



## 2020 End of Session Report

The 2020 Session of the Virginia General Assembly was historic. General Assembly members considered 3,910 bills and resolutions introduced during the 2020 Session. The 24-member committee Virginia Legislative Action Committee of Community Associations Institute ("VALAC") monitored 90 bills that directly or indirectly impact common interest communities. Of those bills, the VALAC actively lobbied 13 bills.

Legislation of interest to common interest community associations concerns a variety of topics, including virtual Board meetings (veto session legislation), political signs, solar panels, electric car charging stations, fair housing and resale disclosure. Overall, the VALAC's efforts were hugely successful, having worked hard well in advance of the legislative session with active legislators interested in community association legislation and through direct participation in the work of the Common Interest Community Association Work Group of the Virginia Housing Commission. The success of the VALAC was bolstered by the support of hundreds of Virginia CAI members who made their voices heard on legislation.

The legislation contained in this report becomes effective July 1, 2020, unless otherwise noted.

### **PASSED Legislation**

**SB 630 Electric Car Charging Stations** – This bill was introduced to address installation of electric car charging stations. The bill adds a new section to both the Property Owners' Association Act and the Condominium Act, but like with solar panels, the recorded declaration and condominium instruments still control. Associations have authority to establish restrictions on installation of electric car charging stations. The location of the installation is a significant factor – for example, association authority to regulate installation on a lot is less than an installation proposed for a limited common element, common element or common area, the latter two of which remain in the sole discretion of the association.

**Fair Housing** – A significant number of bills were introduced to amend the Virginia Fair Housing Law – to expand the number of protected classes protected under the Fair Housing Law. Before July 1, 2020, the Virginia Fair Housing Law provided protections for eight protected classes – race, color, religion, national origin, sex, elderliness, familial status and disability. Effective July 1, 2020 four additional classes are protected – sexual orientation, gender identity, status as a veteran and source of income.

**HB 720 Political Signs** – This bill was introduced to restrict community association authority to regulate the display of political signs. Because of an incredible outpouring of opposition to the bill from community association residents, leaders, managers and professionals, the bill was substantially amended to preserve contract rights retained in recorded covenants. All association disclosure packets and resale certificates now must include a statement of any restrictions on the size, place, duration and manner of placement or display of political signs that are in effect in the community association. The VA LAC engaged 533 advocates to send more than 10,000 emails to their legislators in support of this bill.

**HB 414/SB 504 Solar Panels** – This bill was introduced to restrict the authority of community associations to regulate installation of solar energy collection devices. After collaboration with representatives of the solar panel industry and solar panel advocacy groups, a compromise was reached that preserves restrictions contained in recorded covenants as the "final say." To the extent covenants are silent, community associations retain the authority to establish reasonable restrictions on the installation of solar panels. But now, a restriction

may be deemed not to be reasonable if an owner provides sufficient information that the restrictions increase the cost of installation by 5% or reduce energy production of the installation by 10%.

**HB 29/30 - Virtual Board Meetings** – On March 12, 2020, Governor Northam declared a state of emergency to address the advent of the novel coronavirus (COVID-19). With restrictions placed on gatherings and concern about the spread of coronavirus, meetings of community association governing boards became problematic, due to requirements of the Virginia Property Owners’ Association Act and Virginia Condominium Act that at least two board members must be physically present for a meeting to convene properly

Because the community association statutes do not provide an exception to the two-person-present rule, a legislative fix became necessary. Initially considered an impossibility because the General Assembly adjourned before the coronavirus crisis strengthened its grip on the Commonwealth, an opportunity for a workaround came through the Budget Bills.

Governor Northam proposed amendments to the Budget Bills, which the General Assembly approved during the Veto Session. Under the Budget Bill amendments, governing boards now can meet virtually, without any member of the governing board being physically present - during Governor-declared states of emergency - so long as certain requirements for meeting notice, owner access to the meeting and meeting minutes are met. The Budget Bill amendments expire June 30, 2022, so further legislation will be necessary to extend or expand the ability of governing boards to meet virtually.

### **Virginia Contact Information**

- CAI Virginia Legislative Action Committee: [government@caionline.org](mailto:government@caionline.org)

### **Your Assistance is Needed**

Expenses incurred by the LAC are paid for with donations and by Advocacy Fund fees. Corporate contributions are allowed and appreciated. Most community association boards can legally allocate money to support the VA LAC. Please visit [www.caionline.org/lacdonate/](http://www.caionline.org/lacdonate/) and donate to “Virginia” to support our continued efforts.

For more information visit [www.caionline.org/VALAC](http://www.caionline.org/VALAC).