



## **Common Interest Community Board**

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

*Adopted October 26, 2009*

*Revised September 3, 2020*

*Effective upon conclusion of the public comment period required pursuant to § 2.2-4002.1 of the Code of Virginia*

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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.

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*The Common Interest Community Board will be taking public comment on this proposed guidance document. A 30-day comment period will begin on November 9, 2020.*

*If you wish to comment on the proposed guidance document, you may do so via the Town Hall website or you may submit written comments so that they are received no later than December 9, 2020 to:*

*Joseph C. Haughwout, Jr., Board Administrator  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, VA 23233  
(804) 367-8510  
[CIC@dpor.virginia.gov](mailto:CIC@dpor.virginia.gov)*