

2021 End of Session Report

During the 2021 Virginia General Assembly session, legislators considered 1,033 bills and resolutions. Because this was a short, virtual session, the number of bills introduced was limited by leadership in both the House and Senate. The 24-member VA Legislative Action Committee of Community Associations Institute ("VALAC") monitored more than 40 bills that would directly or indirectly impact common interest communities. Of those bills, the VALAC actively lobbied six bills (below) and closely monitored many others.

Legislation of interest to common interest communities concerns a variety of topics. Overall, VALAC efforts were hugely successful, having invested significant time and effort in advance of the legislative session – in many cases convincing legislators not to submit harmful proposals on behalf of a disgruntled constituent or two. Two notable measures adopted during this session of the General Assembly – virtual meetings & smoking regulation – are believed to be legislative firsts in the country. Passed legislation in this report becomes effective July 1, 2021.

Virtual Meetings – House Bill 1816 and Senate Bill 1183 – Written by CAI members and promoted by the VALAC, these bills – signed by the Governor – make permanent the authority for boards and committee meetings to be held entirely or partially by electronic means. In legislation adopted in 2020 with help from the Governor, virtual board and committee meetings were made possible in declared states of emergency but only until 2022 because the language was included in the budget bill. These bills also amend both the Property Owners' Association Act and the Condominium Act to allow, but not mandate, virtual membership meetings and electronic voting – subject to guidelines adopted by the association board of directors. **PASSED & SIGNED BY GOVERNOR**

Smoking Restrictions – House Bill 1842 – This bill allows boards of directors of condominium unit owners associations and some property owners' associations (developments with attached dwellings) to establish reasonable rules that restrict smoking, both in common areas and individual dwelling units. The Governor has until March 31st to sign, amend or veto this legislation. **PASSED**

Parking – House Bill 1971 – Requires an association receiving a request for accessible parking to treat the request as request for a reasonable accommodation. As a result, costs, fees, or charges related to installation, designation, marking, or reconfiguration of a parking space related to a request for reasonable accommodation are borne by the association if the request is reasonable and does not impose an undue financial or administrative burden to or a fundamental alteration to the operations. The VALAC successfully worked on bill amendments which, as originally offered, raised concerns about association authority & constraints under fair housing laws. **PASSED & SIGNED BY GOVERNOR**

Dangerous Dogs – Senate Bill 1135 – This bill restructures the procedure for adjudicating a dog as a *dangerous dog* under Virginia law. Because the process allows for owners to keep a *dangerous dog*, the VALAC successfully lobbied to amend this bill to preserve the sanctity of restrictive covenants, which may prohibit the keeping of a *dangerous dog* or otherwise impose conditions that are more restrictive than those provided in the bill (i.e., architectural design review requirements). **PASSED**

Solar Restrictions/HOA Authority – Senate Bill 1463 – This bill would have given developers unilateral control to restrict solar for new, planned developments without input from residents and potentially stifle the progress made in 2020 to balance the increasing demand for solar options with covenants and architectural control. The bill died in a Senate committee. **KILLED**

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Expenses incurred by the LAC are paid for with donations and by Advocacy Fund fees. Corporate contributions are allowed and appreciated. Most community association boards can allocate money to support the VALAC. Please visit www.caionline.org/lacdonate/ and donate to "Virginia" to support our continued efforts.