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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Common Interest Community Board
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 48-70
<b>Regulation title</b>	Common Interest Community Ombudsman Regulations
<b>Date</b>	January 17, 2016

This information is required pursuant to Executive Order 17 (2014).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.*

Section 55-530.I states that "[t]he Board may prescribe regulations which shall be adopted, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.)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."

In addition, § 55-530.E states that "[t]he 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. . ." § 54.1-201.E states in part that regulatory boards shall promulgate regulations in accordance with the Administrative Process Act necessary to assure continued competence, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were*

*rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation enables the Board to fulfill the statutory requirements established in Chapter 29 of Title 55 of the *Code of Virginia*. Further, the regulation is necessary to ensure that the Board’s statutory requirements are executed in the least burdensome and most efficient and cost effective manner possible while protecting the health, safety, and welfare of the citizens of Virginia.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Pat Crepeau, Catalyst the Potting Shed	Regulations are lacking and office procedures seem questionable. Suggest the Ombudsman’s correspondence be more specific, offer more recourse available, and include the relevant law.	<p>The Board thanks the commenter for providing comments for consideration and provides the following response.</p> <p>While the commenter indicates that the regulations are lacking, no specific information is provided for the Board to consider. The comments provided are directed towards the commenter’s perspective of the procedures of the Office of the Common Interest Community Ombudsman and do not appear to be regulatory in nature.</p> <p>The Board will provide the comment to the Office of the Common Interest Community Ombudsman for consideration.</p>

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulation meets the criteria set forth in Executive Order 17 (2014). The regulation governs the exercise of powers granted to and the performance of duties imposed upon the Board by §§ 54.1-2350, 55-79.93:1, 55-504.1, 55-516.1 and 55-530.1 of the Code of Virginia. The regulation is clearly written and understandable.

## Result

*Please state that the reason why the agency is recommending that the regulation should stay in effect without change.*

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The agency is recommending that the regulation stay in effect without change.

## Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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Code of Virginia § 55-530.1 authorizes the Common Interest Community Board to promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation.

The nature of the sole comment received during the public comment period does not appear to be regulatory in nature; however, were taken into consideration. The regulation is clearly written, easily understandable, and does not overlap, duplicate, or contravene federal or state law or regulation.

This is the first periodic review of the regulation. At its December 10, 2015 meeting, the Board discussed the regulation and, for the reasons stated in this section, determined that the regulation should not be amended or repealed, but should be retained in its current form.