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Community Association Legal Webinar – 2026

May 18 Session - Topics:

**Doxxing: Responding to Requests for
Books and Records**

**Total Drama: Navigating Difficult Residents
and Board Infighting**

Q&A



Community Association Legal Webinar - 2025

Introductions & Welcome

Sara Ross

Legal Disclaimer

This information is not intended to be legal advice. Legal advice must be tailored to the specific facts and circumstances of each case and each association's governing documents.

Every effort has been made to ensure this information is up-to-date. However, it is not intended to be a full and exhaustive explanation of the law in any area, nor should it be used to replace the individualized advice of your legal counsel.



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Doxxing: Responding to Requests for Books and Records

Presented by Allen Warren

Statutory Right to Examine and Copy

Va. Property Owners' Association Act

Va. Code § 55.1-1815

Va. Condominium Act

Va. Code § 55.1-1945

DC Condominium Act

DC Code § 42-1903.14

Who Can Request Records?

Member in Good Standing

- Must be a current member in good standing or authorized agent.

D.C.: not >30 days delinquent and not in violation of gov doc (dec/bylaws might define differently)

Proper Purpose

- Must be for a proper purpose related to membership.
- Cannot be for pecuniary gain or commercial solicitation.

What Records Are Available?

All books and records kept by or on behalf of the association, such as:

- ✓ Financial records Receipts, expenditures, budgets, audits, etc.
- ✓ Meeting records Notices, minutes, open meeting board packets, proxy forms, vote tally, etc.
- ✓ Membership list Names & property/mailing addresses
- ✓ Salary information POAs: top 6 Ass'n employees over \$75K; aggregate salary for others
- ✓ Governing documents Declaration, bylaws, rules, regulations
- ✓ Contracts & invoices Vendor agreements (not under negotiation)
- ✓ Insurance policies Certificates of Insurance / policies

What can be Withheld?

Records that concern any of the following:

1. Personnel matters relating to specific, identified persons or a person's medical records;
2. Contracts, leases, and other transactions to purchase or provide goods or services, currently in or under negotiation;
3. Pending or probable (threatened) litigation;
4. Matters involving state/local administrative or other formal proceedings before govt tribunal for enforcement of Ass'n governing documents;
5. Communications with legal counsel that relate to above 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;

What can be Withheld?

Records that concern any of the following:

6. Disclosure of information in violation of law;
7. Meeting minutes or other confidential records of an executive session of the board;
8. Documentation, correspondence or management or board reports compiled for or on behalf of the Assn or board by its agents or committees for consideration in executive session; or
9. Individual owner or member files, other than those of the requesting owner.

Redaction Requirements



Is entire document fully exempt? If not, redact exempt portions and provide the rest. (Va.)



Do

- Redact only the exempt portions
- Provide the remainder of the document
- Fully redact so unable to see



Don't

- Withhold an entire document when only part is exempt
- Improperly redact

How to Request Records

- ✓ Must be in writing (Va.)
- ✓ Reasonably identify (Va.):
 - ✓ Purpose for requested related to assn membership
 - ✓ Specific books and records being requested
- ✗ Example: not “any and all records” for past “x” months

Deadline for Allowing Examination (Va.)

5 business days

For associations managed by a
common interest community
manager

10 business days

For self-managed
associations

D.C. has no statutory deadline

- during reasonable business hours (or in Va., parties can agree on mutually convenient time/place)

Evaluating a Request

1) Verify Membership

Confirm requester is a member in good standing (or authorized agent).

2) Confirm Permissible Purpose

Purpose related to membership, not commercial gain.

3) Check Specificity

Does request identify specific records?

4) Review for Exemptions

Evaluate whether statutory exemptions apply.

5) Determine Redactions

Prepare redactions if document is only partially exempt.

Charging Owners for Access

Virginia:

- May charge for reasonable costs of materials/labor for responding to request, redacting and providing copies, not to exceed the actual costs thereof.
- But: charges imposed only per board-adopted cost schedule. Must (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made.

DC:

- May charge fee reflecting the actual costs of materials and labor for providing access to copies of requested books and records.

Have you Considered?

- Board-adopted policy for access to records (with cost schedule)
- Board-adopted record retention policy
- Internal procedures for keeping organized records
- Internal procedures for receiving, reviewing and responding to requests
- Increase the types of records that are posted online for owner access

Common Pitfalls to Avoid

Ignoring or Delaying

Failing to respond within statutory timeframe

Overly Broad Denial

Withholding entire document instead of redacting

No Cost Schedule

Charging fees without a board-adopted cost schedule

Questioning Motives

Demanding excessive justification beyond purpose

Inconsistent Treatment

Applying different procedures to different members

Poor Recordkeeping

Not having organized system to locate and retrieve records

Consequences of Non-Compliance



Potential consequences include:

- Formal complaints
 - Using Va. CICB-mandated complaint process
 - Filing lawsuit
- Va. CIC Ombudsman Determinations
 - If same complaint is received within 365 days, is forwarded to CICB
 - CICB: cease/desist orders, legal action; civil penalties (\$1,000/violation)
- Court-awarded attorney's fees to prevailing party

Key Takeaways

- ✓ Know minimum legal requirements
- ✓ Adopt a written policy for access to records
- ✓ Have organized recordkeeping & record retention policy
- ✓ Implement internal procedures for responding
- ✓ Determine if document is fully or partially exempt
- ✓ Timely and properly respond to requests
- ✓ Treat members equally – follow same procedure for all



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**Total Drama
Navigating Difficult Residents
and Board Infighting**

Presented by Bruce Easmunt

Common Conflicts in Community Associations

Disruptive owners/residents during meetings

Residents disturbing other residents

- (loud music, yelling, confrontations)

Disagreements/conflicts between Directors

Controlling Meetings

- Board meetings are for Board business.
- Should not be a “conversation” between the owners and the Board
- Owners are permitted to observe open Board meetings, but are not entitled to interrupt
- Statutes allow a designated portion of the meeting to be for owner comment. Other than that, owners may only observe

Controlling Meetings

Set ground rules at the beginning of the meeting

- Remind attendees that this is a meeting of the Board and owner comments will be taken at the designated time.

Follow Robert's Rules of Order or similar parliamentary procedures

Do not allow attendees to interrupt

- Do not call on them when they raise hand, do not recognize them to speak during Board business

If they interrupt, remind them owner comment time will be later

Chair must be strong and consistent

If meeting is virtual, use the power to mute attendees

What About the First Amendment?

- It is not uncommon for someone to claim that they have the “right” to speak whenever they choose because of the First Amendment to the U.S. Constitution
- The First Amendment applies to government entities, not private associations.
- The First Amendment does not give owners the right to interrupt meetings, whether they are Board meetings or annual meetings.
- And, although statutes require that owner be given the opportunity to be heard, it does not require that they be given the opportunity to be disruptive

Difficult Residents

- Controlling meetings can be manageable by using rules, procedures and the mute button. But solving issues caused by difficult residents in other contexts can be very challenging.
- When there is an owner in the community who is causing problems for the Board and/or other residents, the simplest thing would be to evict them. Unfortunately, owners cannot be evicted and Associations do not have the authority to otherwise force them to leave the community.
- Regulating personal behavior and conduct is generally beyond the authority of the Board. It is not illegal to be a jerk, and it likely does not violate the covenants or the community rules.

Difficult Residents

Controlling The Situation – The 3 D's

1. Defuse -- Keep the Situation from Escalating
 - a) Take a deep breath/count to ten
 - b) Keep your calm - do not yell back
 - c) Think before you speak
 - d) Stay civil
2. Deference- Even an Angry Owner Deserves Respect
 - a) Recognize that their anger likely, or at least potentially, stems from valid concerns
 - c) Agree to disagree
3. Desist – Stay Above the Fray
 - a) Do not get goaded into a fight
 - b) Resist the urge to match their emotions

What is the Role of the Board & Management

- Owners/residents often look to the Board and management to control difficult residents
- Is the conduct a covenant or rule violation? Perhaps noise or nuisance covenants/rules can be enforced.
- But if the resident is a bully, or simply an angry, unhappy person, the Board and management likely cannot rescue the other residents.
- Sometimes the other residents need to be aware that some people are not nice, and community association Boards and management cannot force them to be nice.

Unbearable Residents

1. Determine the nature and seriousness of the problem.
2. Is the resident protected by special legislation (federal or state, such as a potential disability)?
 - a) If so, seek legal counsel to evaluate options.
 - b) If not,
3. Is the person an Owner or a Renter?
 - a) If a Renter, contact the unit or homeowner, keep him informed, seek resolution on neighborly terms.
 - b) If an Owner, initiate informal, neighborly contact. Explain the issues, concerns and duties of the association.
 - c) If (b) is not successful, document violations and initiate internal penalties.
 - d) Possible lien filing and foreclosure if assessments not paid
 - e) File suit to enjoin violations, nuisance, seek possible removal from property in extreme cases.
4. Criminal Actions/Threats.
 - b) Alert police.
 - c) Initiate internal penalties.
 - d) File suit seeking injunction of behavior, possible removal from property.

Fair Housing Laws “Hostile Housing Environment”

- HUD Federal Regulation (as of 10/2016)
- Provides that Associations may be liable for allowing “hostile housing environment”
 - Unwelcome conduct due to protected class, that is so severe or pervasive it interferes with availability, terms, enjoyment, privileges of residency
- Whether HHE exists depends on “totality of circumstances”
– context, severity, scope, frequency, relationships

Fair Housing Laws “Hostile Housing Environment” – Cont’d

- Association could be liable for its actions, its officers, directors, employees and managers – and third parties
- Association must do what it has the power to do, even if getting involved in *neighbor-vs-neighbor disputes*
- If become aware of situation that might be a HHE, then must conduct investigation –
 - is conduct harassment based on “protected class”?
 - does conduct violate covenants/rules?
- If so, what can Association do?
 - demand letters / violation charges
 - lawsuit seeking injunction

Disputes Between/Among Directors

- If one difficult, “rogue” Director, other Directors can essentially carry on with the business of the Association by outvoting the difficult one.
- Use meeting procedures to keep control of the meeting.
- Have legal counsel attend meetings if rogue Director will not abide by procedures
- If more than one, that creates Board factions and can impede the business of the Association
- Directors must put Association interests ahead of their personal interests, and must find a way to work constructively as a Board

ANY QUESTIONS?

. . . Time for breakout sessions