



## **Report on Offices of Community Association Ombudsman**

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### **Abstract**

This report examines various state and international community association ombudsman programs in Colorado, Delaware, Florida, Illinois, Minnesota, Nevada, South Carolina, Utah, Virginia, Ontario, Canada, Queensland, New South Wales, Australia, and South Africa. It provides relevant data from the 2020-2021 reporting period to analyze and compare each program. A brief overview of the histories and funding of each program also is provided, along with data showing the overall impact these programs have on the community association industry. This report reveals the number of complaints received and acted upon is a small percentage of the total number of common interest communities in each state. Summaries of several pieces of failed legislation to form new programs are included. This report will offer greater insight into the process of common interest community dispute resolution programs both domestically and internationally.

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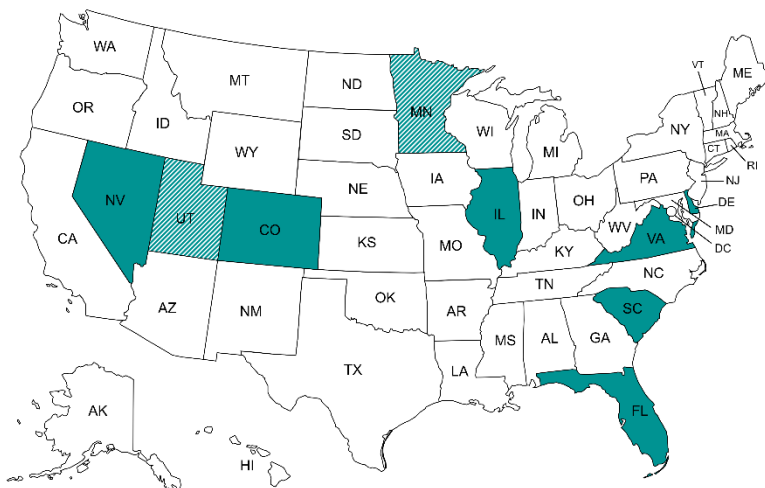
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## Map and List of Ombudsman Programs

As of July 2025



Created with mapchart.net

### **States that have a government oversight ombudsman office, community association information centers, or complaint center:**

The following seven states have either an office of community association ombudsman or a HOA information center (shaded teal): [Colorado](#), [Delaware](#), [Florida](#), [Illinois](#), [Nevada](#), [South Carolina](#), and [Virginia](#). Utah's program and Minnesota's program, the eighth and ninth programs nationally, were created in 2025, and have not yet been fully implemented.

Contact Information for each office:

#### **Colorado**

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Wilmington, DE 19801  
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#### Florida

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Consumer Affairs  
PO Box 5757  
Columbia, SC 29250-5757  
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[scdca@scconsumer.gov](mailto:scdca@scconsumer.gov)

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Community Ombudsman  
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Richmond, VA 23233  
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[CICombudsman@dpor.virginia.gov](mailto:CICombudsman@dpor.virginia.gov)

## CAI's Position and Concerns

To date, existing ombudsman programs have a mixed record supporting homeowners living in community associations. Such offices face several obstacles in meeting its statutory objectives. Among these obstacles are structural issues, the lack of mutuality in the ombudsman process, added cost/complexity for homeowner dispute resolution, lack of education of boards and homeowners, the lack of need for such programs, and more effective alternatives to expanding state control over locally elected community association boards.

Disputes between a homeowner and an elected community association board are private. State agencies typically do not have authority to intervene in private disputes. Many ombudsman offices can offer little recourse to parties complaining about their community association and merely become the repository of complaints from disgruntled homeowners who disagree with their communities' established rules, procedures, neighbors, or boards.

Most often, ombudsman offices serve to create a process for homeowners to file complaints against the elected board but do not provide the board the ability to file a complaint against a homeowner. Often, many association complaints are brought by uncooperative homeowners who choose to ignore community rules and policies. Their actions have a negative impact on the community.

Elected boards should have the ability to use an ombudsman program to enforce community rules. Data gathered by such programs are unfairly biased against community associations as they are empowered to represent only one side in any dispute.

Establishing a state ombudsman office also adds complexity to community dispute resolution. Homeowners associations are democratically elected governing bodies. The adoption of a state ombudsman program limits local governing bodies and typically adds expense to the process. CAI believes the focus should be on empowering individuals to solve problems within communities. Mandating a state-

commissioned office to investigate complaints restricts the administrative and democratic process of community associations over issues easily resolved through an association's governing documents. This type of outsourcing is not an efficient use of resources.

Homeownership in a community association requires an understanding of a homeowner's rights and responsibilities. Residents in many community associations enjoy a range of amenities, common areas, and rules that serve to protect and enhance the value of their property. However, these benefits come with responsibilities such as payment of mandatory assessments, adherence to rules, and the ability of the association to enforce those rules. In most cases, disputes between homeowners and associations arise from a lack of understanding of these rules and responsibilities. Adopting a policy of mandatory disclosure prior to purchase helps ensure those buying into a community association understand the requirements and responsibilities of community association living prior to moving in.

Finally, the notion that association problems are widespread is not supported by national surveys. CAI conducted national surveys over the course of several years on homeowner satisfaction in community associations.<sup>1</sup> The findings have been remarkably consistent, with close to nine in 10 residents expressing positive views of their association in 2005, 2007, 2009, 2012, and 2022. Residents are consistently satisfied with the actions of their elected boards, with 87% of residents surveyed reporting the board absolutely or "for the most part" serves the best interest of their community<sup>2</sup>.

CAI does not dismiss the fact that homeowners in community associations could benefit from mechanisms to assist in dispute resolution. CAI believes there are more appropriate alternatives to empower residents and associations rather than expanding state government powers. CAI believes these mechanisms provide greater transparency and clear processes to assist with dispute resolution in community associations:

- CAI supports requirements for community association boards to adopt an internal dispute resolution process. Having a clear process helps manage the expectations of the board and residents in managing and working through problems.<sup>3</sup>
- CAI supports the ability of the community association to adopt bylaws or amendments to governing documents to mandate alternative dispute resolution prior to litigation. ADR allows for a neutral entity to assist the parties in finding a resolution outside of court and often at a lower cost. In fact, many jurisdictions offer affordable community resolution services.<sup>4</sup>
- CAI supports mandated disclosures to purchasers in community association prior to closing. CAI believes all buyers in a community association should know and understand their rights and obligations prior to moving into a community association. Finally, in many states, the laws that

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<sup>1</sup>[Community Associations Remain Preferred Places to Call Home, 2022 Homeowner Satisfaction Survey.](#)

<sup>2</sup> Ibid

<sup>3</sup> [Alternative Dispute Resolution \(caionline.org\)](https://www.caionline.org)

<sup>4</sup> Ibid

- CAI supports the adoption of the Uniform Common Interest Ownership Act for states currently operating under older legal frameworks for community associations.<sup>6</sup>

## Existing Programs

### *Comparison of Function and Duties<sup>7</sup>*

<i>Function or Duty</i>	<i>Colorado</i>	<i>Delaware<sup>8</sup></i>	<i>Florida</i>	<i>Illinois<sup>9</sup></i>	<i>Nevada</i>	<i>South Carolina</i>	<i>Utah<sup>10</sup></i>	<i>Virginia</i>
<i>Accepts complaints</i>	Yes	Limited	Yes	Limited	Yes	Yes	Yes	Limited
<i>Investigates/verifies complaints</i>	No	Yes	Limited	No	Yes	Limited	Yes	Yes
<i>Resolves complaints</i>	No	Limited	Yes	Limited	Yes	No	Limited	Limited
<i>In-house mediation</i>	No	Yes	Yes	No	Yes	No	No	No
<i>Mandates mediation</i>	No	No	No	No	Limited	No	No	No
<i>ADR referrals</i>	Yes	Yes	Yes	No	Yes	No	No	Yes
<i>Administrative hearing</i>	No	No	Yes	No	Yes	No	No	Yes

10 HB0217

<i>Monitor election procedures disputes</i>	No	Yes	Yes	No	Yes	No	No	Yes
<i>Reports alleged election misconduct</i>	Yes	Yes	Yes	No	Yes	Yes	No	No
<i>Appoints election monitors</i>	No	Yes	Yes	No	Yes	No	No	No
<i>Per unit fee</i>	No	No	Yes	No	Yes	No	No	No
<i>Oversight over declarant boards</i>	No	No	Yes	No	Yes	No	No	Yes
<i>Protect ... from threats, defamation</i>	No	No	No	No	Yes	No	No	No

## Ombudsman Office Sunset Dates

Enabling legislation which creates government programs periodically chooses to regulate sunset (expiration) dates. Sunset dates require a state legislature to exercise the power of the purse and review the efficacy of expiring programs, often with the backing of research conducted by an executive branch agency. Currently, three community association ombudsman state programs have sunset dates written into their statutes: Colorado, Illinois, and Utah.

State	Current Program Sunset Date	Citation	Other Information
Colorado	September 1, 2025	<a href="#">CO Rev Stat § 24-34-104 (26)(IX)</a>	<a href="#">SB 25-184</a> would extend the sunset to September 1, 2038. This bill was introduced in 2025 and is currently being debated by lawmakers. This office was originally authorized in 2013, giving it a 12-year lifespan on paper.
Delaware	None	N/A	N/A
Florida	None	N/A	N/A

Illinois	January 1, 2026	<a href="#">765 ILCS 160/1-90</a>	Sunset date was originally set for July 1, 2022. In 2022, the <a href="#">HB 4158</a> extended the sunset to January 1, 2024. In 2023, the sunset was again extended to January 1, 2026 by <a href="#">HB 1358</a> . The office was originally authorized in 2016, giving it a 6-year lifespan on paper.
Minnesota	None	N/A	N/A
Nevada	None	N/A	None
South Carolina	None	N/A	None
Utah	July 1, 2030	<a href="#">63I-1-213</a>	Created in 2025.
Virginia	None	N/A	None

It often takes time for authorized programs to fully ramp up to implementation, so while the lifespans of the Colorado and Illinois ombudsman offices seem uneven on paper, in practice the offices were expected to enjoy lifespans closer to 5 and 10 years respectively. Illinois has consistently extended the sunset date of its ombudsman office, while Colorado has chosen to wait until closer to the sunset date of its program to look at an extension. Utah’s ombudsman program was created in 2025 and has not yet been fully implemented.

## Ombudsman Program Funding Mechanisms

NOTE: Ombudsman programs for Utah and Minnesota were created in 2025, and are still scaling up to full implementation at the time of writing. As such, they have not yet been funded beyond an initial allocation of resources by the respective state Departments of Commerce.

State	State Funding or Appropriations (Y/N & additional information as provided)	Registry (Y/N) for Community Associations. If yes,	Fee attached to filing a complaint with an Ombudsman office

		how often and how much and when?	
<b>Colorado</b>	Y- <a href="#">12-10-801, C.R.S.</a> funded annually through Division of Real Estate cash fund.	Y- \$45 initial registration, \$44 annual renewal. Registration is not required if the association has less than \$5k in annual revenue.	None
<b>Delaware</b>	Y- <a href="#">§ 2542</a> funded directly by the General Assembly annually.	N	\$35 (can be reduced for “good cause”)
<b>Florida</b>	Y- <a href="#">718.5011</a> funded annually through the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund.	N- Counties may require local registration and set their own fees/timetables.	None
<b>Illinois</b>	Y	N	None
<b>Nevada</b>	N- supported by registration fees from associations.	Y- \$4.25 per year per unit in the association	None
<b>South Carolina</b>	Y- <a href="#">SECTION 27-30-340</a> the Department of Consumer Affairs is charged with acting as the ombudsman for the state with no additional funding mechanism outside of the normal budget appropriations process.	N	None

<b>Virginia</b>	N- supported by registration fees from associations and managers.	Y- Fees determined by number of units. Initial registration can run between \$45 and \$180 plus an additional \$25 fee. Annual renewals run between \$30 and \$170.	None
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## Colorado

The Colorado Common Interest Community Ombudsperson office is funded through a combination of state general fund appropriations and assessments on common interest communities. The Colorado legislature allocates a portion of the general fund to support the office's operations. Additionally, a fee is assessed on each common interest community, which is then collected by the state and contributes to the office's budget.

Information on the association registry is available online: <https://dre.colorado.gov/hoa-registration-services>

All associations are required to register and comply with the following fee structure:

- An association's Initial Registration Fee is \$45.00 (this fee applies to any association registering for the first time).
- An association's Renewal Fee is \$44.00 (this applies to any association that has been previously registered with the Division).
- An association with annual revenue less than \$5,000.00 is NOT required to pay a registration/renewal fee.

All fees are non-refundable.

## Delaware

Delaware's ombudsman program is a part of the Attorney General's Office and funded through the state appropriations process. Delaware's complaint procedure is available online at: <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/cic-complaint-procedure/>. Notably, there is a cost associated for filing a complaint- a check for \$35 to "Department of Justice, Office of the Ombudsperson."

When a Complaint Form is completed with all documents attached, it needs to be delivered to the Office of the Ombudsperson, by hand, by mail, or by email. The address and contact information is on the form.

## Florida

The Florida Common Interest Community Ombudsman office is funded by the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. The office's expenses, including the ombudsman's compensation, are first paid from interest earned on the fund and then from the remaining collected funds<sup>11</sup>. The ombudsman is appointed by the Governor and serves at their pleasure, acting as a bureau chief within the Division.

## Illinois

The Illinois Common Interest Community Ombudsperson Program is funded as an office of the Illinois Department of Financial and Professional Regulation.

## Nevada

The Nevada Common Interest Community (CIC) Ombudsman office is funded through a combination of interest earned on deposits in a dedicated fund and annual contributions to the fund. Specifically, expenses for the office's operation, including the Ombudsman's compensation, are first paid from the interest earned on these deposits. Any remaining expenses are covered by the funds collected annually in the fund. The office is funded through an assessment of no more than \$4.25 per year, per unit in each community that is not exempt in accordance with NAC 116.090<sup>12</sup>. Associations created under this statute exist only to maintain specified landscaping features, trails, public lighting, and security walls.

NRS 116.31155 states that fees are to be imposed on the associations of no more than \$5 per unit for the actual costs of administering the Office of the Ombudsman<sup>13</sup>. The Division of Real Estate is empowered to impose administrative penalties and interest on associations which do not comply with registration requirements, and allows associations to challenge administrative penalties in court. Reasonable attorney's fees may be awarded to the prevailing party.

## South Carolina

The South Carolina Common Interest Community Ombudsman's office is funded through a state budget allocation within the South Carolina Department of Consumer Affairs. Specifically, the funding comes from the general fund, which is the state's main source of revenue. The office is established to assist homeowners and residents of common interest communities with resolving disputes and concerns, serving as a neutral mediator between homeowners and homeowners associations. Here is the relevant

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<sup>11</sup> [Division of Florida Condominiums, Timeshares & Mobile Homes – MyFloridaLicense.com](#)

<sup>12</sup> [NAC: CHAPTER 116 - COMMON-INTEREST OWNERSHIP](#)

<sup>13</sup> [Nevada Revised Statutes § 116.31155 \(2024\) - Fees imposed on associations or master associations to pay for costs of administering Office of Ombudsman and Commission; administrative penalties for failure to pay; interest on unpaid fees; limitations on amount of fees and penalties; procedure to recover fees, penalties or interest imposed in error. :: 2024 Nevada Revised Statutes :: U.S. Codes and Statutes :: U.S. Law :: Justia](#)

language from the bill establishing the office<sup>14</sup>: “(C) The ombudsman is the head of the office and is charged with managing the office consistent with the powers and duties vested in the ombudsman by this chapter, within the limitations of the funds appropriated by the General Assembly.”

## Virginia

The Virginia Common Interest Community Ombudsman office is funded through a combination of fees and contributions from both common interest community management firms and the communities themselves. These fees and contributions are designated to a recovery fund, ensuring that the Ombudsman's office has the resources needed to carry out its duties. As noted in, § 54.1-303: The expenses for the operations of the Office of the Common Interest Community Ombudsman, including the compensation paid to the Ombudsman, shall be paid first from interest earned on deposits constituting the fund and the balance from the moneys collected annually in the fund. The following is a breakdown of the types of fees collected:

- **Management Firm Fees:** Common interest community management firms are assessed a fee upon initial application for licensure, contributing to the recovery fund.
- **Community Contributions:** Common interest communities are required to contribute to the recovery fund upon filing their annual reports.

Concerning fee limits, while the specific amounts may vary, Virginia Law stipulates that fees for placement into the Common Interest Community Management Information Fund should be sufficient to cover expenses but not excessive. A fee established pursuant to certain sections of the code shall not exceed \$25 unless based on the number of units or lots in the association.

By collecting these fees and contributions, the state ensures the Ombudsman's office has a dedicated funding source to assist residents and manage disputes within common interest communities.

## Existing Program Data and Statistics

*Please note that Utah’s program has not been implemented yet, with enabling legislation taking effect May 7, 2025, after which the infrastructure for supporting the office may begin to be established.*

### Annual Reporting Period Key Statistics

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<sup>14</sup> [2017-2018 Bill 3065: Homeowners Association Ombudsman - South Carolina Legislature Online](#)

	<i>Colorado (2023 reporting period)<sup>15</sup></i>	<i>Delaware (2023 reporting period)</i>	<i>Florida (2022-2023 reporting period)*<sup>16</sup></i>	<i>Illinois (2022-2023 Reporting period)<sup>17</sup></i>	<i>Nevada (July-October 2023)<sup>18</sup></i>	<i>South Carolina (2023 calendar year data)<sup>19</sup></i>	<i>Virginia (2022-2023 reporting period)<sup>20</sup></i>
<i>Complaints received</i>	902	77	2,383	393	46	365	219
<i>Largest category of complaints</i>	Communication with Homeowners/  Board (over 169 complaints)	X	Jurisdiction	Governance issues	X	Failure to adhere to/enforce covenant/  bylaw	Failure to respond to resident complaint
<i>Complaints resolved with ombudsman intervention</i>	N/A	23	X	N/A	27	244	Not available
<i>Number of associations (2023 estimate)</i>	11,300	2,000	49,800	19,550	3,700	7,400	9,100

<sup>15</sup> [2023 Annual Report from the Colorado HOA Information and Resource Center and 2024SunsetHOAInformationResourceCenter.pdf - Google Drive](#)

<sup>16</sup> [Florida Department of Business and Professional Regulation | Division of Florida Condominiums, Timeshares, and Mobile Homes 2022-2023 Annual Report](#)

<sup>17</sup> [2023 Ombudsperson Report to the GA](#)

<sup>18</sup> [Ombudsman-Report\\_October-2023.pdf \(nv.gov\)](#)

<sup>19</sup> [Homeowners Association Complaint Reports | Consumer Affairs \(sc.gov\)](#) and [2024 HOA Complaint Report](#)

<sup>20</sup> [VIRGINIA BOARD FOR](#)

<i>Number of association residents (2023 estimate)</i>	2,497,000	100,000	9,524,000	3,900,000	551,000	1,399,000	2,050,000
<i>Complaints as a percentage of association residents</i>	0.036%	0.077%	0.025%	0.01%	.008%	0.026%	0.0106%

*\*When additional data (e.g., the number of cases marked as closed successfully versus abandoned) on the cases listed in Florida's annual report was obtained via a public records request in 2023, the Division of Condominiums, Timeshares & Mobile Homes' response read "There are no records for the following request."*

*\*\*Virginia has not published a more recent report than the 2020-2021 reporting period, so additional data will reflect that time period.*

### Office Comparisons

	<i>Colorado<sup>21</sup></i>	<i>Delaware</i>	<i>Florida<sup>22</sup></i>	<i>Illinois<sup>23</sup></i>	<i>Nevada<sup>24</sup></i>	<i>South Carolina<sup>25</sup></i>	<i>Virginia<sup>26</sup></i>
<i>Budget</i>	Initial for office-\$205,82, current Division of Real Estate funding	Initial-\$89,300 Statutory Capacity-\$242,100	\$7,503,635 reported for FY22-23 for the Division, \$8,696,376 reported for FY23-24 for the Division of	\$6,742,200 for FY23 for Division of Real Estate	\$8,685,291 in 2008, \$7,077,523 in 2022-2023	\$4,429,679 for entire Department of Consumer Affairs for FY22-23	\$1,097,966 revenue, \$1,554,962 in expenditures 2020-2022

<sup>21</sup> [SB 23-214](#)

<sup>22</sup> [SB 2500: Appropriations](#) and [HB 5001: General Appropriations Act](#)

<sup>23</sup> [Budget Books \(illinois.gov\)](#)

<sup>24</sup> [State of Nevada Executive Budget 2023-2025 \(nv.gov\)](#)

<sup>25</sup> [South Carolina Legislature Online - Search \(scstatehouse.gov\)](#)

<sup>26</sup> [DPOR Biennial Report 20-22 \(virginiainteractive.org\)](#)

	(FY23-24)- \$5,216,579  FY 22-23 expenditures- \$216,503		Florida Condominiums, Timeshares, and Mobile Homes				
<i>Dedicated staff</i>	2	2 currently, legislative capacity for 5	108 (Division- wide) for FY23- 24, 102 (Division-wide) for FY22-23	Not available	22 staff, 7 commissioners	4 staff for consumer advocacy	7 staff, 12 board members

## ***Colorado***

The HOA Information Office does not have regulatory or investigative power. The office tracks inquiries and complaints. The office also acts as a clearinghouse for information concerning the basic rights and duties of homeowners, declarants, and homeowners associations under the Colorado Common Interest Ownership Act. Complaints are logged and issues tracked and reported in an annual report. The office may contact complainants to discuss their rights and responsibilities, but it will not contact a homeowners associations or management company.<sup>27</sup> The operating expenses of the office are paid from the HOA Information and Resource Center Cash Fund. The HOA Information and Resource Center is statutorily directed to collect information by registrations and from inquiries and complaints filed by homeowners. The office provides assistance and information to homeowners, homeowners associations boards, declarants, and other interested parties concerning their rights and responsibilities pursuant to the CCIOA.

## ***Delaware***

The Delaware General Assembly created the Office of the Ombudsperson for the Common Interest Community in the Department of Justice in August 2014. The office assists residents of common interest communities to understand their rights and responsibilities and resolve disputes without using the judicial system. Currently, the office is funded and staffed primarily through the office of the attorney general. The office is housed within the Attorney General's Fraud and Consumer Protection Division.

## ***Florida***

The Florida Office of Condominium Ombudsman's mission is to improve the quality of life for Florida condominium owners through prompt, professional, and courteous service as a neutral, informative, and accessible resource.<sup>28</sup> The office is limited to matters involving condominium associations. The office is granted more powers and duties than the information center in Colorado including issuing reports and

<sup>27</sup> [HOA Information Office and Resource Center](#) and [2024SunsetHOAInformationResourceCenter.pdf - Google Drive](#)

<sup>28</sup> [Florida Office of the Condominium Ombudsman](#)

recommendations for legislation and procedures. It serves as a liaison between the state, associations, boards, and unit owners, helps parties understand their rights and responsibilities, coordinates reference material, and monitors and reviewing disputes. The ombudsman is appointed by the governor and must be an attorney.

## ***Illinois***

The mission of the CCIC Ombudsperson is to provide information to unit owners, condominium, and common interest community associations and their boards so all may better understand their rights and obligations under the Illinois Condominium Property Act and the Common Interest Community Association Act.

## ***Minnesota***

HF 4 was signed into law in June 2025, and became effective immediately, creating the ninth state ombudsman program. The common interest community ombudsperson office is located within the Minnesota Department of Commerce, and has the power to help unit owners understand their rights and governing documents, facilitate the resolution of disputes, and act as a mediator upon request. Disputes in a pending judicial or administrative proceeding have been resolved by the association's existing alternative dispute resolution process or are duplicative instances where there is a court or administrative order in effect against the unit owner would not be eligible for mediation. The ombudsperson is to be responsible for developing and disseminating information to help explain common provisions of governing documents, referrals to dispute resolutions, and analyzing complaints to identify trends

## ***Nevada***

The Nevada Office of the Ombudsman for Owners in Common Interest Communities was created to assist homeowners and board members to better understand their rights and obligations under the law and their governing documents and compile an informational database about registered associations.

The Commission for Common Interest Communities does not have jurisdiction to investigate the interpretation, application and/or enforcement of governing document disputes nor does the commission and its administrative law judges have jurisdiction to hear or decide governing document disputes.<sup>29</sup> The ombudsman is appointed by the real estate division administrator and is statutorily required to be qualified by training and experience to perform the duties and functions of the office.<sup>30</sup>

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<sup>29</sup> [Attorney General's Opinion Regarding the Commission's Jurisdiction Over Common-Interest Communities' & Condominium Hotels' Governing Documents, 2008.](#)

<sup>30</sup> [Nevada Revised Statutes Chapter 116](#)

## ***South Carolina***

Homeowners associations complaints are handled through the South Carolina Department of Consumer Affairs. Residents may submit complaint forms either online or through the mail. These forms are standard across all areas covered by the department, however a questionnaire specific to homeowners associations complaints also must be filled out. Calls can additionally be placed to the department's main consumer services number. Additionally, the department is required to annually publish a report on homeowners associations complaints received, and the department is expressly forbidden from generating guidance or adjudicating disputes.<sup>31</sup>

## ***Utah***

HB 217 was signed into law in March 2025, creating the eighth state ombudsman community association program within the Utah Department of Commerce. While staff has since been hired, formal contact information is not yet available. The Office of the Homeowners' Association Ombudsman has the power to hear and investigate complaints and render nonbinding advisory opinions. Complainants must pay a \$150 filing fee, and are liable for up to a \$1000 civil penalty if they knowingly file a false request for an advisory opinion, and would then be prohibited from filing another request for two years.

## ***Virginia***

The Virginia General Assembly established the Office of Common Interest Community Ombudsman within the Department of Professional and Occupational Regulation in 2008. Among other things, the ombudsman is responsible for helping common interest association members understand their rights and the processes available under the declaration and bylaws of the community association, maintain data on inquiries and complaints received, and provide an assessment of proposed and existing laws.

The Common Interest Community Ombudsman Regulations—which required associations to create an internal complaint procedure and guide the work of the office—became effective July 1, 2012. As a result, the focus of the office transitioned from reviewing complaints to determining outcomes.<sup>32</sup> The office is funded by the Common Interest Community Management Information Fund.

## **Unsuccessful Legislative Attempts**

Several states have attempted to create a community association ombudsman office within the last few years.

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<sup>31</sup> Ibid

<sup>32</sup> [Office of the Common Interest Community Ombudsman, Report to the House Committee on General Laws and Technology Housing Commission, Annual Report 2011-2012.](#)

## ***California***

Since 2005, at least three measures have been introduced to create an ombudsman office in California. An assembly bill was introduced in 2008 that sought to create a new common interest development bureau/ombudsman pilot program. The bill's language was similar to the 2005-06 bills and allowed the state to levy an annual per-unit fee ranging from \$10 to \$20, for an estimated total of more than \$107 million over five years.<sup>33</sup>

## ***Connecticut***

The Connecticut General Assembly has a history of considering an ombudsman's office. A bill has been introduced every session between 2008-11.

## ***Florida***

While Florida does have a condominium ombudsman program in 2022 SB 1296/HB 1033, Homeowners' Association Ombudsman, was introduced in the state legislature.<sup>34</sup> This bill would have created an additional homeowners association-focused ombudsman program with little input from appropriate stakeholders. This bill would have added additional burdensome layers to homeowners association administration by mandating the creation of an appeals committee. At the same time, the bill would have stretched the already overextended condo arbitration program by adding homeowners associations into the mix. While the ombudsman's office would be separate, it would have utilized existing mechanisms to address disputes. The program would have been funded with general revenue money.

## **International Programs**

### ***South Africa***

In South Africa, complaints are handled at a national level through the Community Schemes Ombud Service, an agency under the Department of Human Settlements.<sup>35</sup> Per its mission statement, the CSOS is responsible for providing services including alternative dispute resolution, promoting community governance, and offering training, information, and education.<sup>36</sup>

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<sup>33</sup> [CAI 2008 Legislative Yearbook.](#)

<sup>34</sup> [SB 1296 \(2022\) - Homeowners' Association Ombudsman | Florida House of Representatives \(myfloridahouse.gov\)](#)

<sup>35</sup> [Community Schemes Ombud Service \(CSOS\) - Overview \(nationalgovernment.co.za\)](#) and [HOA disputes: avenues of resolution for the aggrieved resident - Abrahams & Gross Attorneys \(abgross.co.za\)](#)

<sup>36</sup> [Mandate – CSOS](#)

## ***Ontario, Canada***

Condominium-related issues in Ontario, Canada, fall under the jurisdiction of Condominium Management Regulatory Authority of Ontario. The CMRAO was first established in 2015 and began operations in 2017.<sup>37</sup> Responsibilities of the authority include manager licensure, investigating homeowner complaints, providing information to homeowners and boards, and resolving disputes.<sup>38</sup> The CMRAO has the authority to issue fines for violations, and resolve disputes between boards, managers, and homeowners.<sup>39</sup> According to its website, the CMRAO explicitly prefers aggrieved parties first attempt internal dispute resolution processes, and that complaints to the CMRAO be used only as a last resort.<sup>40</sup>

## ***Queensland, Australia***

The Office of the Commissioner for Body Corporate and Community Management handles the functions of a common interest community ombudsman in Queensland, Australia. In addition to receiving complaints from homeowners, the office also adjudicates disputes between unit owners and board members.

## ***New South Wales, Australia***

New South Wales maintains a Department of Customer Service, which contains an Office of Fair Trading responsible for issues related to common interest community registration and governance. Annual registration requirements began in July 2022 with the goal of creating a central database of the roughly 84,000 common interest communities in New South Wales.<sup>41</sup> The office maintains its own mediation service, which is only available once internal dispute resolution processes have been exhausted.<sup>42</sup>

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<sup>37</sup> [Condominium Management Services Act, 2015, S.O. 2015, c. 28, Sched. 2 \(ontario.ca\)](#) and [History – Home – CMRAO](#)

<sup>38</sup> Ibid

<sup>39</sup> [Condominium Management Services Act, 2015, S.O. 2015, c. 28, Sched. 2 \(ontario.ca\)](#)

<sup>40</sup> [Complaints Process – Home – CMRAO](#)

<sup>41</sup> [Strata annual reporting | NSW Government](#)

<sup>42</sup> [Strata disputes | NSW Government](#)

## Conclusion

While certain domestic stakeholders may view the common interest community ombudsman favorably, the data demonstrates that overall these programs have a negligible impact on a small fraction of communities across the country.

It is clear from the data that much of the complaints received by common interest community ombudsman offices revolve around routine procedures, suggesting that a focus on improving existing lines of communication between residents and boards may be a more effective alternative than formal administrative action by a state entity. Additionally, the lack of formal mechanisms for association boards to file complaints paints an unfair picture of the association as the cause of problems.

Finally, alternative dispute resolution mechanisms are often available, and CAI feels they should be utilized alongside a formal dispute resolution process outlined in an association's governing documents. While there are limited cases where state action is warranted, most complaints can be handled through alternative means.