



Common Interest Community Board

Guidance Document: Procedure for Determination of Compliance with § 55.1-2220 and § 55.1-2234

Adopted October 26, 2009

Revised September 3, 2020

Effective December 10, 2020

The CIC Board has the obligation pursuant to § 55.1-2230(B) upon request of an aggrieved owner to render a determination whether compliance with §§ 55.1-2220 or 55.1-2234 has occurred. The following are guidelines for handling the determination request.

1. Upon receipt of a complaint for which the Ombudsman concludes there is a Request for a Determination, the file will be set up in the name of the Board and the aggrieved owner. The Ombudsman will send the file to the Executive Director of the CIC Board or designated staff person ("Board staff").
2. Board staff will request the aggrieved owner provide all written documentation that owner wishes the Board to consider regarding the Request for Determination. Board staff may supplement the written information with other information in possession of Department. Board staff shall collect all relevant documentation which shall constitute the Request for Determination Record ("Determination Record").
3. If the determination request pertains to compliance with § 55.1-2220 (escrow of deposits), Board staff shall research to determine if the bond or letter of credit filed with the Board to protect all escrowed deposits is current and valid.
4. If the determination request pertains to compliance with § 55.1-2234 (developer's obligation to complete), Board staff shall review the most recently filed public offering statement for language regarding the

completion of the units; determine if a payment and performance bond was filed with the Board to ensure completion of all promised and incomplete units and common elements; and determine if the Board was notified by the developer of any of the causes identified in § 55.1-2234(A) which may have delayed, hindered, or prevented completion.

5. Board staff will place the Request for Determination and associated Determination Record on the next available Board agenda.
6. The Board will consider the matter at a full Board meeting and determine, based on the Determination Record, whether the information supports a determination that compliance has occurred.