

**COMMUNITY ASSOCIATIONS INSTITUTE
VIRGINIA LEGISLATIVE ACTION COMMITTEE**

2010 VIRGINIA GENERAL ASSEMBLY

**Legislation Affecting
Community Associations**

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
HOUSE BILLS				
House Bill 191	Common Interest Community Board; clarification for complaints. (John L. Cosgrove)	Specifies that each Association shall establish a procedure for resolution of complaints and must adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.	Support (as currently drafted).	Passed House by BLOCK VOTE (99-Y 0-N) on February 12, 2010; reported from Senate General Laws and Technology Committee (14-0) on February 17, 2010; passed Senate (40-Y 0-N) on February 22, 2010; signed by the Speaker and the Senate President; approved by Governor, Chapter 59 (effective July 1, 2010).
House Bill 348	Common interest communities; annual assessment by Common Interest Community Board. (Vivian E. Watts)	Changes from the lesser of \$1,000 to \$2,000 and from five hundredths of one percent (0.05 percent) to two hundredths of one percent (0.02 percent), the amount of the annual assessment owed to the Common Interest Community Board to support its operation. This change is reflected in both the Condominium Act and the Property Owners ¹ Association Act.	Monitor; address drafting issues.	Referred to House Committee on General Laws; left in General Laws.
House Bill 439	Common Interest Community Board; provisional licenses for property managers (David J. Toscano)	Requires the Common Interest Community Board to issue a provisional license to any person, partnership, corporation, or other entity offering management services to a common interest community on or before December 31, 2010, who makes application for licensure prior to January 1, 2011. Such provisional license shall expire on June 30, 2012. Currently, such dates are December 1, 2008, January 1, 2009, and June 30, 2011, respectively.	Oppose.	Referred to House Committee on General Laws; left in General Laws.

¹ Does not amend POA Act; only amends Condo Act.

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House Bill 468	Common interest communities; exemptions from licensure (Vivian E. Watts)	Provides that a resident who provides bookkeeping, billing, or record keeping services to his association is not required to be licensed as a common interest community manager so long as the fidelity bond coverage maintained by the Association insures against losses. 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, and the two remaining appointments must reside in a common interest community, at least one of whom resides in a common interest community that is not professionally managed at the time of appointment. The bill contains technical amendments.	Support as amended.	Referred to House Committee on General Laws; assigned to Subcommittee 1: Housing on February 3, 2010; Reported from General Laws with substitute (22-Y 0-N) on 2/11/2010; passed by the House by BLOCK VOTE on February 16, 2010; referred to Senate General Laws and Technology Committee; reported from Senate General Laws and Technology (15-0) on March 3, 2010; passed Senate (40-Y 0-N) March 8, 2010; signed by Speaker and President of Senate.
House Bill 470	Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments; prior (Vivian E. Watts)	Provides that a property owners' or condominium association may conduct a foreclosure sale on a lien for unpaid assessments subject to the lien of a first trust. The bill also provides that such portion of the unpaid assessments directly attributable to the maintenance and upkeep of the common areas and such other areas of association responsibility expressly provided for in the declaration, including capital expenditures shall be prior to all other liens and encumbrances. The bill contains technical amendments.	Support with modifications to establish Uniform Act limited lien priority.	Referred to House Committee on General Laws; left in General Laws.
House Bill 496	Condominium and Property Owners Association Acts; rule enforcement. (L. Scott Lingamfelter)	Increases from 90 to 180 days the amount of time a total charge for any violation of association rules of a continuing nature may be assessed.	Support.	Referred to House Committee on General Laws; assigned to Subcommittee 1: Housing; Subcommittee recommends laying the bill on the table (5-2) on February 3, 2010; left in General Laws.
House Bill 702	Property Owners' Association Act; fees for disclosure packet; when collected. (David L. Bulova)	Clarifies that 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.	Support.	Passed House by BLOCK VOTE (99-Y 0-N) on February 11, 2010; referred to Senate Committee on General Laws and Technology; reported from Senate General Laws and Technology (14-0) on February 17, 2010; passed Senate (40-Y 0-N) on February 22, 2010; signed by the Speaker and the President of the Senate; Governor's recommendation received by House; House

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House Bill 812	Virginia Condominium Act and the Virginia Property Owners' Association Act; rules regarding the operation of motor vehicles. (Robin A. Abbott)	Provides that, except to the extent otherwise provided by the condominium instruments or declaration, no unit owners' or property owners' association may establish rules or restrictions concerning the operation of privately owned motor vehicles within the common areas or other areas under the authority of the association.	Oppose.	concurred in Governor's recommendation; House Vote adoption (97-Y 0-N) March 11, 2010; Senate concurred; re-enrolled; signed by Speaker and President of Senate as re-enrolled March 12, 2010; House enacted, Chapter 165 (effective July 1, 2010). Referred to House Committee on General Laws; assigned to Subcommittee 1: Housing; Subcommittee recommends passing by with letter by voice vote on February 10, 2010; Passed by in General Laws with letter referring the bill to the Housing Commission by voice vote on February 11, 2010.
House Bill 881	Restrictive covenants regarding solar energy collection devices. (Mamye E. BaCote, Robin A. Abbott, Roslyn C. Tyler, Jeion A. Ward; Sentate: Mamie E. Locke)	Invalidates any new or existing restrictive covenant adopted by a community association that prohibits or restricts the installation or use of any solar energy collection device. Community associations may establish reasonable restrictions as to the size, place, and manner regarding the placement of such devices on private property and community areas.	Oppose.	Referred to House Committee on Counties, Cities and Towns; Continued to 2011 in Counties, Cities and Towns by voice vote on February 8, 2010.
House Bill 956	Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. (L. Scott Lingamfelter)	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, if an action is brought by a unit owners' or property owners' association to enforce a rule pertaining to display of the flag, the unit or lot owner may assert as an affirmative defense that the rule does not protect a substantial interest of the association.	Support, as written.	Passed House BLOCK VOTE (99-Y 0-N) on February 11, 2010; referred to Senate Committee on General Laws and Technology; reported from Senate Committee on General Laws and Technology (14-0) on February 17, 2010; passed Senate (40-Y 0-N) on February 22, 2010; signed by the Speaker and the President of the Senate; Governor recommendation received by House March 9, 2010; House concurred in Governor's recommendation (98-Y 0-N) March 11, 2010; Senate concurred (40-Y 0-N); Governor's recommendation adopted; House re-enrolled March 12, 2010; signed by Speaker and President of Senate; House enacted, Chapter 166 (effective July 1, 2010) March 12, 2010.

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House Bill 1058	Virginia Condominium Act; the Virginia Property Owners' Association Act; amending association documents using technology. (Richard P. Bell, R. Steven Landes)	Provides that unless 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.	Support with clarification of subsection F and revisions.	Passed by the House (73-21) on February 15, 2010; referred to Senate Committee on General Laws and Technology; reported from General Laws and Technology (15-0) with amendments on March 3, 2010; committee amendments agreed to, engrossed by Senate as amended, passed Senate with amendment (40-Y 0-N) March 8, 2010; House vote adoption (96-Y 0-N) March 10, 2010.
House Bill 1100	Stormwater management; certain landowners shall be immune from civil liability. (Mark D. Sickles; David L. Bulova)	Provides that landowners who cede responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or political subdivision thereof shall be immune from civil liability in relation to such stormwater management facility. The immunity does not extend to cases of intentional or willful misconduct or gross negligence.	Support.	Passed the House (69-29) on February 15, 2010; referred to Senate Committee on Agriculture, Conservation and Natural Resources; reported from Committee (10-4) on March 1, 2010; passed the Senate with amendments (35-5) on March 3, 2010; Senate amendment agreed to by House; Vote adoption (80-Y 19-N) March 5, 2010; enrolled; signed by Speaker and President of Senate March 13, 2010.
House Bill 1102	Property Owners' Association Act; authority of board of directors; parking. (Mark D. Sickles)	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.	Support in concept, but express concerns about constitutionality.	Reported from General Laws with amendments (12-Y 9-N) on February 11, 2010; passed by the House (72-27) on February 16, 2010; referred to Senate Committee on General Laws and Technology; reported from Committee (15-0) on March 3, 2010; passed Senate (40-Y 0-N); enrolled; signed by Speaker and President of Senate March 15, 2010..

SENATE BILLS

Senate Bill 151	Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag. (Richard H. Stuart)	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	Support.	Passed Senate (40-Y 0-N) on February 10, 2010; referred to House Committee on General Laws; assigned to General Laws Subcommittee #1 Housing on February 23, 2010; subcommittee recommends reporting with amendments (6-Y 1-N); passed House (100-0) BLOCK VOTE PASSAGE on March 4, 2010; House substitute agreed to by Senate (40-Y 0-N) March 8, 2010; enrolled; signed by Speaker and President of Senate March 15, 2010.
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		<p>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 unit or lot owner may assert as an affirmative defense that the rule does not protect a substantial interest of the association.</p>		
Senate Bill 221	<p>Covenants regarding natural drying devices. (Linda T. Puller)</p>	<p>Provides that effective July 1, 2010, no community association shall prohibit an owner from installing or using a natural drying device on that owner's property. The bill provides that a community association may establish reasonable restrictions concerning the size, placement, time and manner of placement of such natural drying device.</p>	<p>Support with changes.</p>	<p>Passed by Senate as amended on January 26, 2010 (37-Y, 3-N); referred to the House Committee on General Laws on February 3, 2010; assigned to General Laws Subcommittee #1 Housing on February 23, 2010; subcommittee recommends laying on the table (5-Y 2-N); left in General Laws March 14, 2010.</p>
Senate Bill 270	<p>Common Interest Communities Board clarification for complaints (Mary Margaret Whipple)</p>	<p>Specifies that each Association shall establish a procedure for resolution of complaints and must adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.</p>	<p>Support as written.</p>	<p>Passed by Senate on January 26, 2010 (40-Y, 0-N); referred to House Committee on General Laws on February 3, 2010; reported from General Laws with Amendment (22-Y 0-N) on February 23, 2010. (Amendment not available as of February 23, 2010); passed House with amendment BLOCK VOTE (98-Y 0-N); Senate agrees to House amendments on March 1, 2010; enrolled; signed by Speaker and President of Senate March 8, 2010.</p>
Senate Bill 411	<p>Condominium Act; Property Owners' Association Act; foreclosure on lien for unpaid assessments. (Jill Hotzman Vogel)</p>	<p>Provides that a property owners' or condominium association may conduct a foreclosure sale on a lien for unpaid assessments subject to the lien of a first trust.</p>	<p>Support.</p>	<p>Referred to Senate Committee on General Laws and Technology; Stricken at request of Patron in General Laws and Technology (15-Y 0-N) on January 27, 2010.</p>
Senate Bill 419	<p>Virginia Property Owners' Association Act; control of association by declarant. (Jill Holtzman Vogel)</p>	<p>Provides that a declaration may provide for declarant control of an association and its board of directors until (i) three months after 80 percent of all lots that the declarant has reserved the right to develop in all phases of development have been conveyed to a person other than a declarant or builder and (ii) the number of lots not yet developed is less than 200. The bill also provides that the declarant has the</p>	<p>Support.</p>	<p>Referred to Senate Committee on General Laws and Technology; Committee substitute; continued to 2011 in Committee on February 3, 2010.</p>

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		right to develop all additional lots in accordance with provisions in effect at the time of transfer of control and gives the declarant a seat on the board of the association until such time as all lots have been conveyed to a person other than a declarant or a builder.		
Senate Bill 665	Common Interest Community Board; powers and duties. (Mary Margaret Whipple)	Clarifies the authority of the Common Interest Community Board to impose monetary penalties and enter into consent agreements related to investigations and disciplinary proceedings. In addition, the bill (i) authorizes the Board to use informal fact-finding conferences in lieu of formal hearings and (ii) clarifies the authority of the Board regarding property owners' associations.		Passed the Senate (40-0) on February 2, 2010; referred to House Committee on General Laws on February 8, 2010; assigned to General Laws Subcommittee #1 Housing on February 23, 2010.; subcommittee recommends reporting (7-Y 0-N); reported from General Laws (22-0) on March 2, 2010; passed the House (100-0) on BLOCK VOTE on March 4, 2010; enrolled; signed by Speaker and President of Senate March 11, 2010.

OTHER BILLS

House Bill 155	Stormwater management programs; delays for two years DCR's regulations governing. (Rosalyn R. Dance)	Delays for two years the Department of Conservation and Recreation's regulations governing the stormwater management program that were to be implemented on July 1, 2010.	Monitor.	Referred to House Committee on Agriculture, Chesapeake and Natural Resources; Incorporated by Agriculture, Chesapeake and Natural Resources into House Bill 1220 by voice vote.
House Bill 159	Noise ordinance; authorizes governing body to adopt civil penalties. (Rosalyn R. Dance)	Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances.	Support.	Referred to House Committee on Counties, Cities and Towns; Assigned to House Committee on Counties, Cities and Towns Subcommittee #2; Incorporated by Counties, Cities and Towns into House Bill 297 by voice vote.
House Bill 192	Fair Housing Board; establishes educational materials on Fair Housing Law. (John L. Cosgrove)	Establishes 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.	Monitor; oppose any requirement imposed on members of volunteer board of directors.	Passed House (89-Y 10-N) on February 11, 2010; referred to Senate Committee on General Laws and Technology on February 12, 2010; reported from Senate Committee on General Laws and Technology with substitute (14-0) on February 17, 2010; constitutional reading dispensed (40-Y 0-N) February 19, 2010; passed Senate with substitute (39-Y 0-N) February 22, 2010; passed Senate with substitute (40-Y 0-N); Senate substitute rejected by House (5-Y 94-N); Senate insists on substitute; March 19, 2010 (5:57 p.m.)

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
House Bill 205	Residential property insurance; duty of insurer to repair damages. (Kenneth C. Alexander)	Requires fire or miscellaneous property insurance policies on residential property to provide that the duty to repair, rebuild, or replace damaged portions of the property includes the obligation to paint or otherwise repair the undamaged portion of the property that is adjacent to or in the immediate area of the damaged portion of the property, in the same manner and with the same material as is used to repair the damaged portion of the property. This obligation applies if necessary to avoid creating unreasonable differentiations in the appearance of the damaged and the undamaged portions of the property as a result of making repairs to the damaged portion of the property.		conference Committee; House acceded to request; conference report agreed to by House (86-Y 7-N); vote adoption (86-Y 7-N) March 13, 2010; conference report agreed to by Senate (39-Y 0-N) March 13, 2010. Left in Commerce and Labor Committee.
House Bill 232	Rental property; civil penalty imposed on certain property owners (Rosalyn R. Dance)	Allows a locality to adopt an ordinance to impose civil penalties on a property owner of four or fewer rental units who allows tenants to create certain outlined nuisances, including disorderly conduct, indecent exposure, profane swearing and intoxication in public, and excessive noise, against the community within a 12-month period. This bill has been recommended by the Housing Commission.	Support.	Referred to House Committee on Counties, Cities and Towns; Assigned to House Committee on Counties, Cities and Towns Subcommittee #2; Subcommittee recommends reporting (8-2) of February 4, 2010; left in committee.
House Bill 297	Noise ordinance; authorizes governing body to adopt civil penalties. (John A. Cosgrove)	Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances.		Passed the House (90-Y 5-N) on January 29, 2010; referred to Senate Committee on Local Government; reported from committee with amendments (14-Y 1-N) February 23, 2010; passed Senate with amendments (37-2) on February 26, 2010; House agreed to Senate amendments (97-1) on March 2, 2010; Vote adoption (97-Y 1-N) March 2, 2010; enrolled; signed by Speaker and President of Senate March 11, 2010.
House Bill 329	Lawn fertilizers; prohibits use and application of	Prohibits the application of fertilizers that contain phosphorus for use on lawns, golf courses, parks, and	Monitor.	Continued to 2011 in Agriculture, Chesapeake and Natural Resources by voice vote on February March 19, 2010 (5:57 p.m.)

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	those that contain phosphorus. (Kenneth R. Plum)	cemeteries. The prohibition does not apply to fertilizer products primarily intended for gardening, trees, shrubs, or indoor plants. The bill prohibits the application of fertilizer that contains phosphorus when the ground is frozen. Any fertilizer that runs onto impervious surfaces has to be immediately contained and collected. New lawns or lawns that have had soil tests in the last three years showing phosphorus levels are deficit based upon Department of Conservation and Recreation's nutrient management standards and criteria can use fertilizers that contain phosphorus. Beginning January 1, 2011, no person can display for sale lawn fertilizer that is labeled as containing phosphorus; however, such products can be stored off the sales floor and may be sold upon request. Also beginning on this date, a business selling fertilizers has to provide signage that informs the public of the new law and noting the effects of phosphorus on state waters. Any person who violates provisions of the new law may be assessed a civil penalty by the Department of Conservation and Recreation of up to \$250. The moneys collected will be deposited in the Water Quality Improvement Fund.		3, 2010.
House Bill 405	Fair Housing Board; fair housing certification program (G. Glenn Oder)	Requires the Fair Housing Board to establish and mandate, by regulation, an education-based certification program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The regulations shall provide that such persons take a minimum of two hours of fair housing training every two years to maintain the required certification. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter, which shall include an update on current cases and administrative decisions under fair housing laws. The regulations shall further provide that a person required to be certified who fails to obtain or maintain certification as provided herein shall be subject to a civil penalty imposed by the Board of not more than \$250. Civil penalties assessed shall be paid into the dedicated special revenue fund of the Department of Professional and Occupational Regulation. The Board shall post on its website the requirements for certification and	Monitor; oppose any requirement imposed on members of volunteer boards of directors.	House Committee on General Laws incorporated the bill into House Bill 192 by voice vote on February 4, 2010.

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
House Bill 430	Real property tax assessment (H. Morgan Griffith)	include notice on the certificates of the dates for which the certification shall remain valid. The Board shall provide at least 45 days notice to the person certified that their certification is due for renewal. The bill also defines the term "person in the business or activity of selling or renting dwellings." Provides (i) that the fair market value of certain affordable housing be determined using income production assessment methodology, based on the property's current use and restrictions; (ii) additional requirements for real estate assessors; (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; (iii) taxpayers access to certain information related to assessments; and (iv) additional requirements related to boards of equalization.	Monitor.	Reported from Finance Committee with substitute (22-Y 0-N) on February 10, 2010; passed by House by BLOCK VOTE on February 15, 2010; referred to Senate Committee on Finance; reported from Finance with substitute (13-Y 0-N) February 24, 2010; passed the Senate (39-0) on February 26, 2010; Senate Substitute agreed to (98-1) on March 2, 2010; House vote adoption (98-Y 1-N) March 2, 2010; enrolled; signed by Speaker and President of Senate March 11, 2010.
House Bill 529	Electronic notary public; evidence of identity in case of an electronic notarization. (Samuel A. Nixon)	Allows, in the case of an electronic notarization, for satisfactory evidence of the identity of a signer to be based on (i) video and audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act, and confirmation of identity of the principal by use of biometric data or (ii) video and audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act, and a Personal Identity Verification card issued in accordance with standards established by the National Institute of Standards and Technology. An electronic notarization may be made even though the signer is not in the presence of the notary if the notary relies on such evidence. The bill also eliminates the requirement that electronic notaries submit with their registration various specific information regarding the device used to create an electronic signature. The bill also clarifies that a person commissioned as an electronic notary need not first be commissioned as a notary.		Passed House (93-Y 4-N) with a Substitute on February 8, 2010; Referred to Senate Committee for Courts of Justice; passed by indefinitely (10-5) on March 1, 2010.
House Bill 914	Barking dog ordinances; locality may require parties	Provides that in any ordinance that regulates barking dogs, a locality may include provisions that require parties to use		Reported from House Committee on Counties, Cities and Towns with amendments; passed by the March 19, 2010 (5:57 p.m.)

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	to use mediation in resolving dispute. (Robert B. Bell)	mediation or arbitration as an initial step in resolving a dispute.		House (79-19) on February 16, 2010; referred to Senate Committee on Local Government; re-referred to Senate Courts of Justice Committee and assigned to Civil Subcommittee; passed by indefinitely in Courts of Justice (15-Y 0-N) March 8, 2010.
House Bill 974	Circuit court clerks' offices; makes technical changes in handling of electronic or digital filing.	Makes technical changes in circuit court clerks' handling of electronic or digital filing and their maintenance and support of electronic filing and allows for a \$5 per document fee that will be retained by the clerks.		Passed House by BLOCK VOTE (98-Y 0-N) on February 10, 2010; referred to Senate Committee for Courts of Justice and assigned to Civil subcommittee; reported from Committee with amendments (15-Y 0-N) March 8, 2010; passed Senate with amendments (40-Y 0-N) March 10, 2010; House vote adoption (98-Y 0-N) March 11, 2010.
House Bill 1152	Foreclosure of affordable dwelling units. (James M. Scott)	Provides a redevelopment and housing authority administering a properly established affordable dwelling unit program with the opportunity to, and exclusive right to, purchase an affordable dwelling unit at a foreclosure sale for an amount not to exceed the maximum controlled sales price of the unit. In localities that have not established a redevelopment and housing authority, the local governing body may exercise the exclusive right to purchase. Under the bill, the exclusive right to purchase would be applicable only if the affordable dwelling unit is subject to restrictive covenants recorded in the circuit court land records prior to the deed of trust proposed for the foreclosure. In addition, the covenants and applicable zoning ordinances would have to include maximum sales price limitations.		Referred to House Committee on General Laws; assigned to Subcommittee 1: Housing; Subcommittee recommends passing by with letter by voice vote on February 10, 2010; Passed by in General Laws with letter to refer the bill to the Housing Commission by voice vote on February 11, 2010.
House Bill 1220	Stormwater management regulations; effective date. (Timothy D. Hugo)	Extends the effective date of the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria based on the completion of the Virginia Total Maximum Daily Loads (TMDL) Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL approved by the United States Environmental Protection Agency and the regulations thereafter adopted to implement the Plan.		Substitute Passed the House by BLOCK VOTE on February 15, 2010; referred to Senate Committee on Agriculture, Conservation and Natural Resources; passed Senate (40-Y 0-N) February 24, 2010; bill text passed House and Senate, signed by Speaker March 2, 2010; signed by President March 3, 2010; approved by Governor, Chapter 137 (effective July 1, 2010) March 11, 2010.

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
House Bill 1320	Dam safety; DCR to award grants to local government and private entity for dam break analysis, etc. (Beverly J. Sherwood)	Authorizes the Director of the Department of Conservation and Recreation, with the approval of the Virginia Soil and Water Conservation Board, to award grants from the Dam Safety, Flood Prevention and Protection Assistance Fund to local governments and private entities for dam break analysis, the mapping and digitization of dam break inundation zones, and incremental damage analysis. Currently, only local governments are eligible to receive grants. The bill also establishes the Dam Safety Administrative Fund, which is capitalized with moneys from the dam application permit fees. The moneys in the fund are to be used for administration of the dam safety program.		Passed Senate (40-Y 0-N) on February 10, 2010; signed by the Speaker and the President of the Senate; signed by the Governor on February 26, 2010.
House Bill 1330	Real Estate Time-Share Act; right of time-share owner to surrender time-share. (John A. Cosgrove)	Gives a time-share owner the right to surrender his time-share and be relieved of any further obligations related to the time-share provided certain conditions specified in the bill are met. The bill provides that the developer shall be under no obligation to pay any maintenance fee, assessment, special assessment, or any other charge however denominated on any time-share surrendered.		Referred to House Committee on General Laws; assigned to Subcommittee 1: Housing; passed by in General Laws with a letter referring the bill to the Housing Commission by voice vote on February 4, 2010.
Senate Bill 64	Signs; provides local government authority to regulate. (L. Louise Lucas)	Provides that a zoning ordinance may include provisions for the regulations of signs in the highway rights of way. Localities may also adopt an ordinance in order to control signs within any highway rights of way and to control local enforcement of such signage. If a locality enacts an ordinance to regulate signs and also authorizes volunteers to enforce the provisions of such an ordinance, the volunteer, and any local government employee, will be personally liable to the owner of the signs for any damage that may result from such enforcement. Additionally, the Commonwealth Transportation Commissioner may enter into agreements with any locality, instead of just Fairfax County, authorizing local law-enforcement agencies to act as agents of the Commissioner for purposes of this legislation. Finally, this legislation limits the definition of excavation to not include installation of a sign that is installed by pushing metal, plastic or wooden poles in the ground.		Passed Senate (40-Y 0-N) on February 9, 2010; referred to House Committee on Transportation; reported from Committee with amendments (20-Y 1-N) February 23, 2010; passed the House (87-9) on February 26, 2010; House Amendments agreed to by Senate (40-0) on March 2, 2010; enrolled; signed by Speaker and President of Senate March 12, 2010.

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
Senate Bill 120	Noise ordinance; authorizes governing body to adopt civil penalties. (J. Chapman Petersen)	Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances.	Support.	Referred to Senate Committee on Local Government; Incorporated by Committee into Senate Bill 246 on January 19, 2010. Senate Bill 246 passed the Senate.
Senate Bill 131	Nonstock Corporation Act; conforms revisions to Model Business Corporation Act. (Walter A. Stosch)	Conforms provisions of the Virginia Nonstock Corporation Act to revisions to the Model Business Corporation Act prepared by the Business Law Section of the American Bar Association, and makes several technical or clarifying revisions. Provisions (i) expand the governing of electronic transmission of notices and other communications; (ii) provide that notice to a member that is sent by U.S. mail is effective upon deposit in the U.S. mail; currently, such mailings to members are effective five days after mailing; (iii) require words in communications to be in the English language, unless otherwise agreed; (iv) permit a board of directors to establish separate record dates for determining members entitled to notices of, and to vote at, meetings; (v) allow members to participate remotely in members' meetings; (vi) repeal the existing provision that limits the power of the board of directors to alter the board's size to an amount not greater than 30 percent of its existing size; (vii) confirm the authority of a board of directors to require the corporation to provide indemnity, including advancement and reimbursement; (viii) authorize a corporation to obligate itself to provide indemnification, and advance funds to pay for or reimburse expenses, in advance of the act or omission giving rise to a proceeding; and (ix) correct cross-references.	Support.	Passed the Senate (40-Y 0-N) on January 29, 2010; Referred to House Committee on Commerce and Labor on February 8, 2010; reported from Committee (22-Y 0-N); passed House BLOCK VOTE (99-Y 0-N) February 23, 2010; signed by the Speaker and the President of the Senate; House enacted, Chapter 171 (effective July 1, 2010) March 13, 2010.
Senate Bill 208	Family or household member; definition. (George L. Barker)	Includes within the definition of a person's "family or household member" any individual who is currently or was formerly involved in a substantive, intimate dating relationship with the person; the existence of such a substantive relationship shall be determined based on (i) the length of the relationship, (ii) the nature of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship. A casual relationship or ordinary fraternization in a business or social context does not constitute a dating relationship. Expanding the definition of "family or household member" implicates crimes for which a		Referred to Senate Committee for Courts of Justice; assigned to Senate Courts of Justice Subcommittee – Criminal; Continued to 2011 in Courts of Justice (14-Y 0-N); Subject matter referred by letter to Virginia Crime Commission pursuant to Senate Rule 20 (L).

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
Senate Bill 227	Irrigation systems; state-owned buildings and private property. (George L. Barker)	family or household member is a victim (e.g., assault and battery against a family member) and protective orders under which a person may be protected (e.g., protective orders in cases of family abuse). Requires the Division of Engineering and Buildings, in every state-owned building or facility designed, constructed, or substantially altered after July 1, 2010, that includes as part of such design, construction, or alteration the installation of an outdoor automatic sprinkler or irrigation system, to ensure that such system shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill also provides that every outdoor automatic sprinkler or irrigation system installed after July 1, 2010, by a landscape irrigation contractor shall be equipped with technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill provides that this latter provision shall not apply to systems operating on golf courses or agricultural lands.	Monitor.	Passed Senate (40-Y 0-N) on February 10, 2010; referred to House Committee on General Laws; assigned to General Laws Subcommittee #2 FOIA/Procurement February 24, 2010; subcommittee recommended referring to Committee on Appropriations February 25, 2010; reported from General Laws and referred to Appropriations Committee on March 2, 2010; left in Appropriations.
Senate Bill 244	Dam Safety Act; low traffic roadways (John C. Watkins)	Requires the Virginia Soil and Water Conservation Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk on the determination of the hazard potential classification of an impounding structure.	Monitor.	Passed the Senate (40-Y 0-N) on January 28, 2010; Referred to House Committee on Agriculture, Chesapeake and Natural Resources on February 8, 2010; reported from Committee (21-0) on February 17, 2010; passed House BLOCK VOTE (95-Y 0-N) February 19, 2010; signed by the President and the Speaker; approved by Governor - Chapter 41 (effective 7/1/10) March 4, 2010.
Senate Bill 245	Stormwater management programs (John C. Watkins)	Delays the effective date of regulations that establish local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater management from July 1, 2010, to July 1, 2011. Any	Monitor.	Referred to Senate Committee on Agriculture, Conservation and Natural Resources; Referred to Agriculture, Conservation and Natural Resources Subcommittee 1; incorporated in Senate Bill 395 March 19, 2010 (5:57 p.m.)

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
		regulations adopted prior to this date shall be considered outside the scope of authority granted by the General Assembly.		(Wagner) on February 1, 2010.
Senate Bill 246	Civil penalties for violations of noise ordinance (John C. Watkins)	Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. Initial violation penalty shall not exceed \$250.00; penalties for subsequent violations not to exceed \$500.00.	Support.	Substitute Passed the Senate on January 19, 2010. (39-Y, 0-N); referred to the House Committee on Counties, Cities & Towns; reported from committee with substitute (20-Y 1-N) February 19, 2010; committee substitute agreed February 23, 2010; engrossed by House; passed House with substitute with amendment (78-Y 21-N) February 23, 2010; House substitute with amendment agreed to by Senate (40-Y 0-N) February 25, 2010; bill text passed Senate and House March 3, 2010; signed by House Speaker March 3, 2010; signed by Senate President March 6, 2010.
Senate Bill 276	Dam Safety (R. Edward Houck; House: Edward T. Scott)	Allows those dams that do not comply with dam safety regulations to continue to operate so long as the owner of the dam has adopted a dam safety emergency action plan. These dams could continue to operate without correcting any deficiencies as long as funding is not available through the Dam Safety, Flood Prevention and Protection Assistance Fund. Once such funding is available the dams will have to comply with all of the dam safety regulations.	Monitor.	Passed the Senate (40-Y 0-N); Referred to House Committee on Agriculture, Chesapeake and Natural Resources on February 8, 2010; reported from Committee with substitute on March 3, 2010; committee substitute agreed to March 5, 2010; passed House with substitute with amendment, House vote passage emergency (97-Y 2-N) March 5, 2010; enrolled; signed by Speaker and President of Senate March 15, 2010.
Senate Bill 329	District and circuit courts; increases court fees. (Richard H. Stuart)	Increases the court fees in both district and circuit court from (i) \$27 to \$75 in a district court civil action and (ii) the current scale of \$60-\$160 to \$500-\$1,000 in civil actions in circuit court. The fee increases under this bill in district court are allocated to the sheriffs' departments, and the increases in circuit court are split between the sheriffs' (80%) and the clerks' (20%) offices to be used exclusively for achieving the current staffing standards of the two constitutional offices. The \$10 fee for the Courts Technology Fund is removed from civil cases. The Fund still receives fees applicable to other filings in the circuit and appellate courts.		Passed the Senate (23-Y 17-N) on February 15, 2010; referred to House Committee for Courts of Justice; left in Courts of Justice March 14, 2010.

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
Senate Bill 395	Stormwater management regulations; effective date. (Frank W. Wagner; Ryan T. McDougle)	Extends the effective date of the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria based on the completion of the Virginia Total Maximum Daily Loads (TMDL) Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL approved by the United States Environmental Protection Agency and the regulations thereafter adopted to implement the Plan.		Substitute Passed the Senate (40-0) on February 4, 2010; referred to House Committee on Agriculture, Chesapeake and Natural Resources; reported from Committee with amendment (22-Y 0-N) February 24, 2010; passed the House with amendment (96-0) by BLOCK VOTE on February 26, 2010; Senate agreed to House amendments on March 2, 2010; enrolled; signed by Speaker and President of Senate March 12, 2010.
Senate Bill 457	Professional and Occupational Regulation, Department of; regulation of business brokers. (A. Donald McEachin)	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. The bill also provides for the licensure of persons providing business broker services in the Commonwealth with the regulatory program to be administered by the Director of the Department of Professional and Occupational Regulation.		Substitute Passed Senate (40-Y 0-N) on February 10, 2010; referred to House Committee on General Laws; reported from General Laws (22-Y 0-N) February 23, 2010; amended on floor; passed House with amendment on March 2, 2010; Senate agrees to House amendments on March 4, 2010; enrolled; signed by Speaker and President of Senate March 11, 2010.
Senate Bill 546	Landowner liability arising from recreational activities; railroad rights-of-way. (John S. Edwards)	Ensures that railroad rights-of-way may be used for recreational purposes and for access to lands being used for recreational purposes without the easement holder owing a duty of care to the user. This exemption from civil liability already exists for landowners, but does not explicitly include railroad rights-of-way. The exemption does not apply if the landowner charges a fee for the use of the lands and does include gross negligence or willful or malicious failure to guard or warn against a dangerous condition.		Passed the Senate (38-Y 2-N) on January 28, 2010; Referred to House Committee on Agriculture, Chesapeake and Natural Resources on February 8, 2010; reported from House Committee on Agriculture, Chesapeake and Natural Resources on February 17, 2010; passed House BLOCK VOTE (95-Y 0-N) February 19, 2010; signed by the President of the Senate and Speaker; approved by Governor - Chapter 43 (effective 7/1/10) March 4, 2010.
Senate Bill 686	Uniform Environment Covenants Act; established. (W. Roscoe Reynolds)	Authorizes the Department of Environmental Quality to enter into environmental covenants with interest holders in real property that restrict the use of the real property. The covenants are intended to survive transfers of ownership interests in the land or operations of law that may otherwise terminate the covenant. The bill spells out the recordation		Reported from Finance with substitute (14-Y 0-N) on February 11, 2010; passed the Senate (40-0) on February 16, 2010; referred to House Committee on Agriculture, Chesapeake and Natural Resources on February 18, 2010; reported from Committee (12-10) on March 3, 2010; passed March 19, 2010 (5:57 p.m.)

Bill Number	Title	Synopsis of the Legislation	VALAC Position	Status
		process and notice to subsequent holders of interest. Prior held interests are not affected by the covenant. The Department of Environmental Quality will create an electronic registry containing all environmental covenants.		House (88-Y 10-N) March 8, 2010; enrolled; signed by Speaker and President of Senate March 15, 2010.

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