

Hampton Roads REALTORS® Association

2010 General Assembly Bill Review Housing Legislation

Below is a comprehensive list of the housing related legislation that passed the Virginia General Assembly in 2010 along with a brief summary for each bill. The first set of bills you will find below were proposed by the Virginia Association of REALTORS® through input from local associations such as HRRRA. The second set of bills is also very important but may, in some cases, have a more limited impact on the housing industry in Hampton Roads.

If you choose to read through the actual bill text, keep in mind that language in regular text is existing language in the Code of Virginia, text in *italics* is what the bill is adding to the Code, and text that is ~~crossed out~~ is what the bill is taking out of the Code. New laws will go into effect on July 1st of this year (unless otherwise stipulated in the bill). Checkout upcoming LegUp emails for more information. Email Barrett Stork, HRRRA Governmental Affairs Director, at bstork@hrra.com if you have any questions.

REALTOR® Legislation

HB 231 Interpleader of real estate escrows; suits shall go to district court in event of foreclosure.

Summary as introduced:

Interpleader of real estate escrows. Establishes that suits in interpleader of real estate escrows shall go to General District Court, and protects escrow funds in the event of a real estate foreclosure. This bill is recommended by the [Virginia Housing Commission](#).

Patrons: Dance

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP018+pdf>

HB 407 Landlord and tenant laws; landlord and tenant obligations.

Summary as passed House:

Landlord and tenant laws; landlord and tenant obligations. Clarifies that the judgment rate of interest includes any and all amounts covered by the judgment. The bill, among other things, also (i) requires the executive secretary of the Supreme Court to permit electronic interface with case management systems and for the general district courts to allow private vendors to electronically file civil actions on forms developed by the executive secretary; (ii) provides that the homestead exemption does not apply to a money judgment for nonpayment of rent for which a writ of garnishment is issued, and which does not request a writ of fieri facias or levy on the real or personal property of the debtor; (iii) revises the ratio utility billing system for landlords and tenants and states that the use of a ratio utility billing system is not within the jurisdiction of the State Corporation Commission; (iv) allows certain persons to prepare, execute, file, and have served on other parties, in any proceeding in a general district court, a warrant in debt, warrant in detinue,

distress warrant, summons for unlawful detainer, suggestion for summons in garnishment, garnishment summons, writ of possession, writ of fieri facias, interpleader, and civil appeal notice without the intervention of any attorney; (v) adds a definition of "commencement date of the rental agreement" and effective date of same to the Virginia Residential Landlord and Tenant Act; (vi) revises the definition of "security deposit" under the Virginia Residential Landlord and Tenant Act; (vii) revises the damage and renter's insurance coverage provisions of the Virginia Residential Landlord and Tenant Act; (viii) allows tenant records to be disclosed to a local commissioner of the revenue, under certain circumstances, and to the commanding officer, military housing officer, or military attorney of the tenant; (ix) allows the landlord to withhold a portion of the security deposit until final settlement of utility bills; and (x) changes the times that trigger the payment of interest by the landlord on a security deposit. The bill also contains technical amendments.

Patron: Oder

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0550+pdf>

HB 408 Real Estate Appraiser Board; regulation of appraisal management companies, penalty.

Summary:

Sets forth a number of standards that must now be followed by AMCs. Helps to ensure more accurate appraisals by requiring that AMCs use appraisers licensed in Virginia. Establishes a \$2,500 fine for AMCs that violate the conditions set forth by this legislation.

Patron: Oder

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0508+pdf>

HB 417 Exchange Facilitators Act; established.

Summary as passed:

Exchange Facilitators Act; established. Establishes requirements for the activities of exchange facilitators, who are persons that for a fee, enter into an agreement with a taxpayer to act as (i) a qualified intermediary in an exchange of like-kind property, (ii) an Exchange Accommodation Titleholder, or (iii) a qualified trustee or escrow holder. Exchange facilitators are required to notify exchange clients of change in control of the exchange facilitator; to maintain exchange funds in separately identified accounts or in a qualified escrow or qualified trust; to maintain errors and omissions insurance or deposit cash or letters of credit; and to account for moneys and property. Persons who engage in the business of an exchange facilitator are prohibited from making misrepresentations, failing to account for moneys or property of others, engaging in fraudulent or dishonest dealings, committing certain crimes, or materially failing to fulfill contractual duties to an exchange client. Violations are subject to a civil penalty of up to \$2,500. The Attorney General, attorney for the Commonwealth, or attorney for a locality may recover costs and reasonable expenses, including attorney fees, in any action brought under the Exchange Facilitators Act. This bill is recommended by the [Virginia Housing Commission](#).

Patron: Oder

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0409+pdf>

HB 552 Vested rights; includes right to replace existing on-site sewage system.

Summary as passed House:

Vested rights to include right to replace failed septic system. Includes the right to replace failed septic systems under vested rights protection. Also, if the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

Patrons: Marshall

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0698+pdf>

SB 64 Signs; provides local government authority to regulate.

Summary as enacted with Governor's Recommendations:

Regulation of signage in highway rights of way. Allows county employees and volunteers who are acting as agents of the Commonwealth Transportation Commissioner to remove and confiscate signs from the public right-of-way. If a sign is confiscated by an employee or volunteer, the sign owner shall have the right to reclaim the sign within five business days of the date of such confiscation. Finally, the legislation clarifies that a sign installed (on private property) that does not require use of tools or equipment does not trigger the requirement to call Miss Utility before installing the sign. This bill is identical to [HB 553](#).

Patron: Lucas

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+SB64ER2+pdf>

SB 273 Affordable housing units; assessments.

Summary as passed Senate:

Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the [Virginia Housing Commission](#).

Patron: Whipple

SB 457 Real Estate Board; requirements for licensure, allows broker to enter into a voluntary program.

Summary as passed:

Department of Professional and Occupational Regulation; Real Estate Board. Establishes a voluntary compliance program within the Real Estate Board to allow certain real estate brokers to bring practices, policies and procedures into compliance with applicable laws and regulations. In addition, the bill provides for the Real Estate Board to establish minimum education requirements for licensure by reciprocity. This bill is identical to [HB 963](#).

Patron: McEachin

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0373+pdf>

Additional Legislation

HB 42 Transportation programs; JLARC to administer a performance audit, report.

Summary as passed House:

Transportation programs; performance audit by Joint Legislative Audit and Review Commission (JLARC). Requires JLARC to administer a performance audit of the Commonwealth's transportation programs. JLARC shall issue an RFP to initiate the procurement process for a management consulting firm to conduct the audit. A final report on the findings of the performance audit shall be submitted to the Joint Commission on Transportation Accountability and the Governor no later than December 31, 2010. This bill is identical to SB 201 (Blevins).

Patron: Oder

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+HB42ER2+pdf>

HB 46 Virginia Defective Drywall Correction and Restoration Assistance Fund; created.

Summary as passed:

Virginia Disaster Response Fund; hazardous materials in dwellings. Creates the Virginia Defective Drywall Correction and Restoration Assistance Fund to promote the correction and restoration of residential property affected by the environmental problems attributable to defective drywall used in new construction or renovation that occurred between 2001 and 2008. The fund will be administered by the shall be Virginia Resources Authority and the Department of Housing and Community Development. Under the bill, the Department of Housing and Community Development would develop guidelines for the distribution of loans or grants from the Fund to particular recipients. The grants and loans may be used to pay the reasonable and necessary costs associated with (i) the remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (ii) the stabilization or restoration of such structures or (iii) the demolition and removal of the existing structures or other work necessary to remediate or reuse the real property.

Patron: Oder

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+HB46ER2>

HB 82 Public sewer system; locality may adopt ordinance establishing standard for use & services; penalty.

Summary as introduced:

Civil penalties for violation of sewage usage ordinances. Allows any locality under an order of the Virginia Department of Environmental Quality issued pursuant to the authority of subdivision (8a) of § 62.1-44.15 to adopt an ordinance establishing a uniform schedule of civil penalties for violations of ordinances governing the introduction of pollutants and wastes into the locality's public sewer system. Such civil penalties may not be more than \$100 for the initial summons and not more than \$150 for each additional summons.

Patron: Knight

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0198+pdf>

HB 88 Electric utility service; cooperative to install & operate prepaid metering equipment upon request.

Summary as passed House:

Prepaid electric utility service. Authorizes electric cooperatives to install and operate a prepaid metering equipment and system upon a customer's request. The equipment and system will terminate electric service immediately and automatically when the customer has incurred charges for electric service equal to the amount prepaid by the customer. Such service would be exempt from existing requirements that a utility provide one billing cycle before initiating a proceeding for a residential customer's nonpayment for local service, pay interest on deposits, return deposits after one year of satisfactory credit, give 10 days' notice prior to terminating service, and not terminate a customer's residential service for nonpayment of basic nonresidential services. Tariffs shall be filed with the State Corporation Commission for review and determination that the tariff is not contrary to the public interest.

Patrons: Kilgore

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0320+pdf>

HB 149 Constitutional amendment; property tax exemption for certain veterans.

Summary as introduced:

Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability. This bill is identical to SB 31.

Patrons: O'Bannon

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0358+pdf>

HB 222 Secondary highway system; VDOT & DRPT to review new design standards components therefor.

Summary as passed House:

Secondary highway system design standards. Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes.

Patrons: Watts

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0498+pdf>

HB 233 Affordable housing units; assessments.

Summary as passed:

Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and

restrictions. This bill is a recommendation of the [Virginia Housing Commission](#). The bill is effective for assessments for tax years beginning on or after January 1, 2011.

Patrons: Dance

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+HB233ER2+pdf>

HB 283 General district courts; electronic filing of civil cases.

Summary as passed House:

Electronic filing of civil actions. Provides that the general district courts shall accept case data in an electronic format for any civil action filed. The use of the electronic transfer shall be at the option of the plaintiff or the plaintiff's attorney, and if electronic transfer is utilized, the plaintiff or the plaintiff's attorney shall comply with the security and data configuration standards established by the Office of the Executive Secretary of the Supreme Court.

Patrons: Albo

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0622+pdf>

HB 297 Noise ordinance; authorizes governing body to adopt civil penalties.

Summary as passed:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. Civil fines will not exceed \$250 for the first offense and \$500 for each subsequent offense. This bill is similar to SB 246.

Patrons: Cosgrove

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0501+pdf>

HB 312 Building Code; appeals to local board and State Technical Review Board.

Summary as introduced:

Uniform Statewide Building Code; appeals to the local board of Building Code appeals and the State Technical Review Board. Clarifies that any person aggrieved by a local building official's application of the Uniform Statewide Building Code may appeal to the local board of Building Code appeals. The bill also provides the State Technical Review Board has authority to hear appeals from decisions arising under application of the Virginia Manufactured Housing Construction and Safety Standards Law and the Virginia Certification Standards adopted by the Board of Housing and Community Development.

Patrons: McClellan

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0063+pdf>

HB 367 Bad checks; recovery if stop-payment order placed in bad faith.

Summary as introduced:

Checks; stop-payment; local ordinances. Provides that a locality may charge up to \$35 if payment for revenue collection was refused because the drawer placed a stop-payment order on the check in bad faith. Currently, the law only allows for a fee if the payment for revenue collection was

refused because of the uttering, publishing, or passing of any check or draft, that is subsequently returned for insufficient funds or because there is no account or the account has been closed.

Patrons: Ware, O.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0708+pdf>

HB 374 Cash proffers; collected or accepted by locality after completion of final inspection.

Summary as passed House:

Cash proffers; acceptance by localities. Delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. This bill is identical to SB 632.

Patrons: Cosgrove

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0549+pdf>

HB 430 Real property tax assessment; Department of Taxation to establish qualifications for certification.

Summary as passed:

Real property tax assessment. Provides (i) that the fair market value of certain affordable housing be determined using the income approach, based on the property's current use and restrictions; (ii) additional requirements for real property appraisers; (iii) that a locality's real property sales assessment ratio higher than 130 percent is prima facie proof that the locality has failed to assess at 100 percent of fair market value; (iv) taxpayers access to certain information related to assessments; (v) additional requirements related to boards of equalization; and (vi) that the local assessing officer provide notice of any request to increase an assessment for commercial, multifamily residential, or industrial property assessments that are already being appealed.

Patron: Griffith

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0736+pdf>

HB 468 Common interest communities; exemptions from licensure, powers and duties.

Summary as passed House:

Common interest communities; exemptions from licensure; powers and duties of Common Interest Community Board. Provides that a resident who provides bookkeeping, billing, or record keeping services to his association for compensation is not required to be licensed as a common interest community manager provided the fidelity bond maintained by the association insures the association against losses resulting from theft or dishonesty committed by such person. The bill requires that of the three citizen members of the Common Interest Community Board, one such member must serve or have served on the governing board of an association that is not professionally managed at the time of appointment. The bill contains technical amendments.

Patron: Watts

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0511+pdf>

HB 515 Wetlands and stream mitigation; prohibits localities from regulating location of projects.

Summary as passed House:

Wetlands and stream mitigation. Prohibits localities from regulating the location of wetlands and stream mitigation projects that are subject to a Virginia Water Protection Permit or a Corps of Engineer § 404 permit. However, a locality may continue to determine the allowed uses within its zoning classifications.

Patrons: Rust

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0233+pdf>

HB 516 Condemnations; highway construction.

Summary as introduced:

Condemnations; highway construction. Identifies VDOT as the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit. This bill is the same as SB 405 (Petersen).

Patron: Rust

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0020+pdf>

HB 517 Uniform Statewide Building Code; court may order violations on nonresidential buildings be abated.

Summary as introduced:

Uniform Statewide Building Code; violations; nonresidential property. Provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

Patron: Rust

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0087+pdf>

HB 667 Residential Property Disclosure Act; seller required to disclose presence of wastewater system.

Summary as passed House:

Virginia Residential Property Disclosure Act; wastewater systems. Adds the following seller's representation to a prospective purchaser of residential property: the owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.

Patron: May

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0518+pdf>

[HB 702](#) Property Owners' Association Act; fees for disclosure packet paid when delivered.

Summary as passed House:

Property Owners' Association Act; fees for disclosure packet; when collected. Clarifies that for associations that are not professionally managed, all fees for providing the required disclosure packet shall be collected at the time of delivery of the disclosure packet and shall be an assessment against the lot and collectible as any other assessment. The bill contains technical amendments.

Patrons: Bulova

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0165+pdf>

[HB 882](#) Development rights; permitted to be attached in receiving areas to be equal or greater than rights.

Summary as introduced:

Transfer of development rights; density bonus. Allows localities to establish a density bonus that would permit certain property owners to transfer more property rights than the existing density would otherwise allow.

Patron: Athey

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0239+pdf>

[HB 956](#) Condominium and Property Owners' Association Acts; establish restrictions on display of U.S. flag.

Summary as enacted with Governor's Recommendations:

Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owner's association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from displaying upon property to which that owner has a separate ownership interest or a right to exclusive possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or property owners' association. Under the bill in an action brought to enforce a rule pertaining to display of the flag, the unit owners' or property owners' association has the burden of proof regarding whether the rule protects a substantial interest of the association.

Patrons: Lingamfelter

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0166+pdf>

[HB 967](#) Assisted living facility and group home; no more than 8 aged, infirm, etc., persons shall reside.

Summary as passed:

Assisted living facilities; zoning. Expands certain provisions that currently apply to the

Counties of Arlington and York statewide. The existing provisions declare that zoning ordinances for all purposes shall consider a residential facility in which no more than eight elderly or disabled persons reside with one or more resident counselors or other staff persons as residential occupancy by a single family. This bill is identical to SB 338.

Patron: Peace

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+HB967ER2+pdf>

HB 974 Circuit court clerks' offices; makes technical changes in handling of electronic or digital filing.

Summary as passed House:

Technological efficiencies in circuit court clerks' offices; fees. Makes technical changes in circuit court clerks' handling of electronic or digital filing and their maintenance and support of electronic filing. This bill incorporates HB 90 and HB 825.

Patron: Kilgore

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0430+pdf>

HB 997 Eminent domain; applicability of requirements to acquisition of property by City of Norfolk, etc.

Summary as passed:

Eminent domain; application to Norfolk. Extends the expiration date, from June 30, 2010, to December 31, 2010, for the exemption to requirements applicable to the exercise of the power of eminent domain by the City of Norfolk or the Norfolk Redevelopment and Housing Authority. The exemption was created in the 2007 legislation that, among other things, established limitations on what constituted a public use for which private property could be acquired by exercise of the power of eminent domain.

Patron: Howell, A.T.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0203+pdf>

HB 1058 Condominium and Property Owners' Association Acts; amending association documents using technology.

Summary as passed:

Virginia Condominium Act; the Virginia Property Owners' Association Act; amending association documents using technology. Provides that unless the declaration expressly provides otherwise, any notice required to be sent or received or any signature, vote, consent, or approval required to be obtained under any condominium instrument or declaration may be accomplished using the most advanced technology available at that time if such use is a generally accepted business practice. The electronic notice provisions shall not be applicable to any notice related to an enforcement action by the unit owners' association, an assessment lien, or foreclosure proceedings in enforcement of an assessment lien.

Patrons: Bell

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0432+pdf>

HB 1063 Zoning appeals, board of; fee for filing appeal by person aggrieved by decision, etc.

Summary as passed:

Appeal of board of zoning appeals decisions. Provides that written notice of a zoning violation or a written order of the zoning administrator shall include the applicable appeal fee and a reference to where other information regarding the appeal process may be obtained. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs to process the appeal. Additionally, in an appeal of a decision of the board of zoning appeals (BZA), the BZA shall not be named as a party to the proceedings.

Patrons: Athey

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0241+pdf>

HB 1071 Urban development; sets certain densities in areas according to population of locality.

Summary as passed:

Urban development areas. Sets certain densities in urban development areas according to the population of the locality that designated the urban development area. The bill also requires that, to the extent possible, certain federal funding and state water and sewer facility and public infrastructure funding be directed to urban development areas or other designated growth areas. The bill mandates that the Commission on Local Government report on localities' compliance with the statute requiring the designation of urban development areas. This bill is identical to SB 420.

Patron: Athey

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0528+pdf>

HB 1100 Stormwater management; common interest community, etc., shall be immune from civil liability.

Summary as passed:

Stormwater management facilities; liability. Provides that a common interest community shall enjoy limited liability protection relating to a stormwater management facility located on property owned by that community if: (i) the common interest community cedes the responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or a political subdivision thereof, (ii) the action has been memorialized by contract or other instrument executed by both parties, and (iii) the Commonwealth or the governing body of the political subdivision accepted the responsibility ceded by the common interest community in writing or by resolution. Maintenance, repair, and replacement responsibilities may include the cleaning of the facility, maintenance of adjacent grounds which are part of the facility, maintenance and replacement of fencing where the facility is fenced, and posting of signage indicating the identity of the governmental entity which maintains the facility.

The immunity granted by this provision does not extend to actions or omissions by the landowner constituting intentional or willful misconduct or gross negligence.

Patrons: Sickles

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+HB1100ER2+pdf>

HB 1102 Property Owners' Association Act; board of directors have authority to adopt rules & regulations.

Summary as passed House:

Property Owners' Association Act; authority of board of directors; parking. Provides that to the extent the declaration gives the board of directors the authority to adopt rules and regulations relating to the parking of motor vehicles by lot owners, such rules may establish a parking space designation plan which makes parking spaces available to less than all of the lot owners. The bill provides that if such a plan is adopted, the common expenses attributable to such parking spaces may be specially assessed against the lot owners involved.

Patron: Sickles

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+HB1102ER2+pdf>

HB 1135 Pollutant Discharge Elimination System permit; certain conditions for owner of sewage facility.

Summary as passed House:

Wastewater discharge permits. Requires the owner or operator of a wastewater treatment facility with a discharge greater than 1,000 gallons per day up to 39,999 gallons per day that has not begun the discharge of pollutants prior to January 1, 2011, to demonstrate to the Department of Environmental Quality that he has acquired waste load allocations sufficient to offset his nitrogen and phosphorus discharges.

Patron: Morgan

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0288+pdf>

HB 1174 Housing authorities; compensation of commissioners.

Summary as passed House:

Housing authorities; compensation of commissioners. Provides that a commissioner shall receive such compensation as may be determined by a locality for each meeting of the authority attended by the commissioner. Currently, that amount cannot exceed \$75.

Patron: Phillips

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0311+pdf>

HB 1192 Homestead deeds for personal property; previous filings.

Summary as introduced:

Homestead deeds for personal property; previous filings. Adds to the homestead deed for personal property form the following questions: (i) how many homestead deeds has the householder filed previously, (ii) what was the amount of the exemption, and (iii) what jurisdiction were they in.

Patron: Griffith

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0186+pdf>

HB 1220 Stormwater management regulations; changes effective date that establishes local program criteria.

Summary as passed House:

Stormwater management regulations; effective date. Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S.

Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates HB 1311 and HB 155. This bill is identical to SB 395.

Patrons: Hugo

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0137+pdf>

HB 1230 Underground Utility Damage Prevention Act; sewer laterals.

Summary as passed House:

Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. The measure will become effective on January 1, 2011.

Patrons: Ware, R.L.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0205+pdf>

HJ 33 Constitutional amendment; property tax exemption for certain veterans (second reference).

Summary as introduced:

Constitutional amendment (second resolution); property tax exemption for certain veterans. Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. This resolution is identical to SJ 13.

Patrons: O'Bannon

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0771+pdf>

SB 27 Warranty registration cards; prohibits seller from conditioning coverage or performance of warranty.

Summary as introduced:

Warranty registration cards. Prohibits a seller from conditioning the coverage or performance of a warranty, in connection with the sale of personal, family, or household goods, upon the

purchaser's returning a warranty registration card, or from providing that the duration of a warranty is dependent upon the return of a warranty registration card. These prohibitions do not apply if the requirement that the purchaser return a warranty registration card is conspicuously disclosed in any advertising and marketing materials that reference the goods' warranty. A seller may use warranty registration cards as a suggested method of proof of the date the goods were purchased. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act.

Patron: Puller

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+HJ27ER+pdf>

SB 31 Constitutional amendment; property tax exemption for certain veterans.

Summary as introduced:

Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability. This bill is identical to HB 149.

Patrons: Puller

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0588+pdf>

SB 57 RS&UT; dealers selling and installing countertops shall be deemed retailers for purposes thereof.

Summary as introduced:

Retail sales and use tax; countertops. Provides that dealers selling and installing countertops shall be deemed retailers for purposes of the sales and use tax. As a retailer, the dealer would be required to collect the tax from the customer. Under current law, dealers selling and installing countertops are deemed to be the ultimate users and consumers of the countertops and pay the sales and use tax instead of collecting it from customers.

Under current law, dealers selling and installing fences, venetian blinds, window shades, awnings, storm windows and doors, locks and locking devices, floor coverings, cabinets, kitchen equipment, and window or air conditioning units are deemed to be retailers and collect the sales and use tax from customers as opposed to paying it. The bill would provide the same tax treatment to dealers selling and installing countertops.

Patron: Martin

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0119+pdf>

SB 151 Condominium and Property Owners' Association Acts; establish restrictions on display of U.S. flag.

Summary as passed Senate:

Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owners' association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from displaying upon property to which that owner has a separate ownership interest or a right to exclusive

possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or property owners' association. Under the bill, if an action is brought by a unit owners' or property owners' association to enforce a rule pertaining to display of the flag, the association shall bear the burden of proof that the restrictions as to the size, place, duration, and manner of placement or display of such flag are necessary to protect a substantial interest of the owners' association.

Patrons: Stuart

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0453+pdf>

SB 216 Fair Housing Board; establishes educational materials on Fair Housing Law.

Summary as passed:

Fair Housing Board certification program. Provides that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the [Virginia Housing Commission](#).

Patron: Locke

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0457+pdf>

SB 222 Land use proposals; exempts localities and citizens' organization from payment of certain VDOT fees.

Summary as passed Senate:

Department of Transportation land use review. Exempts localities, public agencies, and citizens' groups from payment of certain Department fees for review of land use proposals.

Patrons: Puller

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0121+pdf>

SB 240 Nationwide Mortgage Licensing System & Registry; mortgage lenders & brokers required to register.

Summary as introduced:

Mortgage lenders and mortgage brokers; Nationwide Mortgage Licensing System and Registry. Requires all mortgage lenders and mortgage brokers whose employees are required to be licensed as mortgage loan originators to register with the Nationwide Mortgage Licensing System and Registry. The Registry has been developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The State Corporation Commission may enter into agreements with the Registry setting conditions for the collection of information and fees. This is a recommendation of the [Virginia Housing Commission](#). HB 547 is identical.

Patron: Watkins

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0146+pdf>

SB 246 Noise ordinance; authorizes governing body to adopt civil penalties.

Summary as passed Senate:

Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. The penalty for an initial violation shall not exceed \$250 and penalties for subsequent violations shall not exceed \$500.

Patron: Watkins

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+SB246ER2+pdf>

SB 282 Residential Landlord and Tenant Act; eviction procedure, acceptance of redemption tenders.

Summary as passed:

Landlord and Tenant; eviction procedure; acceptance of redemption tenders. Provides that when a tenant presents on or before the first return date on an action for unlawful detainer for the nonpayment of rent, a redemption tender in the amount of all current rent, reasonable late charges, attorney fees, and court costs, the court shall continue the action for 10 days.

Patron: Quayle

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0793>

SB 395 Stormwater management regulations; changes effective date that establishes local program criteria.

Summary as passed:

Stormwater management regulations; effective date. Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates SB 677, SB 245, and SB 681. This bill is identical to HB 1220.

Patrons: Wagner

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0370+pdf>

SB 405 Condemnations; highway construction.

Summary as introduced:

Condemnations; highway construction. Identifies VDOT as the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit. This bill is the same as HB 516.

Patron: Petersen

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0053+pdf>

SB 420 Urban development; sets certain densities in areas according to population of locality.

Summary as introduced:

Urban development areas. Sets certain densities in urban development areas according to the population of the locality that designated the urban development area. The bill also requires that, to the extent possible, certain federal funding and state water and sewer facility and public infrastructure funding be directed to urban development areas or other designated growth areas. The bill mandates that the Commission on Local Government report on localities' compliance with the statute requiring the designation of urban development areas.

Patron: Vogel

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0465+pdf>

SB 449 Equalization, Board of; local government with county manager plan of government to appoint.

Summary as introduced:

Board of equalization; County manager plan of government. Authorizes the board of supervisors of localities with a county manager plan of government to appoint a board of equalization of Real Estate Assessments composed of no more than 11 members. The board of equalization may sit in panels of at least three members each, and each panel shall perform its duties independently of the others. This legislation also makes technical changes to the Code.

Patron: Whipple

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0154+pdf>

SB 491 Sale of used building fixtures; recordkeeping requirements.

Summary as passed:

Sale of used building fixtures; penalty. Requires dealers in secondhand building fixtures to retain records of identifying information about the seller or purchaser of such materials and to obtain documentation establishing that the person lawfully possesses any article being sold. Dealers are required to keep the records for five years. If the dealer buys copper gutters, downspouts, or similar copper or aluminum materials, he is required to hold the articles for not less than 15 days following the date he gives the required notice of the transaction to the chief of police or sheriff. The measure also increases the penalty for a first violation to a Class 3 misdemeanor and for a second or subsequent violation to a Class 1 misdemeanor.

Patron: Hurt

Bill Text <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+SB491ER2+pdf>