



# JULY 2022

## *Community Associations Newsletter*

### **2022 Virginia Legislative Updates**

**By: Todd A. Sinkins and Kelly C. Zook**

The 2022 legislative session was extremely quiet, with the General Assembly approving only a few bills that affect Property Owners' and Condominium Associations. The legislation addressed in this newsletter will take effect on July 1, 2022, unless otherwise noted below.

#### Structural Integrity and Condominium Safety:

In June 2021, a beachfront condominium in Surfside, Florida collapsed and ninety-eight people were killed. Following this tragic collapse, structural integrity and condominium safety has become a top priority nationally to ensure that a similar tragedy does not occur again. It was a top priority this legislative session in Virginia.

In response, Senate Bill 740 directs the Department of Housing and Community Development to establish a task force to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities. Senate Bill 740 directs the task force to report its findings and recommendations, including any legislative recommendations, to the Chairs of House and Senate Committees on General laws by April 1, 2023. We will keep you apprised once the task force releases its findings and recommendations next year.

#### Licensed Real Estate Broker:

House Bill 470 and Senate Bill 197 amend both the Virginia Property Owners' Association Act and the Virginia Condominium Act to clarify that associations cannot refuse to recognize a licensed real estate broker. An association must recognize a licensed real estate broker or sales agent as a designee of the lot or unit owner provided the owner provides the association written authorization with the owner's signature designating such licensed individual as his authorized representative and containing certain information for such designated representative. The owner does not need to provide a power of attorney and associations are prohibited from requiring one if the owner designates a broker as their representative.

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1900 Gallows Road • Suite 700 • Tysons Corner, Virginia 22182 • (703) 790-1911 • Fax: (703) 848-2530  
7101 Wisconsin Avenue • Suite 1201 • Bethesda, Maryland 20814 • (301) 222-0152 • Fax: (240) 802-2109

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Notice of Final Adverse Decision - Audio and Video Recordings:

Senate Bill 693 directs the Common Interest Community Board to review the feasibility of allowing audio and video recordings to be submitted with a notice of final adverse decision as a record pertinent to the decision in accordance with § 54.1-2354.4 of the Code of Virginia. The Common Interest Community Board must report findings to the Secretary of Labor and Chairs of House and Senate Committees on General laws by November 1, 2022.

Virginia Fair Housing Act:

House Bill 1063 amends the Virginia Fair Housing Act to clarify that the term “religion” as it relates to freedom of expression includes any outward expression of religious faith in contexts where discrimination based on religion is prohibited. The term “religion” includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or displaying of religious items or symbols.

Nonsuit Appeal from GDC to Circuit Court:

Governor Youngkin signed into law House Bill 782, which went into effect on April 8, 2022. House Bill 782 permits a plaintiff to nonsuit a claim in circuit court appealed from a case originally heard in general district court. House Bill 782 may be useful for associations in injunctive relief cases filed in general district court and appealed to circuit court. Unfortunately, one negative outcome that may arise from this new law is that it may make it more difficult for an association to recover attorney’s fees if the association was a defendant in a case that was won by the association at the general district court level. The nonsuit would serve to wipe out the order of the general district court, which would include any attorneys fee award.

If you have any questions, please do not hesitate to contact your Rees Broome Attorney.

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