

General Assembly Report – Realtors

Virginia's 33rd District includes three of the best counties in America to call home. Loudoun County offers close proximity to Washington, D.C., a low unemployment rate, excellent schools, local wineries, and a wide array of great cities and towns.

Clarke County has become an oasis for Washington, D.C., and Northern Virginia folks who want to enjoy a slower paced lifestyle. This planned open space community provides not only scenic beauty, but hiking on the Appalachian Trail, fishing, canoeing, rafting, and kayaking on the Shenandoah River and award winning wineries where you can choose a view of the mountains or of the valley below.

Frederick County boasts the oldest city in Virginia west of the Blue Ridge Mountains, Winchester. Frederick is home to historic manor homes and gardens, festivals and outdoor adventures and a strong economy.

As your Delegate, I am committed to preserving these counties, making sure they continue to be among the most desirable places to live, work, and do business. As a homebuilder, I have a strong appreciation for the valuable services performed by realtors in our commonwealth, and it's my goal to help every realtor in Virginia effectively serve their clients. As this session wraps up, I wanted to provide an update on legislation that may be important to you. Keep in mind, bills which are not passed this session can be revived next session.

HB 1450 Virginia Residential Property Disclosure Act; representations related to special flood hazard areas and stormwater facility maintenance agreements. (Patron: Miller – R – 50) Requires the residential property disclosure statement provided by a property owner to a prospective purchaser under the Virginia Residential Property Disclosure Act to include explanation that the owner makes no representation with respect to the presence of any maintenance agreement for any stormwater detention facility on the property or with respect to whether the property resides in any special flood hazard area. The bill requires the statement to advise prospective purchasers to exercise whatever diligence they deem necessary to determine the presence of any such agreement or location of any such special flood hazard areas prior to settlement.

Status: 01/20/15 House: Subcommittee recommends laying on the table by voice vote

HB 1452 Landlord and tenant law; who may recover rent and possession. (Patron: Miller – R – 50) Adds an employee who has proper written authorization by a manager, general partner, or trustee of a family trust to sign pleadings as the agent of the business entity to obtain a judgment for possession or for rent or damages.

Status: House: Voted to Pass (98-Y 0-N), Senate: Passed Senate (38-Y 0-N), awaiting Governor's action.

HB 1965 Department of Professional and Occupational Regulation; Virginia Real Estate Transaction Recovery Fund. (Patron: Rust – R – 86) Conforms the provisions of the Virginia Real Estate Transaction Recovery Fund to the provisions of the Contractor Transaction Recovery Fund. The bill contains technical amendments.

Status: House: Voted to Pass (99-Y 0-N), Senate: Passed Senate (38-Y 0-N), awaiting Governor's action.

*Current Status, full summary, and exact text of each bill can be found at:
<http://lis.virginia.gov/>

HB 2100 Condominium and Property Owners' Association Acts; allowable charges; rental of units. (Patron: Peace – R – 97) Conforms the Condominium Act to the Property Owners' Association Act with regard to the prohibition on a unit owners' association from charging any fees not expressly authorized by law or in the declaration. The bill also (i) provides that an association may not limit or prohibit an owner from renting his unit or lot and may not charge fees for any rental or other processing fee in excess of \$50 as a condition of approval of the rental, (ii) sets new rules for providing association disclosure documents electronically, (iii) prohibits an association or its managing agent from putting a lien on a unit or lot where the association or its managing agent have failed to submit invoices for the payments of certain fees before settlement, and (iv) requires an association to maintain a website link for 12 months where the disclosure packet is delivered through the link. The bill contains technical amendments.

Status: House: Voted to Pass (100Y 0-N), Senate: Passed Senate with amendment (38-Y 0-N), awaiting Governor's action.

HB 1642 / SB 775 Virginia Residential Property Disclosure Act; representations related to special flood hazard zones. (House Patron: Stolle – R – 83) Requires the seller's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act to state that the seller makes no representations as to whether the property is located in one or more special flood hazard zones.

Status: House: Voted to Pass (98-Y 0-N), Senate: Passed Senate with substitute (38-Y 0-N), awaiting Governor's action

HB 1424 Virginia Water and Waste Authorities Act; delinquent payment. (Patron: Marshall – R – 14) Repeals the provisions of the Act that make the non-occupant owner of a property liable for up to 90 days of delinquent payments under certain circumstances.

Status: House: Voted to Pass (100Y 0-N), Senate: Passed Senate (38-Y 0-N), awaiting Governor's action.

HB 1493 / SB1100 Enticing, etc., real estate licensee with intent to commit certain felonies; penalty. (House Patron: Miller – R – 50) (Senate Patron: Obenshain – R – 26) Criminalizes the conduct of enticing, soliciting, or requesting a real estate licensee to enter a dwelling house in the licensee's professional capacity with the intent to commit murder, rape, forcible sodomy, inanimate or animate object sexual penetration, robbery, carjacking, aggravated malicious wounding, or abduction. A first offense is punishable by a 20-year mandatory minimum sentence and a second offense is punishable by a 40-year mandatory minimum sentence.

Status: House: Voted to Pass (100Y 0-N), Senate: Passed Senate with amendment (38-Y 0-N), awaiting Governor's action.