

2024 Legislative Update



WITH A LOOK BACK AT 2019-2023!

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2024 Session



HB105:

Resale Disclosure Act; resale certificate; fees. Adds condominium associations and real estate cooperative associations to the types of associations under the Resale Disclosure Act that are prohibited from collecting certain fees unless, in addition to other requirements, such associations are current in filing the most recent annual report and fee with the Common Interest Community Board.

Has passed house and senate as of 3/3/24

2024 Session



HB 528

Property Owners' Association Act; managed conservation landscaping; unreasonable restrictions prohibited. Provides that no association shall prohibit an owner from installing managed conservation landscaping, defined in the bill, upon such owner's property unless such prohibition was recorded in the declaration for the association. The bill allows associations to establish reasonable restrictions concerning the management, design, and aesthetic guidelines for managed conservation landscaping features.

02/06/24 House: Continued to 2025 in General Laws by voice vote

2024 Session



HB 723

Property Owners' Association Act; meetings of the board of directors; inconsistent provisions. Provides that the provisions of the Property Owners' Association Act govern the conduct of meetings of the board of the directors without regard to whether the property owners' association is incorporated or unincorporated. The bill clarifies that such provisions shall not be interpreted to supersede corporate authorities otherwise established by law or governing documents.

Passed house and senate as of 3/1/24

E. The requirements of this section govern the conduct of meetings of the board of directors without regard to whether the property owners' association is incorporated or unincorporated but shall not be interpreted to supersede corporate authorities otherwise established by law or the governing documents.

2024 Session



HB 876

Resale Disclosure Act; delivery of resale certificate; remedies. Provides that failure to deliver a resale certificate within 14 days, as required by the Resale Disclosure Act, deems the resale certificate unavailable. The bill grants a purchaser three days from the date of ratification of the contract or the date of receipt of the resale certificate or notice that such certificate is unavailable, as applicable, to cancel the contract. Additionally, the bill (i) excludes from the resale certificate requirements of the Act an initial disposition of a lot to a person who is not acquiring the lot for his own residence and (ii) allows a resale certificate to be delivered to a purchaser's agent. Current law excludes the resale certificate requirements of the Act for any initial disposition, regardless of its intended use, and only allows a resale certificate to be delivered to a purchaser. Finally, the bill mandates the seller to be responsible for all fees associated with the preparation and delivery of the financial update but allows the settlement agent or other requesting party to pay such fees up front, regardless of whether such settlement agent or other requesting party requests to be reimbursed for such fees from the seller.

**03/08/24 Governor: Approved by Governor-
Chapter 54 (effective 7/1/24)**

Newest Changes to Resale Disclosure Act



Prior Version of Resale Disclosure Act:

§ ~~55.1-2312~~. Cancellation of contract by purchaser.

A. ~~The purchaser may cancel the contract:~~

- ~~1. Within three days, or up to seven days if extended by the ratified real estate contract, after the ratification date of the contract if the purchaser receives the resale certificate, whether or not complete pursuant to § ~~55.1-2310~~, or a notice that the resale certificate is unavailable on or before the date that the contract is ratified;~~
- ~~2. Within three days, or up to seven days if extended by the ratified real estate contract, from the date the purchaser receives the resale certificate, whether or not complete pursuant to § ~~55.1-2310~~, or a notice that the resale certificate is unavailable if delivery occurs after the contract is ratified; or~~
- ~~3. At any time prior to settlement if the resale certificate is not delivered to the purchaser.~~

Newest Changes to Resale Disclosure Act



New Version of Resale Disclosure Act:

§ [55.1-2312](#). Cancellation of contract by purchaser.

*If delivery of the resale certificate to the purchaser or purchaser's agent, whether or not complete pursuant to § [55.1-2310](#), or a notice that the resale certificate is unavailable, occurs before the contract is ratified, the purchaser may cancel the contract within a time period agreed upon by all parties in the ratified real estate contract. **If no time period is specified in the ratified real estate contract, the purchaser shall have three days from the date of ratification to cancel the contract.***

B. If delivery of the resale certificate to the purchaser or purchaser's agent, whether or not complete pursuant to § [55.1-2310](#), or a notice that such resale certificate is unavailable, occurs after the contract is ratified, the purchaser may cancel the contract within a time period agreed upon by all parties to the real estate contract. If no time period is specified in the ratified real estate contract, the purchaser shall have three days from receipt of the resale certificate or notice that the resale certificate is unavailable to cancel the contract.

C. If the resale certificate or notice that the resale certificate is unavailable has not been delivered to the purchaser, the purchaser or purchaser's agent may cancel the contract at any time prior to settlement.

2024 Session



HB 880

Common interest communities; foreclosure remedy. Prohibits certain bills to enforce a lien from being entertained if the real estate is the judgment debtor's primary residence and the judgment is for assessments levied by certain common interest community associations if the amount secured by one or more judgments exclusive of interest and costs does not exceed \$5,000. The bill also requires such common interest community associations to maintain individual assessment account records. Finally, the bill requires such associations to maintain records of any recorded lien during the effective duration of such lien. As introduced, the bill was a recommendation of the Virginia Housing Commission. This bill is identical to [**SB 341**](#).

03/08/24 Governor: Approved by Governor-Chapter 55 (effective 7/1/24)

2024 Session



§ [8.01-463](#). Enforcement of lien when judgment does not exceed \$25,000. ~~If the amount of the judgment does not exceed \$25,000, exclusive of interest and costs, no~~ No bill to enforce ~~the~~ a lien, pursuant to § [8.01-462](#), thereof shall be entertained if the real estate is the judgment debtor's primary residence *and the amount of the judgment exclusive of interest and costs does not exceed \$25,000. However, if the judgment is for assessments levied by a common interest community association pursuant to Chapter 18 (§ [55.1-1800](#) et seq.), 19 (§ [55.1-1900](#) et seq.), 21 ([55.1-2100](#) et seq.), or 23 (§ [55.1-2300](#) et seq.) of Title 55.1, no bill to enforce a lien shall be entertained if the total amount secured by one or more judgments exclusive of interest and costs does not exceed \$5,000.*

2024 Session



HB 922

Common interest communities; pesticides; prohibition on use. Clarifies that common interest community associations may ban the use of pesticides in or upon any common area or common element, as defined in relevant law. The bill also allows such associations to establish reasonable restrictions on the use of pesticides within the common interest community if such use might reasonably affect any lot, common area, unit, or common element.

01/30/24 House: Continued to 2025 in General Laws by voice vote

2024 Session



HB 1209

Common interest communities; reserve studies; special assessment rescission or reduction. Removes certain provisions of the Property Owners' Association Act and the Virginia Condominium Act that authorize associations governed by such Acts to rescind or reduce certain assessments necessary for the maintenance and upkeep of the common area or other association responsibilities, including maintenance, repair, and replacement of capital components. The bill also authorizes such associations to borrow money for certain purposes and assign all revenues to be received by such association to its creditors. Finally, the bill defines the term "reserve study" as a capital budget planning tool used to determine the physical status and estimated repair or replacement cost of capital components and an analysis of association funding capacity to maintain, repair, and replace capital components.

Passed house and senate as of 3/1/24

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2024 Session



§ 55.1-1825. Authority to levy additional assessments; authority to borrow.

A. In addition to all other assessments that are authorized in the declaration, the board of directors shall have the power to levy ~~a special~~ *an additional* assessment against its members if (i) the purpose in so doing is found by the board to be in the best interests of the association and (ii) the proceeds of the assessment are used primarily for the maintenance and upkeep of the common area and such other areas of association responsibility ~~expressly provided for in the declaration~~, including *maintenance, repair, and replacement* capital ~~expenditures~~. A majority of votes cast, in person or by proxy, at a meeting of the membership convened in accordance with the provisions of the association's bylaws within 60 days of promulgation of the notice of the assessment shall rescind or reduce the special assessment. No director or officer of the association shall be liable for failure to perform his fiduciary duty if a special assessment for the funds necessary for the director or officer to perform his fiduciary duty is rescinded by the owners pursuant to this section, and the association shall indemnify such director or officer against any damage resulting from any such claimed breach of fiduciary duty *components*.

B. The failure of a member to pay the ~~special~~ *additional* assessment allowed by subsection A shall entitle the association to the lien provided by § 55.1-1833 as well as any other rights afforded a creditor under law.

C. The failure of a member to pay the ~~special~~ *additional* assessment allowed by subsection A will provide the association with the right to deny the member access to any or all of the common areas. However, the member shall not be denied direct access to the member's lot over ~~any road within the development that is~~ a common area.

D. *Unless the declaration provides otherwise, the board of directors may borrow money on behalf of the association for any valid purpose and shall have the right and power to assign and pledge all revenues to be received by the association, including annual and additional assessments to secure the repayment of any sums borrowed by the association from time to time.*

2024 Session



SB 972

Property Owners' Association Act; Virginia Condominium Act; assessments for legal obligations of associations. Clarifies that neither the Property Owners' Association Act or the Virginia Condominium Act (the Acts) shall be construed to prevent any association organized pursuant to such Acts from levying or using assessments, charges, or fees to pay the association's contractual or other legal obligations in the exercise of the association's duties and responsibilities. The bill also restricts such associations from imposing charges against one or more but less than all unit owners unless otherwise specifically authorized by the Act. Current law prohibits such charges or assessments from being imposed upon any unit or lot owner unless otherwise specifically authorized by the Acts.

Passed house and senate as of 3/7/24

2024 Session



§ 55.1-1805. Association charges.

Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association shall ~~(i) make an assessment or impose a charge against a lot or a lot owner one or more but less than all lot owners unless the charge is (i) a fee for services provided or, (ii) related to use of the common area, or (ii) charge (iii) a fee related to the issuance of a resale certificate pursuant to § 55.1-2309 or 55.1-2311~~ except as expressly authorized in § **55.1-2316**. ~~Nothing in this chapter shall be construed to authorize an association or common interest community manager to charge an inspection fee for an unimproved or improved lot except as provided in § 55.1-2316.~~ *Nothing in this chapter shall be construed to prevent an association from levying or using assessments, charges, or fees to pay the association's contractual or other legal obligations in the exercise of the association's duties and responsibilities.* The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) association pursuant to § **54.1-2351** or (b) common interest community manager pursuant to § **54.1-2349**, and may issue a cease and desist order pursuant to § **54.1-2352**.

2023 Session



HB1519

Common interest communities; professionally managed associations. Provides with respect to the Property Owners' Association Act and the Virginia Condominium Act that a management contract that contains an automatic renewal provision may be terminated by the association or unit owners' association, as the case may be, or the common interest community manager of either such association at any time without cause upon not less than 60 days' written notice.

2023 Session



HB 2235: Resale Disclosure Act:

Common interest communities; Resale Disclosure Act. Establishes the Resale Disclosure Act, which sets out disclosure requirements and authorized fees relating to contracts for the resale of property located within common interest communities and provides for the issuance of resale certificates or financial updates. The bill repeals the existing disclosure requirements and authorized fees relating to association disclosure packets under the Property Owners' Association Act and resale certificates under the Virginia Condominium Act. The bill requires a seller to obtain a resale certificate and provide the certificate to the purchaser. The bill does not apply to contracts ratified prior to July 1, 2023. This bill is identical to [**SB 1222**](#).

2023 Session



§ [55.1-2308](#). Contract for resale; disclosures.

Unless exempt pursuant to § [55.1-2317](#), any contract for the resale of a unit in a common interest community shall disclose (i) that the unit is located in a common interest community; (ii) that the seller is required to obtain from the association a resale certificate and provide it to the purchaser; (iii) the purchaser's right to cancel the contract pursuant to § [55.1-2312](#); (iv) that the purchaser may request an updated resale certificate pursuant to § [55.1-2311](#); and (v) that the purchaser's right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement. If the contract does not contain the disclosures required by this section, the purchaser's sole remedy is to cancel the contract prior to settlement.

2023 Session



§ [55.1-2309](#). Resale certificate; delivery.

- A. The seller shall be required to obtain the resale certificate from the association and provide such resale certificate to the purchaser.*
- B. Unless exempt pursuant to § [55.1-2317](#), the association, the association's managing agent, or any third party preparing the resale certificate on behalf of the association shall deliver such resale certificate within 14 days after a written request by a seller or seller's agent.*
- C. The association, association's managing agent, or any third party preparing the resale certificate on behalf of the association shall deliver the resale certificate to the seller, or to such person as the seller may direct, either printed or in a generally accepted electronic format as the seller may request.*
- D. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. The seller or purchaser may request an updated resale certificate as provided in § [55.1-2311](#).*

2023 Session



§ 55.1-2313. Liability for resale certificate.

A. A seller providing a resale certificate pursuant to § 55.1-2310 or 55.1-2311 shall not be liable to the purchaser for any erroneous information provided by the association and included in the certificate or for the failure or delay of the association to provide the resale certificate in a timely manner.

B. A purchaser shall not be liable for any unpaid assessment or fee greater than the amount set forth in the resale certificate, updated resale certificate, or financial update. The association shall, as to the purchaser, be bound by the information provided in the resale certificate or updated resale certificate as to the amounts of current assessments, including any approved special or additional assessments, and any violation of the governing documents or rules and regulations as of the date of the resale certificate, updated resale certificate, or financial update unless the purchaser had actual knowledge that the contents of the resale certificate were in error.

2023 Session



§ 55.1-2314. Failure to provide resale certificate; no waiver.

A. If an association, the association's managing agent, or any third party preparing a resale certificate fails to comply with § [55.1-2310](#) or [55.1-2311](#), the purchaser shall not be required to pay any delinquent assessments or remedy any violation of the governing documents or rules and regulations existing as of the date of the resale certificate or updated resale certificate. The association may only enforce a violation incurred by a previous owner against a purchaser if (i) such violation has been properly noted in the resale certificate or updated resale certificate or (ii) the seller failed to provide the resale certificate to the purchaser as required by § [55.1-2309](#).

B. The purchaser shall abide by the governing documents and rules and regulations as to all matters arising after acquiring the unit regardless of whether such purchaser received a resale certificate.

C. The preparer of the resale certificate or updated resale certificate shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000.

D. The Common Interest Community Board may assess a monetary penalty for failure to deliver the resale certificate or updated resale certificate as required against any (i) association pursuant to § [54.1-2351](#) or (ii) common interest community manager pursuant to § [54.1-2349](#) and regulations promulgated thereto, and may issue a cease and desist order pursuant to § [54.1-2349](#) or [54.1-2352](#).

2022 Session



HB 470

Common interest communities; prohibition on refusal to recognize a licensed real estate broker. Clarifies the prohibition on property owners' associations and unit owners' associations pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.) and the Virginia Condominium Act (§ 55.1-1900 et seq.), as the case may be, refusing to recognize a licensed real estate broker that is designated by the lot owner or unit owner as such lot owner's or unit owner's authorized representative, provided that the property owners' association or unit owners' association is given a written authorization signed by the lot owner or unit owner designating such licensed individual as his authorized representative and containing certain information for such designated representative. The bill also expands the list of authorized persons to whom a seller or seller's authorized agent may provide a written request for the delivery of the association disclosure packet or resale certificate. The bill contains a technical amendment. This bill is identical to [SB 197](#).

2021 Special Session I



HB1842

Property Owners' Association Act; Condominium Act; rulemaking authority of property owners' associations and unit owners' associations; smoking. Permits (i) except to the extent that the declaration provides otherwise, the board of directors of a property owners' association to establish reasonable rules that restrict smoking in the development, including (a) rules that prohibit smoking in the common areas and, (b) for developments that include attached private dwelling units, rules that prohibit smoking within such dwelling units, and (ii) except to the extent that the condominium instruments provide otherwise, the executive board of a condominium unit owners' association to establish reasonable rules that restrict smoking in the condominium, including rules that prohibit smoking in the common elements and within units. The bill clarifies the authority of executive boards of condominium unit owners' associations to establish, adopt, and enforce rules and regulations with respect to the use of the common elements of the condominium and with respect to such other areas of responsibility assigned to the unit owners' association by the condominium instruments, except where expressly reserved by the condominium instruments to the unit owners. The bill also permits unit owners, by a majority of votes cast at a meeting of the unit owners' association, to repeal or amend any rule or regulation adopted by the executive board. This bill is a recommendation of the Virginia Housing Commission.

2021 Special Session I



HB1816

Property Owners' Association Act; Condominium Act; use of electronic means for meetings and voting.

Allows meetings of property owners' associations, boards of directors, unit owners' associations, executive boards, and committees to be held entirely or partially by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for the use of electronic means for such meetings. The bill requires that such guidelines ensure that persons accessing such meetings are authorized to do so and that persons entitled to participate in such meetings have an opportunity to do so. The bill grants authority for determining whether any such meeting may be held entirely or partially by electronic means to the board of directors or executive board, as applicable. Under current law, if a meeting of a board of directors or executive board is conducted by telephone conference or video conference, at least two members of the board of directors or executive board, as applicable, are required to be physically present at the meeting place included in the meeting notice.

2021 Special Session I



HB1816

Property Owners' Association Act; Condominium Act; use of electronic means for meetings and voting. [continued]

The bill amends the definition of "electronic means" to provide that a meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods. The bill allows members of property owners' associations or unit owners' associations to vote at meetings of such associations by absentee ballot, and allows such members to vote in person, by proxy, or by absentee ballot by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for such voting. Finally, the bill provides that if a vote, consent, or approval required to be obtained by secret ballot is accomplished through electronic means, the electronic means shall protect the identity of the voter, and provides that if the electronic means cannot protect the identity of the voter, another means of voting shall be used.

2020 Session



SB504

Virginia Energy Plan; covenants regarding solar power; reasonable restrictions. Provides that a restriction on solar energy collection devices is not reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in the bill. This bill is identical to [HB 414](#).

2020 Session



HB 1548

Common interest communities; Virginia Condominium Act; termination of condominium; respective interests of unit owners.

Provides that the respective interests of condominium unit owners upon the termination of a condominium shall be as set forth in the termination agreement, unless the method of determining such respective interests is other than the relative fair market values, in which case the association shall provide each unit owner with a notice stating the result of that method for the unit owner's unit and, no later than 30 days after transmission of that notice, any unit owner disputing the interest to be distributed to his unit may require that the association obtain an independent appraisal of the condominium units. The bill provides a method of adjusting the respective interests of the unit owners if the amount of such independent appraisal of an objecting unit owner's unit is at least 10 percent more than the amount stated in the association's notice.

2020 Session



SB 630

Common interest communities; electric vehicle charging stations permitted. Prohibits certain common interest community associations from prohibiting the installation of an electric vehicle charging station within the boundaries of a member's unit or limited common element parking space appurtenant to the unit owned by the unit owner or, in the case of a property owners' association, a lot owner's property, and sets forth provisions governing the installation and removal of such charging stations. The bill also requires the association member installing an electric vehicle charging station to indemnify and hold the association harmless from all liability resulting from a claim arising out of the installation, maintenance, operation, or use of such charging station.

2019 Session



HB2030

Common interest communities; dissemination of annual budget; reserve for capital components. Requires common interest communities under the Condominium Act, the Property Owners' Association Act, and the Virginia Real Estate Cooperative Act (the Acts) to make available to members either the common interest community's annual budget or a summary of the annual budget prior to the beginning of each fiscal year. The bill requires that the five-year cash reserve study required under the Acts include a statement that outlines the amount of the reserves recommended in such study as well as the amount of current cash available for replacement of the reserves. The bill also requires the Common Interest Community Board to prepare guidelines for the development of reserve studies for capital components. This bill is identical to [SB 1538](#).

2019 Session



SB 1756

Virginia Condominium Act; Virginia Property Owners' Association Act; stormwater facilities; transfer of control of management, maintenance, repair, or replacement. Requires a declarant to deliver to the president of the unit owners' association or his designated agent, or in the case of a property-owners' association, the board of directors or their designee, an inventory and description of stormwater facilities located on their premises. The bill requires the delivery of final site plans and applicable recorded easements and agreements regarding the inventory and description of stormwater management facilities located on common elements of a condominium or property owners' association property so that such associations are aware of the requirements for the maintenance, repair, or replacement of the stormwater facilities.

2019 Session



HB2081

Common Interest Community Board; association fees; Common Interest Community Management Information Fund. Eliminates annual assessments levied by the Common Interest Community Board. The bill allows for the collection of application, renewal, and annual reporting fees set by the Board in accordance with a biennial assessment of the Common Interest Community Management Information Fund similar to the assessment required by the Callahan Act (§ 54.1-113), but at no time shall such fee exceed \$25 unless such fee is based on the number of units or lots in the association.

2019 Session



HB 1853

Virginia Property Owners' Association Act; home-based businesses. Provides that if a development is located in a locality classifying home-based child care services as an accessory or ancillary residential use under the locality's zoning ordinance, the provision of home-based child care services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration or (ii) restricted by the association's bylaws or rules. The bill is a recommendation of the Virginia Housing Commission. This bill is identical to [**SB 1537**](#).

Questions?



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