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2016 VIRGINIA GENERAL ASSEMBLY Legislation Affecting Community Associations

Bill Number	Title	Synopsis of the Legislation	Status
HOUSE BILLS			
HB 234	Corporate action without board meeting. (Richard “Rip” Sullivan)	Eliminates the requirement that each director of a stock or nonstock corporation sign a consent to action taken by a board of directors without a meeting. The measure provides that such action taken without a meeting requires the consent of a quorum of the members of the board unless the articles of incorporation or bylaws provide otherwise. The measure also provides that such action is effective when the last director required to constitute a quorum signs the consent. Finally, the measure clarified that the written consent and the signing of the consent may be by electronic mail. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB234	2/15/16 Passed House (99-0) 2/25/16 Passed Senate with Amendment (40-0) 2/29/16 Adoption by House (96-0)
HB 268	Land Bank Entities Act. (Daniel Marshall)	Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, the locality has the option of (i) creating an authority or a nonprofit, nonstock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance. This bill is a recommendation of the Virginia Housing Commission. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb268	2/10/16 Passed House (80-19) 2/26/16 Passed Senate (39-0)

Bill Number	Title	Synopsis of the Legislation	Status
HB 684	Condominium and Property Owners' Association Acts; rental of units and lots; disclosure packets. (Christopher Peace)	Prohibits a unit owners' association or property owners' association from charging an annual or monthly rental fee or any other fee not expressly authorized in the Condominium Act or Property Owners' Association Act, respectively. The bill also (i) provides that an association has no lawful authority to evict a tenant and that any power of attorney executed by an owner authorizing the association to so evict shall be void; (ii) provides that if an owner designates a person licensed by the Real Estate Board as the owner's authorized representative with respect to any lease, the association shall recognize such representation without a formal power of attorney; and (iii) adds certain definitions regarding delivery and receipt of disclosure documents. The bill conforms the Property Owners' Association Act to the Condominium Act relating to provision of disclosure documents in electronic form and charges therefor. The bill contains technical amendments. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb684	2/10/16 Passed House (99-0) 2/26/16 Passed Senate (39-0) Governor's Action Deadline Midnight, Monday, April 11, 2016
HB 1101	Automatic notification of registration of sex offenders; common interest communities. (Ronald Villaneuva)	Provides that the association for a common interest community may request and receive from the State Police notice of the registration or reregistration of sex offenders whose registered address is in the same or a contiguous zip code as that of the common interest community. Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB1101	2/10/16 Passed House (99-0) 3/2/16 Passed Senate (40-0) Governor's Action Deadline Midnight, Monday, April 11, 2016
HB 1146	Permitting or licensure; locality shall not require consent of homeowners' association. (Patrick Hope)	Prohibits a locality from requiring notice to or consent of a condominium association or homeowners' association prior to the issuance of a permit, certificate, or license, including a building permit or a business license. Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb1146	2/10/16 Passed House (99-0) 3/3/16 Passed Senate (40-0) Governor's Action Deadline Midnight, Monday, April 11, 2016

Bill Number	Title	Synopsis of the Legislation	Status
HB 1264	Virginia Residential Property Disclosure Act; representations related to covenants and restrictions affecting the property. (Roxanne Robinson)	Provides that, in delivering the residential property disclosure statement to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act, the owner makes no representations with respect to any covenants and restrictions that may be recorded in land records that affect the real property or any improvements located on the property. The bill also replaces a reference to "certified home inspection" with "home inspection," relating to a prospective purchaser's exercise of due diligence. Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb1264	2/16/16 Passed House (98-1) 3/3/16 Passed Senate (40-0) Governor's Action Deadline Midnight, Monday, April 11, 2016
SENATE BILLS			
SB 237	Virginia Property Owners' Association Act; condemnation of common area, valuation. (J. Chapman "Chap" Petersen)	Provides that in determining the value of an award or payment for the condemnation of any portion of the common area of a property owners' association, the fact finder must consider all relevant circumstances, including the value of those neighboring properties that hold easements. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SB237	02/09/16 Passed Senate (40-Y 0-N) 3/4/16 Passed House with Amendments (99-0) 3/8/16 House Amendment Rejected by Senate (2-38) 3/10/16 Senate Acceded to House Request for Conference Committee 3/10/16 Conference Committee Appointed (S – Stuart, Petersen, Black; H – Peace, Hodges, Bulova)
SB 389	Permitting or licensure; locality shall not require consent of homeowners' association. (Scott Surovell)	Prohibits a locality from requiring notice to or consent of a condominium association or homeowners' association prior to the issuance of a permit, certificate, or license, including a building permit or a business license. Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SB389	1/29/16 Passed Senate (40-0) 2/25/16 Reconsidered and Passed House (100-0) 2/25/16 House Substitute agreed to by Senate (40-0) 3/7/16 Approved by Governor, Effective July 1, 2016

Bill Number	Title	Synopsis of the Legislation	Status
FAILED BILLS			
HB-269	Invasion of privacy; civil action; damages; attorney fees and costs. (Mark Cole)	Creates a civil cause of action for the physical and constructive invasion of privacy where a person enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB269	12/31/15 House: Referred to Committee for Courts of Justice 01/14/16 House: Assigned to sub: Subcommittee Criminal Law 01/27/16 House: Subcommittee recommends laying on the table by voice vote
HB-270	Rights of persons with disabilities in public places and places of public accommodation; fraudulent representation of a service dog; penalty. (Mark Cole)	Provides that any person who knowingly, willfully, and fraudulently fits a dog with a harness, collar, vest, sign, or identification card commonly used by a person with a disability in order to represent that the dog is a service dog to fraudulently gain public access for such dog in a public place is guilty of a Class 4 misdemeanor. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB270	12/31/15 Referred to House Committee for Courts of Justice 01/14/16 Assigned to House Committee for Courts of Justice Subcommittee on Criminal Law 01/18/16 Subcommittee recommends laying on the table by voice vote
HB-300	Fair Housing Law; unlawful discrimination; sexual orientation; gender identity. (Marcus Simon)	Adds discrimination based on sexual orientation or gender identity as an unlawful discriminatory housing practice. The bill defines "sexual orientation" and "gender identity." Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB300	01/04/16 House: Referred to Committee on General Laws 02/03/16 House: Assigned to sub: Subcommittee #4 02/04/16 House: Subcommittee recommends laying on the table by voice vote

Bill Number	Title	Synopsis of the Legislation	Status
HB 385	Discrimination; ordinances or regulations prohibiting. (Robert "Bob" Marshall)	Prohibits any political subdivision of the Commonwealth, including a locality or school board, from enacting an ordinance or adopting a regulation prohibiting discrimination on any basis other than race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB385	01/06/16 House: Referred to Committee on General Laws 02/03/16 House: Assigned to sub: Subcommittee #4 02/04/16 House: Subcommittee recommends reporting (5 Y 2 N) 2/9/16 Failed to report (defeated) in Committee on General Laws (10-11)
HB 512	Provisions of subdivision ordinance. (David Bulova)	Provides that a locality's subdivision ordinance shall include the submission of a certification by the developer of a common interest community subject to the Property Owners' Association Act (§ 55-508 et seq.) that the developer has reviewed the best practices developed under subdivision A 8 of § 54.1-2349 of the Code of Virginia and given consideration to the best practices in drafting the declaration. Link to Bill: http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB512	01/08/16 Referred to House Committee on Counties, Cities and Towns 2/16/16 Left in House Committee on Counties, Cities and Towns
HB 548	Property Owners' Association Act; fees for disclosure packets. (Vivian Watts)	Conforms the maximum fee that may be charged for an association disclosure packet by a property owners' association to that in corresponding provisions in the Condominium Act: (i) a fee not to exceed \$150 for no more than two hard copies of the association disclosure packet or (ii) a fee not to exceed a total of \$125 for an association disclosure packet in electronic format. The bill requires that such fees be adjusted every five years on the basis of the Consumer Price Index. The bill contains technical amendments. Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb548	2/11/16 Stricken from Docket in House Committee on General Laws

Bill Number	Title	Synopsis of the Legislation	Status
HB-650	Local government; mandatory provisions of a subdivision ordinance; notice to homeowner associations. (Bob Marshall)	Requires a locality to include in its subdivision ordinance a provision requiring a developer of property to give written notice to incorporated property owners' associations within a planned unit development at such time as prescribed in the ordinance under certain circumstances. Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb650	02/03/16 House: Subcommittee recommends laying on the table by voice vote
HB-710	Property Owners' Association Act; fees for disclosure packets. (Vivian Watts)	Conforms the maximum fee that may be charged for an association disclosure packet by a property owners' association to that in corresponding provisions in the Property Owners' Association Act for associations that are professionally managed: (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed a total of \$125 for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, or the purchaser's authorized agent. The disclosure packet shall be provided directly to the designated persons at the same time it is delivered to the seller or his authorized agent. Only one fee shall be charged for the preparation and delivery of the disclosure packet. The bill requires that such fees be adjusted every five years on the basis of the Consumer Price Index. The bill contains technical amendments. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb710	2/11/16 Continued to 2017 in House Committee on General Laws
HB-812	Limited Residential Lodging Act; penalty. (Christopher Peace)	Establishes the Limited Residential Lodging Act (the Act), which allows property owners to rent out their homes or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform, under certain circumstances. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act. Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb812	2/4/16 Substitute Passed in House (75-22) 2/29/16 Reported from Senate Committee on General Laws and Technology with Substitute (9-4) 2/29/16 Rereferred to Senate Finance Committee 3/8/2016 Left in Senate Finance Committee

Bill Number	Title	Synopsis of the Legislation	Status
HB 946	Regulation of towing. (Mark Keam)	Bans the use of spotters by tow truck drivers and towing and recovery operators and requires the authorization or presence of the owner of the property from which a trespassing vehicle is being towed; the use of spotters and towing without such authorization are included as acts for which a consumer can file a complaint with the Division of Consumer Counsel at the Office of the Attorney General. The bill also includes as violations of the Virginia Consumer Protection Act prohibited acts by tow truck drivers and towing and recovery operators, violations of police towing, and violations of local ordinances regulating police towing, price, and trespass towing.	01/12/16 House: Referred to Committee on Transportation 01/21/16 House: Assigned to sub: Subcommittee #1 02/01/16 House: Subcommittee recommends laying on the table by voice vote
HB 1034	Personal property tax; transmittal of certain information to the commissioner of the revenue. (Mark Sickles)	Requires certain entities (e.g., homeowner's associations and apartment complexes), if requested, to send to the commissioner of the revenue of the county or city in which the entity is located the license plate numbers of their homeowners' or tenants' motor vehicles. Current law requires such entities to provide, upon request, the name and address of such homeowners or tenants. Link to bill: http://lis.virginia.gov/cgi_bin/legp604.exe?ses=161&typ=bil&val=hb1034	01/13/16 House: Referred to Committee on Finance 01/26/16 House: Assigned to sub: Subcommittee #2 01/27/16 House: Subcommittee failed to recommend reporting (S-Y-S-N)
HB 1268	Limited Residential Lodging and Short-term Rental Lodging Act; penalty. (Scott Taylor)	Establishes the Limited Residential Lodging and Short-term Rental Lodging Act (the Act), which allows (i) property owners to rent out their homes or portions thereof for a charge for periods of less than 30 consecutive days or (ii) short-term rentals of residential or commercial units; both of which may be transacted through a hosting platform, under certain circumstances. The bill requires an operator of either limited residential lodging or short-term rental lodging to register with the Department of Taxation. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill provides for the amount of license tax on such operators. The bill provides that any local ordinance requiring the use of the special exception, special use, or conditional use permit for short-term rental lodging contain specific provisions relating to noise, trash or recycling collection, and the posting of emergency information. The bill defines "limited residential lodging," "booking transaction," "hosting platform," "short-term lodger," "short-term lodging operator," and "short-term rental lodging," and provides for penalties for violations of the Act. Link to bill: http://lis.virginia.gov/cgi_bin/legp604.exe?ses=161&typ=bil&val=hb1268	2/16/16 Left in House Committee on General Laws
SB 67	Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual	Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill also defines sexual orientation and gender identity. Link to bill: http://lis.virginia.gov/cgi_bin/legp604.exe?161+sum+SB67	01/29/16 Passed Senate (25-Y-15-N) 02/03/16 House Committee on General Laws Subcommittee 4 Recommends Laying on the Table

Bill Number	Title	Synopsis of the Legislation	Status
	orientation and gender. (Jennifer Wexton)		
SB 76	Service of process; common interest communities. (Jennifer Wexton)	Requires an employee of a common interest community to grant entry into the community to a person attempting to execute service on a party who resides within or is known to be within the community. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SB76	12/21/15 Senate: Referred to Committee for Courts of Justice 02/03/16 Senate: Passed by indefinitely in Courts of Justice (8 Y 7 N)
SB 238	Virginia Property Owner's Association Act; home-based businesses. (J. Chapman "Chap" Petersen)	Provides that an association may not prohibit a lot owner from operating a home-based business within his personal residence if the operation of the home-based business is in compliance with all applicable state laws and local ordinances. Under current law, operation of a home-based business is prohibited only to the extent that the declaration is silent on the operation of home-based businesses. The association continues to be authorized to establish (i) reasonable restrictions as to the time, place, and manner of the operation of a home-based business and (ii) reasonable restrictions as to the size, place, duration, and manner of the placement or display of any signs on the owner's lot related to such home-based business. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SB238	02/08/16 Passed by indefinitely in Senate General Laws and Technology with letter (15 Y 0 N)
SB689	Common Interest Community Board; membership. (Chap Petersen)	Increases the membership of the Common Interest Community Board from 11 to 14 by adding (i) one member who serves or has served on the governing board of a common interest community that is not professionally managed at the time of appointment and (ii) two members who reside in a common interest community. Link to bill: https://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=sb689	2/15/16 Continued to 2017 in Senate Committee on General Laws and Technology (15-0)

Bill Number	Title	Synopsis of the Legislation	Status
SJ 87	<p>Study; Virginia Housing Commission; mandatory recycling programs for multifamily residential dwellings; report.</p> <p>(Adam Ebbin)</p>	<p>Directs the Virginia Housing Commission to study the feasibility of requiring (i) the owner of every multifamily residential dwelling and (ii) the executive organ or common interest community manager for every condominium to develop and implement a plan for recycling solid waste generated by the multifamily residential dwelling or condominium.</p> <p>Link to bill: http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=sj87</p>	<p>2/10/16 Agreed to by Senate by voice vote</p> <p>2/22/16 Assigned to House Committee on Rules Subcommittee on Studies</p> <p>3/8/16 Left in House Committee on Rules Subcommittee on Studies</p>

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