

Common Interest Communities Work Group  
House Room C, General Assembly Building  
October 21, 2009; 1 P.M.

**Members Present:** Senator Mary Margaret Whipple (Chair), Delegate John Cosgrove, Melanie Thompson, Janice Burgess, Mike Inman, Ron Kirby, Chandler Scarborough, Barrett Hardiman, Pia Trigiani, Jerry Wright, Trisha Henshaw, Heather Gillespie, Michelle Casciato, Joseph Hudgins, Scott Sterling

**Staff Present:** Elizabeth Palen

1. **Welcome and Call to Order-** Senator Mary Margaret Whipple (Chair)
  - Meeting was called to order by Senator Whipple at 1:05 P.M.
  
2. **Common Interest Community Board (CICB)-Trisha L. Henshaw, Executive Director**
  - Discussed Regulations update for Common Interest Community Board.
    - New Board members:
      - Barry Lineback to replace Glenn Silver.
  - CICB is currently working on three regulatory actions:
    - Manager regulations for individual certification of managers in accordance with the Code;
    - Training program regulations for managers; and
    - Ombudsperson regulations.
  - CICB Ombudsperson Regulation.
    - Currently, there is a complaint process in place that was drafted by the Regulatory Review Committee.
    - Each association needs to have their own grievance procedure with a written process for handling and redressing complaints.
      - The Ombudsperson regulation opens an avenue for the complaint process.
      - However, currently, no determinations regarding complaints are being made by the Ombudsperson.
  - A series of questions and comments ensued:
    - **Pia Trigiani**—*The Ombudsperson regulation takes into account larger homeowner communities.*
    - **Delegate John A. Cosgrove**—*Concerned about the meaning of “reasonable” term; the meaning of reasonable can differ.*
      - This would be determined on a case-by-case basis according to the Property Owners Association Act.
    - **Senator Whipple**—*What would be unreasonable?*
      - The statute states 14 days as a reasonable time period; we don’t want to burden to homeowners in complying.
      - **Joseph Hudgens**—*If the Ombudsperson dislikes the process, can they force a change?*

- If the complaint process is not working, then the regulations will be tightened.
- Could result in violations of licensure of community managers.
- **Senator Whipple**—*Will someone review the grievance procedure?*
  - The grievance procedure will be reviewed only in conjunction with a complaint.
- **Joseph Hudgens**—*Once adopted, does the association have to give notice of its procedure/form?*
  - People are notified annually.
- **Senator Whipple**—*We do not want homeowners left without recourse to their complaints; the General Assembly is interested, and we can solve this problem in the Virginia Code.*
- **Chandler Scarborough**—*Expressed concern over the amount of complaints that might arise.*
- **Pia Trigiani**—*The homeowners' impression is that the Ombudsperson is a problem solver.*
- **Delegate Cosgrove**—*These regulations don't give protection to the homeowner.*
  - We can change the statute, but we'd rather promulgate the provisions regulatorily.
- **Senator Whipple**—*Frivolous complaints are unavoidable, but the constituent should have an avenue to complain. The Ombudsperson can sift through the complaints and refer only the legitimate ones to the Board.*

### **3. Common Interest Communities Ombudsperson—Heather Gillispie, Executor Director**

- Provided the workgroup with a brief update.
- **Senator Whipple**—*Are these regulations the tool you have envisioned?*
  - We are taking a wait-and-see approach.

### **4. The Legislative Committee of Community Associations Institute (CAI)—Pia Trigiani**

- The Department of Professional and Occupational Regulation (DPOR) is a well run mediation service that is available; the mediators are very capable and encourage resolution.

### **5. Other Business and Public Comment**

- Fair Housing
  - The differential treatment of potential renters based on race is shocking.
    - Realtors are less discriminating because they are required to participate in fair housing training.

### **6. The meeting was adjourned at 2:30 P.M.**