



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

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Secretary of Labor

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Director

July 16, 2026

Complainant: Zayda Morales
Association: Sheffield Homeowners' Association
File Number: 2026-02867

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Zayda Morales ("Complainant"), submitted a complaint to Sheffield Homeowners' Association ("Association") dated March 16, 2026. The Association provided a response to Complainant's complaint dated March 16, 2026. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated March 28, 2026, and the NFAD was received by our Office on April 10, 2026.

Authority

In accordance with its regulations, this Office, as designee of the Agency Director, is responsible for determining whether a "final adverse decision may be in conflict with laws or regulations governing common interest communities." (18 Va. Admin. Code ("VAC") § 48-70-120) The process of making such a determination begins with receipt of a NFAD that has been submitted to this office in accordance with §54.1-2354.4 of the Code of Virginia of 1950, as amended ("Va. Code") and the Common Interest Community Ombudsman regulations ("Regulations"). An NFAD results from an association complaint submitted through an association complaint procedure. The association complaint must be submitted in accordance with the applicable association complaint procedure and as specifically set forth in the Regulations, "shall concern a matter regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations."

Under the Regulations, "applicable laws and regulations" pertain solely to common interest community laws and regulations. Any complaint that does not concern common interest community laws or regulations is not appropriate for submission through the association complaint procedure, and we cannot provide a determination on such a complaint. Common interest community law is limited to the Virginia Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act.

The only documents that will be considered when reviewing an NFAD, in accordance with Regulation 18 VAC 48-70-90, are the association complaint submitted by a complainant to the association (and any documents included with that original complaint), the final adverse decision from the association, and any supporting documentation related to that final adverse decision. Other documents submitted with the Notice of Final Adverse Decision cannot be reviewed or considered. Further, this Determination is final and not subject to further review or appeal pursuant to Va. Code § 54.1-2354.4(C).

If within 365 days of issuing a determination that an adverse decision is in conflict with laws or regulations governing common interest communities we receive a subsequent NFAD for the same violation, the matter will be referred to the Common Interest Community Board to take action in accordance with Va. Code §54.1-2351 or §54.1-2352 as deemed appropriate by the Board.

Determination

The Complainant alleges that the Association does not provide a method for communication between homeowners and the Association Board. The Complaint and information submitted with the complaint specifically cite the lack of utility of an Association neighborhood board. The Complainant also submitted a copy of Va. Code § 55.1-1817. The Association's response to the Complainant's concerns, which occurs in two emails from March 16, 2026, references newsletters sent by the Association, as well as a "neighborhood board for announcements."

1. Did the Association violate the Virginia Property Owners' Association Act ("POAA"), specifically Va. Code § 55.1-1817.

As stated above, the Complainant contends that the Association does not provide an appropriate method for communication between the homeowners of the community and the Association Board. In its responses to the Complainant, the Association appears to believe that because it is a Homeowners' Association, it is not subject to the POAA ("We are an HOA, not a POA"). This is factually inaccurate. As a common interest community, the Association is subject to the POAA. Of particular interest in the instant case is Va. Code § 55.1-1817, which requires that

The board of directors shall establish a reasonable, effective, and free method, appropriate to the size and nature of the association, for lot owners to communicate among themselves and with the board of directors regarding any matter concerning the association.¹

The Association references a newsletter and a neighborhood board of some kind in its first email and then references "method's I have mentioned" in its apparent final decision. The Association also indicates that it has a phone number, email and drop box. In its final decision, the Association characterizes itself as a "small area" of 89 homes.

The board, of which the Complainant took a photograph and submitted with the original complaint, is an outdoor sandwich board that appears to have very little room for residents to communicate with each other. It appears to only be a one-way method of communication from the Association to its members. The Complainant further notes that, "Only the Board has access to post on the sign."

¹ Va. Code § 55.1-1817.

None of this appears to be disputed by the Association in its response. If the Association believes that the board is sufficient, under the POAA, the board must be a reasonable and effective, two-way method to meet the needs of the Association.² While some bulletin boards can be utilized to meet the statutory requirements, based on the size, location, and overall utility, the board in this case does not appear to be an effective two-way form of communication between the members and Association, and as a result, absent some other form of two-way communication, we find that the Association has acted contrary to Va. Code § 55.1-1817.

Further, the Association, which covers 89 homes, should evaluate whether their methods of communication comply with the spirit and letter of Va. Code §55.1-1817. If there are member complaints about the lack of communication, this Office suggests that Association should seek out (or suggest to the membership) an appropriate method or methods of two-way communication, not only to ensure compliance with the POAA, but also to benefit the membership as a whole.³

Finally, this Office wants to draw attention to the format and content of the Association's March 16, 2026, response, such that it is. Virginia law requires that a response to a common interest community complaint contain certain information.⁴ These enumerated requirements include that the NFAD must state that the Complainant may reach out to this Office for review and provide contact information for this Office, that the NFAD provide the appropriate statutes that were relied on in reaching a decision, and that the NFAD include the registration number of the Association.⁵ The March 16, 2026, NFAD by the Association did not contain any of these requirements, and fell well short of the type of complaint response that is essential to demonstrate good governance. This Office strongly suggests that the Association Board review the requirements of 18VAC48-70-50 to ensure that it is complying with state law in how it responds to complaints made by Association members.

Conclusion

Based on the foregoing, this Office finds that the Association does not have a reasonable, effective and free method of communication for lot owners to communicate with the Association Board and each other, in violation of the POAA, specifically Va. Code §55.1-1817.

Required Actions

We recommend that the Association consider appropriate two-way methods of communication between members and between the membership of the Association and Association Board, taking into account the size of the Association membership, in order to comply with Va. Code §55.1-1817. Furthermore, this Office recommends that the Association review the laws that govern complaint responses to ensure that they are complying with Virginia law.

² *Id.*

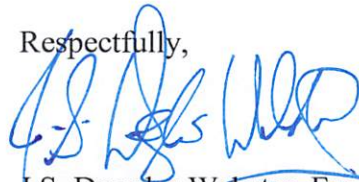
³ *Id.*

⁴ *See* 18VAC48-70-50 (10)-(11).

⁵ *Id.*

Please contact me if you have any questions.

Respectfully,



J.S. Douglas Webster, Esquire,

CIC Ombudsman

Compliance & Investigation Division