Act to exclude non-compensated employees, directors, and executive officers of any entity that constitutes a property owners' association.
HB 1632	Bulova	Requires the CICB to develop and publish best practices for the content of declarations consistent with the requirements of the Property Owners' Association Act.
HB 2055	Pogge	Provides that the voting interest allocated to the unit or member that has been suspended shall not be counted in the total number of voting interests used to determine the quorum for any meeting or vote under the condominium instruments.
HB 2080	Leftwich	Clarifies that the required notice of a sale under a deed of trust applies to individual residential lots located in a property owners' association. Upon receipt of such notice, the governing body of a condominium unit owners' association or of a property owners' association shall exercise whatever due diligence it deems necessary to protect the interests of the association. This bill is identical to <i>SB 1157</i> .
HB 2100	Peace	Conforms the Condominium Act to the Property Owners' Association Act with regard to prohibition on an association charging any fees not expressly authorized by law or in the declaration. Also (i) provides that an association may not limit or prohibit an owner from renting his unit/lot and may not charge fees for any rental or other processing fee in excess of \$50 as a condition of rental approval, (ii) sets new rules for providing disclosure documents electronically, and (iii) requires an association to maintain a website link for 90 days if the disclosure packet is provided electronically by that link.
SB 1008	Petersen	Consolidates privileges already spelled out in the Condominium and Property Owners' Association Acts into "Statements of Owner Rights," to make them easier to locate in one place in each statute. Association governing documents and other applicable state laws may take precedence particular circumstances and all owner privileges are reserved to members in "good standing."

Bill No.	Patron	Description
SB 1157	Cosgrove	Clarifies that the required notice of a sale under a deed of trust applies to individual residential lots located in a property owners' association. Upon receipt of such notice, the governing body of a condominium unit owners' association or of a property owners' association shall exercise whatever due diligence it deems necessary to protect the interests of the association. This bill is identical to <i>HB 2080</i> .
SB 1390	Marsden	Provides for a condominium association or owner to petition the circuit court to order a meeting of the unit owners' association for the purpose of the election of officers if (i) no annual meeting has been held due to the failure to obtain a quorum of unit owners as specified in the condominium instruments and (ii) the unit owners' association has made good faith attempts to convene a duly called annual meeting of the unit owners' association in three successive years that have been unsuccessful due to the failure to obtain a quorum.

## Virginia Court Cases

A brief summary of some of the past years' most relevant cases follows.

- **Op. Va. Att'y Gen. 14-057** – Advisory opinion concluding that § 67-701 does not violate the constitutional prohibition against retroactive legislation impairing contracts—even though it renders unenforceable any existing prohibition on solar panels in Community Associations unless contained in the recorded declaration—because it constitutes a legitimate exercise of the state's police powers. The statute, which became effective in July 2014, allows for the restriction of solar panels in Community Associations only if the declaration so provides and not by any other means.
- **Beasley v. Red Rock Financial Services LLC** – Summary judgment motion allowing defendant to assert a bona fide error defense to the plaintiff's allegations that the defendant had violated the Fair Debt Collections Practices Act. Underlying case resulted when a couple allowed association dues to become past due, and the association's collection agent attempted to obtain payment by filing a Memorandum of Assessment Lien against their home after the plaintiffs had already brought their dues current.
- **Kingsmill Community Services Association v. Kings-Mill United, Inc.** – Dispute related to association board and elections previously dismissed in circuit court for having “no justiciable matter over which the court has jurisdiction.” Appealed to the Supreme Court of Virginia; oral argument heard November 4, 2015, but no opinion yet issued.

- **Commonwealth v. Windsor Plaza Condominium Assoc. Inc.** – Case brought by Fair Housing Board against condominium association that declined owner’s request for disabled parking space, responding it was unable to reassign spaces because they were individually owned (rather than common elements). On appeal, the Supreme Court of Virginia found the owner failed to make a reasonable accommodation claim in a timely manner and that the association had no authority to reassign property even if the intent was accommodation.

## Federal Developments

Recent statutory changes in effect or proposed at the Congressional level.

- **Terrorism Risk Insurance Act (TRIA)**—program established after 9/11 in which the federal government acts as reinsurer, allowing private insurance companies to determine losses in the event of certified acts of terrorism—extended through December 31, 2020. Community associations strongly supported TRIA’s reauthorization because the law stabilizes the market for such insurance and allows associations and other entities to obtain coverage for terrorism-related property and casualty losses at affordable prices.
- **Amateur Radio Parity Act (S. 1685)**—reported from committee in November 2015—would apply the Federal Communication Commission (FCC) “reasonable accommodation” standard to amateur or HAM radio tower and antennas on private property. Many community association advocates are concerned about this bill because it would deny associations the right to apply their own architectural guidelines or safety rules to the height and dimensions of such structures.
- **Housing Opportunity Through Modernization Act (H.R. 3700)**—introduced in October 2015—could significantly impact the often difficult process for condominiums to obtain Federal Housing Administration (FHA) loan certification and recertification. This bill proposes to extend the initial certification period beyond two years; simplify the recertification process (which many associations are currently unwilling to attempt due to the difficulty of the existing process); and decrease the owner-occupancy/rental ratio from 50% to 35%. When condominium associations are able to obtain FHA certification and maintain recertification, this can attract and assist potential purchasers due to the lower down payment requirements and more favorable interest rates associated with FHA loans.
- **FEMA Disaster Assistance Reform Act (H.R. 1471)**—reported from committee in April 2015—would help community associations access disaster relief benefits. Presently, condominiums are ineligible for federal disaster assistance and FEMA funds cannot be used to repair damage to common areas even in eligible associations. If passed, this bill would require FEMA to provide technical assistance to community associations on how to qualify for disaster benefits, as well as allow FEMA to pay funds directly to condominium associations and apply such funds to the repair of common elements.

## NEWS OF INTEREST

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The Ombudsman tracks articles related to common interest communities to stay abreast of issues and concerns that may impact the Office or are generally noteworthy due to their subject matter.

Following are recent items gleaned from media reports which may be of interest to stakeholders.

- A renter in a Suffolk association was asked to remove a U.S. flag after the association manager realized a resolution was pending at the time permission was granted for the **flag display**. In this case, the issue focused not on flying the flag per se, but on approval of the required flag *holder*, the topic of the pending resolution. The renter refused to take down the flag until the resolution was approved, as requested.

Of note, this matter initially came to this Office for resolution, but because it pertains solely to the governing documents of the association (i.e., architectural guidelines), the Ombudsman lacked jurisdiction and was unable to provide assistance.

- Brandermill Community Association implemented efforts to mitigate problems associated with **abandoned properties**. The association created a special committee to study abandoned and rental properties in the community, with the goal of bringing those properties into compliance with the association's governing documents. As the President of the association stated, "[o]ur goal is to take care of the properties that are putting a blemish on our community."
- Woodlake Community Association has dealt with **internal discontent and massive upheaval** related to a controversial land purchase and an overspent budget. Owners in the community worked together to elect four new board members who will sit with the existing board members previously elected. The association also hired a new manager.
- In an effort to enforce the community requirements related to **cleaning up after one's dog**, a Tysons Corner condominium is establishing a canine DNA database to identify owners who fail to pick up after their pets. All dogs will have to be registered and provide a DNA swab. Dog waste that has not been picked up will be analyzed for DNA and the owner responsible for such an offense can be fined up to \$600.

## STATUTORY AUTHORITY

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### *§ 55-530. Powers of the Board; Common interest community ombudsman; final adverse decisions.*

*A. The Board shall administer the provisions of this chapter pursuant to the powers conferred by § 54.1-2349 and this chapter.*

*B. The Director in accordance with § 54.1-303 shall appoint a Common Interest Community Ombudsman (the Ombudsman) and shall establish the Office of the Common Interest Community Ombudsman. The Ombudsman shall be a member in good standing in the Virginia State Bar. All state agencies shall assist and cooperate with the Office of the Common Interest Community Ombudsman in the performance of its duties under this chapter. The expenses for the operations of the Office of the Common Interest Community Ombudsman, including the compensation paid to the Ombudsman, shall be paid first from interest earned on deposits constituting the fund and the balance from the moneys collected annually in the fund.*

*C. The Office of the Common Interest Community Ombudsman shall:*

*1. Assist members in understanding their rights and the processes available to them according to the laws and regulations governing common interest communities;*

*2. Answer inquiries from members and other citizens by telephone, mail, electronic mail, and in person;*

*3. Provide to members and other citizens information concerning common interest communities upon request;*

*4. Make available, either separately or through an existing Internet website utilized by the Director, information as set forth in subdivision 3 and such additional information as may be deemed appropriate;*

*5. Receive the notices of final adverse decisions;*

*6. In conjunction with complaint and inquiry data maintained by the Director, maintain data on inquiries received, the types of assistance requested, notices of final adverse decisions received, any actions taken, and the disposition of each such matter;*

*7. Upon request, assist members in understanding the rights and processes available under the laws and regulations governing common interest communities and provide referrals to public and private agencies offering alternative dispute resolution services, with a goal of reducing and resolving conflicts among associations and their members;*

*8. Ensure that members have access to the services provided through the Office of the Common Interest Community Ombudsman and that the members receive timely responses from the representatives of the Office of the Common Interest Community Ombudsman to the inquiries;*

9. Upon request to the Director by (i) any of the standing committees of the General Assembly having jurisdiction over common interest communities or (ii) the Housing Commission, provide to the Director for dissemination to the requesting parties assessments of proposed and existing common interest community laws and other studies of common interest community issues;

10. Monitor changes in federal and state laws relating to common interest communities;

11. Provide information to the Director that will permit the Director to report annually on the activities of the Office of the Common Interest Community Ombudsman to the standing committees of the General Assembly having jurisdiction over common interest communities and to the Housing Commission. The Director's report shall be filed by December 1 of each year, and shall include a summary of significant new developments in federal and state laws relating to common interest communities each year; and

12. Carry out activities as the Board determines to be appropriate.

D. The Board may use the remainder of the interest earned on the balance of the fund and of the moneys collected annually and deposited in the fund for financing or promoting the following:

1. Information and research in the field of common interest community management and operation;

2. Expedient and inexpensive procedures for resolving complaints about an association from members of the association or other citizens;

3. Seminars and educational programs designed to address topics of concern to community associations; and

4. Other programs deemed necessary and proper to accomplish the purpose of this chapter.

E. The Board shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens. Each association shall adhere to the written procedures established pursuant to this subsection when resolving association member and citizen complaints. The procedures shall include but not be limited to the following:

1. A record of each complaint shall be maintained for no less than one year after the association acts upon the complaint.

2. Such association shall provide complaint forms or written procedures to be given to persons who wish to register written complaints. The forms or procedures shall include the address and telephone number of the association or its common interest community manager to which complaints shall be directed and the mailing address, telephone number, and electronic mail address of the Office of the Common Interest Community Ombudsman. The forms and written procedures shall include a clear and understandable description of the complainant's right to give notice of adverse decisions pursuant to this section.

*F. A complainant may give notice to the Board of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 55-530.1. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the association that made the final adverse decision.*

*G. The Director or his designee may request additional information concerning any notice of final adverse decision from the association that made the final adverse decision. The association shall provide such information to the Director within a reasonable time upon request. If the Director upon review determines that the final adverse decision may be in conflict with laws or regulations governing common interest communities or interpretations thereof by the Board, the Director may, in his sole discretion, provide the complainant and the association with information concerning such laws or regulations governing common interest communities or interpretations thereof by the Board. The determination of whether the final adverse decision may be in conflict with laws or regulations governing common interest communities or interpretations thereof by the Board shall be a matter within the sole discretion of the Director, whose decision is final and not subject to further review. The determination of the Director shall not be binding upon the complainant or the association that made the final adverse decision.*

*H. The Board shall issue a certificate of filing to each association which has properly filed in accordance with this title. The certificate shall include the date of registration and a unique registration number assigned by the Board.*

*I. The Board may prescribe regulations which shall be adopted, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to accomplish the purpose of this chapter.*