



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

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Governor

Jessica K. Looman
Secretary of Labor

Laura V. McClintock
Director

June 15, 2026

Complainant: Jerry Houck
Association: Lakewalk Villas Property Owners' Association
File Number: 2026-01629

DETERMINATION - NOTICE OF FINAL ADVERSE DECISION

Introduction

The Complainant, Jerry Houck ("Complainant"), submitted a complaint to the Lakewalk Villas Property Owners' Association ("Association") dated October 27, 2025. The Association provided a response to the Complainant's complaint dated November 3, 2025. The Complainant then submitted a Notice of Final Adverse Decision ("NFAD") to the Office of the Common Interest Community Ombudsman ("Office") dated November 24, 2025, and the NFAD was received by our Office on November 25, 2025.

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.

Discussion

The Complainant presents one allegation against the Association. This allegation concerns a violation of the Virginia Property Owners' Association Act ("POAA"), specifically Va. Code § 55.1-1828, regarding compliance with the Association's declaration.

The Complainant's chief complaint is that he is being held responsible for maintenance and repair of vinyl siding, which he believes is the responsibility of the Association, and therefore, in violation of the Association's declaration. Pursuant to the POAA, Va. Code § 55.1-1828, should a lot owner fail to adhere to the declaration, equitable remedies and damages are available to the prevailing party.¹ It is unclear from the statute if it could also apply to the Association, or to the Board members in their official capacity, but in either event, the remedy that the Complainant seeks must be through a court of appropriate jurisdiction, rather than through this office. As this particular case revolves around a determination of whether the governing documents (in this case, declaration), are being followed by the Association, such a determination is not within the powers of this Office.² Thus, we cannot render a decision on this matter.

However, in reviewing the record in this case, it was noticed by this Office that the response issued by the Association did not comply with the provisions of the Virginia Administrative Code, 18VAC48-70-50, which governs Association complaint procedure requirements.³ This decision did not contain (1) any reference to common interest community laws (or a discussion of how they were inapplicable in this case); (2) the registration number for the association, nor (3) a statement of the complainant's right to file a notice of final adverse decision with the Common Interest Community Ombudsman, with the contact information for the same, as required by Virginia law.⁴

Even though this case has no remedy through this Office, we remind the Association to comply with state law when issuing NFADs, to ensure transparency and due process to its members in the manner that the law demands.

¹ See Va. Code § 55.1-1828(A).

² See Va. Code § 54.1-2354.3.

³ See 18VAC48-70-50.

⁴ See 18VAC48-70-50 (10 and 11).

Conclusion

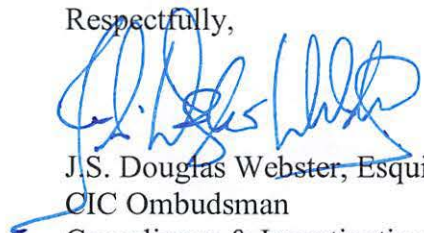
Based on the foregoing, we find that there is no remedy to this case from this Office, and we suggest that the Complainant seek counsel to determine whether further remedies exist in a court of appropriate jurisdiction.

Required Actions

The Association is reminded to issue NFADs in accordance with Virginia Administrative Code 18VAC48-70-50.

Please contact me if you have any questions.

Respectfully,



J.S. Douglas Webster, Esquire,
CIC Ombudsman
Compliance & Investigation Division