



2022 Virginia End of Legislative Session Report

During the 2022 Virginia General Assembly session, legislators considered 3,143 bills and resolutions. Community Associations Institute's (CAI) Virginia Legislative Action Committee (VA LAC) had a busy legislative session advocating [on behalf of the approximately 1,980,000 Virginians living in 778,000 homes in more than 8,700 community associations](#). The 15-member Virginia Legislative Action Committee ("VALAC") closely monitored more than 40 bills that would have directly or indirectly impacted common interest communities. Of those bills, VALAC actively lobbied nine 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.

SB 740, Common interest communities; standards for structural integrity and reserves for capital components. VALAC supported this legislation which creates a Work Group under the Virginia Department of Professional and Occupational Regulation to analyze the adequacy of existing law to address structural integrity and reserves in common interest communities. This important legislation addresses the adequacy of the Commonwealth's current regulation and standards for structural integrity in common interest communities. Structural integrity and condominium safety were top priorities this legislative session due to the recent, tragic Surfside, Florida, condominium collapse. CAI has published a report on condominium safety public policy and other resources which are accessible at www.caionline.org/condosafety. VALAC supported this legislation throughout the legislative session and in March sent a letter to Governor Youngkin urging his signature on this legislation. A report on reserve studies to be provided to the Senate and House Committees on General Laws on April 1st, 2023. **Status: PASSED AND APPROVED BY GOVERNOR on April 11, 2022; Becomes effective July 1, 2022**

HB 470 and SB 197, Common interest communities; prohibition on refusal to recognize a licensed real estate broker. These Bills clarify that an association must recognize a licensed real estate broker or sales agent as a designee of the lot or unit owner provided the association is given written authorization signed by the owner. VALAC worked many hours during the legislative "off-season" with the Virginia Association of Realtors to craft language in the Bills to be consistent with existing law. **Status: PASSED AND APPROVED BY GOVERNOR on April 1, 2022; Becomes effective July 1, 2022**

SB 693, Common interest communities; notice of final adverse decision; allowing audio and video recordings; report. VALAC closely monitored this Bill. As introduced, this Bill provided that audio and video recording are records to be provided with any notice of final adverse decision filed with the Common Interest Community Ombudsman. However, as passed, the Bill directs CICB to review feasibility of allowing audio and video recording to be submitted with a notice of final adverse decision. CICB must report findings to the Secretary of Labor and Chairs of House and Senate Committees on General laws by November 1, 2022.

Status: PASSED AND APPROVED BY GOVERNOR on April 8, 2022; Becomes effective July 1, 2022

HB 382, Property Owners' Association Act; statement of lot owner rights. VALAC successfully opposed this Bill which fundamentally misrepresented property and common interest community law in the Commonwealth of Virginia. This legislation would have also created burdensome requirements for board members.

Status: KILLED

HB 953 and SB 539, Common Interest Community Board; enforcement jurisdiction. VALAC closely monitored these companion bills, which would have given the Common Interest Community Board (CICB) the sole responsibility of regulating community managers and enforcing regulations upon them. VALAC proposed amendments to this legislation that would have clarified aspects of the legislation, but inevitably, the bills and the amendments failed.

Status: FAILED

HB 954, Property Owners' Association Act; use of electronic means for meetings and voting. VALAC successfully opposed this legislation as it would have amended and undermined the universally-supported legislation from the prior legislative session. In addition, this bill would have put stricter regulations on board meetings and voting electronically.

Status: KILLED

HB 955, Property Owners' Association Act; access to association records, electronic participation. This legislation, which VALAC successfully opposed, intended to alter the record-keeping and access for members of an association to access records and meetings. The text of the bill conflated and confused how virtual meetings proceeded and would have put extensive and unnecessary burdens on boards while reversing the law passed last session which allowed for broader and more inclusive attendance for board meetings.

Status: KILLED

HJ 56, Common interest communities; Joint Legislative Audit and Review Commission to study. This legislation, which VALAC opposed, would have authorized the Joint Legislative Audit and Review Commission ("JLARC") to hold a study on common interest communities in the Commonwealth regarding accountability in enforcing provisions in associations' governing documents and the Property Owners' Association Act. VALAC successfully opposed this open-ended study which was written with assumptions and biases against common interest communities in mind. In addition, neither the parameters of the study nor the outcomes to be measured were defined.

Status: KILLED

SB 217, Property Owners' Association Act; access to records, generally accepted accounting principles. Due to the specific terminology proposed in this bill, if passed, it would have required most associations which use modified accrual procedures to change over to accrual accounting. VALAC successfully opposed this legislation as it would have had significant impacts on the methodology used in record and bookkeeping.

Status: CONTINUED TO 2023

For more information on VALAC's activities and community association legislation in Virginia, visit

www.caionline.org/VALAC.

Your Assistance is Needed

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CAI's VALAC may rely on professional lobbying as a vital and integral part of the legislative process. As volunteers, CAI's VALAC members including homeowner leaders, community managers, and business partners, significantly rely on this highly effective professional representation. In addition to contributions from management companies and business partners, CAI's VALAC needs your financial support to bolster their advocacy activities in 2022 and beyond. We encourage donations from Virginia community associations, business partners, and individuals. Please visit www.caionline.org/lacdonate/ and donate to "Virginia" to support our continued efforts.

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