

## 2009 General Assembly Bill Review

### Housing Legislation

Below is a comprehensive list of the housing related legislation that passed the Virginia General Assembly in 2009 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 Virginia.

When reading a bill, 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 1<sup>st</sup> of this year (unless otherwise stipulated in the bill). Checkout upcoming LegUp e-mails for more information. E-mail Barrett Stork, HRRRA Governmental Affairs Director, at [bstork@hrra.com](mailto:bstork@hrra.com) if you have any questions.

### REALTOR® Legislation

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**HB1680:** Del. Robert Orrock (R-Spotsylvania) **PASSED**

#### **Vested rights; Act of God.**

For the code section dealing with vested rights the term "act of God" was clarified to include a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or certain fires. The bill specifies that an accidental fire would not affect the vested rights, however, arson committed by the property owner would. The bill also limits the owner's right to repair, rebuild, or replace the building to its original nonconforming condition only if such building is damaged greater than 50 percent. This legislation was proposed in response to an issue HRRRA faced with the City of Norfolk when their interpretation of "act of God" did not include fires.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0782>

**HB 1724:** Del. Tom Rust (R-Herndon) **PASSED**

#### **Trespassing vehicle; towing; local ordinances.**

Provides that local ordinances may require towing and recovery operators to obtain at the time the vehicle is towed, verbal approval of an agent designated in the ordinance. Further provides that local ordinances requiring "second signatures" before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed. This bill is the same as [SB 997](#) (J. C. Miller).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB1724ER>

**HB1785:** Del. Robert D. Hull (D-Fairfax) **PASSED**

#### **Exceptions to disclosure requirements.**

Adds to the list of exceptions to disclosure requirements a disposition of a lot by a sale at an auction, where the association disclosure packet was made available as part of an auction package for prospective purchasers prior to the auction sale.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB1785ER>

**[HB1788](#)**: Del. Robert Hull (D-Falls Church) **PASSED**

**Alternative on-site sewage systems.**

Clarifies a locality's power to regulate but not prohibit the use of nonconventional sewage disposal systems. The bill also requires maintenance information be recorded with the clerk of the circuit court and that the information be transferred with the title upon sale. This legislation was proposed in response to a five year moratorium on alternative systems that was passed by Loudon County in 2008. [Click here](#) for more information about the Loudon County decision. This bill is identical to [SB 1276](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB1788ER2>

**[HB2040](#)**: Del. Sal Iaquinto (R-Virginia Beach) **PASSED**

**Real Estate Board; compensation to referring attorneys prohibited; exception.**

Provides that an attorney-at-law referring a client to a licensee shall not receive any compensation from a listing firm or offered in the common source information company to cooperating brokers, unless the attorney is also licensed as a real estate broker or salesperson.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB2040ER>

**[HB2135](#)**: Del. Jackson Miller (R-Manassas) **PASSED**

**Recordation taxes; penalty.**

Changes the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes from a Class 2 to a Class 1 misdemeanor. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is false or fraudulent with the intent to evade a tax. The bill was originally intended to modify the Grantor's Tax so that it was based on the sales price of a home instead of using either the assessed value or sales price, whichever is higher. However, concerns regarding economic impact on localities eventually led to the removal of that portion of the bill. [SB1157](#) is a Senate version of the same bill.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0095>

**[HB2541](#)**: Del. Kristen Amundson (D-Mount Vernon) **PASSED**

**Department of Professional and Occupational Regulation; criminal records checks.**

Requires the Department of Professional and Occupational Regulation (DPOR) to obtain criminal history record information regarding individuals for initial licensure as real estate licensees. DPOR must also amend the renewal license application form to require applicants for a renewal real estate sales or brokerage license to state that they have no criminal convictions that have not been previously disclosed.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB2541ER>

**[SB1031](#)**: Sen. Emmett Hanger Jr. (R-Augusta) **PASSED**

**Virginia Real Estate Board; commercial real estate broker license exemption.**

Exempts from the license requirement any person who is licensed and in good standing as a real estate broker or salesperson in another state, who assists a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate, as defined and amended in § 55-526, in the Commonwealth. The bill also authorizes such real estate licensee from another state to be compensated by a real estate broker in the Commonwealth.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0262>

## Additional Legislation

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**HB1580:** Del. Glenn Oder (R-Newport News) **PASSED**

### **Hampton Roads Transportation Authority.**

Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs. The bill also makes several technical changes. This bill is the same as [SB 1018](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0864>

**HB1595:** Del. Harvey Morgan (R-Gloucester) **PASSED**

### **Wetlands mitigation.**

Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority to receive and expend funds in order to restore or create tidal wetlands within the region that the Authority serves. If wetlands credits result from the restoration or creation of such projects, the credits can only be used by the Authority's member jurisdictions.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0429>

**HB1628:** Del. Mark Cole (R-Fredericksburg) **PASSED**

### **Contractor performance bonds for locally administered transportation improvement projects.**

Provides that whenever any county, city, or town undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Virginia Department of Transportation as a dual obligee, the amount of such bonds shall be no greater than would have been required had the Department not been included as a dual obligee. This bill incorporates [HB 1677](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0395>

**HB1637:** Del. Mark Cole (R-Fredericksburg) **PASSED**

### **Boards of zoning appeals; when actions may be taken.**

Allows local boards of zoning appeals to take action when a majority of those present and voting vote. Maintains the requirement that a quorum be present to initiate a hearing.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0734>

**HB1645:** Del. Daniel Marshall (R-Danville) **PASSED**

### **Urban highway system construction allocations.**

Provides that not more than two-thirds (instead of the present one-third) of the annual urban system highway funds apportioned to a city or town may be used to reimburse the locality for debt service for bonds or eligible project costs incurred on approved projects included in the Six-Year Improvement Program of the Commonwealth Transportation Board and the city's or town's capital improvement program. This bill is the same as [SB 1438](#) (Y. B. Miller).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0052>

**HB1649:** Del. R. Lee Ware (R-Powhatan) **PASSED**

### **Telephone and cable lines; right-of-way contracting.**

Prohibits a telegraph or telephone company or cable operator from being required to accept an interest, franchise, privilege, or easement for a right-of-way for its poles, other structures and facilities that restrict the services that may be offered legally by the company or operator.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0331>

**HB1668:** Del. Terry Kilgore (R-Scott) **PASSED**

**Garnishment.**

Provides that a parent who supports a dependent child or children residing with him may hold exempt from garnishment an additional amount for the support of the child or children as follows: \$34 per week for one child; \$52 per week for two children; and \$66 per week for three or more children. This additional exemption amount shall not be available to a parent whose household gross income, including any support payments received for the children, exceeds \$1,750 per month. In order to claim this exemption, the parent must file an affidavit concerning his household income and the number of dependent children in his home and submit two items of proof showing that the debtor is entitled to the exemption.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0332>

**HB1671:** Del. Rosalyn Dance (D-Petersburg) **PASSED**

**Derelict buildings.**

Defines derelict buildings as a building, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider for a continuous period in excess of six months. Authorizes local governments to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. Simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames. This bill is recommended by the Virginia Housing Commission. This bill is identical to [SB 1094](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0181>

**HB1681:** Del. Lynwood Lewis (D-Accomack) **PASSED**

**Construction of wells.**

Requires a site plan, but not a survey plat, to be included in an application for a permit to construct a private well. Also clarifies that it is the landowner's responsibility to ensure that the well is located on his property.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0059>

**HB1683:** Del. Onzlee Ware (D-Roanoke) **PASSED**

**Checks; stop-payment; civil actions.**

Provides that a party may recover against the drawer of a check, draft, or order the face amount of the check and other costs and fees if payment was refused because the drawer placed a stop-payment order on the check in bad faith. Currently, the law only allows for recovery if payment was refused because of lack of funds or credit.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0182>

**HB1735:** Del. Shannon Valentine (D-Lynchburg) **PASSED**

**Arts and cultural districts.**

Grants statewide authority for creation of arts and cultural districts by localities for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district. Currently, the statute applies only to certain listed localities.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0738>

**HB1776:** Del. Jennifer McClellan (D-Richmond) **PASSED**

**Mortgage Lender and Broker Act; broker duties and liability.**

Prohibits a mortgage broker from failing to use reasonable skill, care, and diligence in exercising the broker's duty, which is created hereby, to make reasonable efforts to secure a mortgage loan that is in the best interests of the

applicant, considering the applicant's circumstances and loan characteristics. A borrower who suffers a loss as a result of a breach of such duty may bring an action to recover actual damages. [SB 1020](#) is identical.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0189>

**[HB1828](#)**: Del. William Fralin (R-Roanoke) **PASSED**

**Localities and water authorities; rate incentives for green roof construction.**

Allows localities and water authorities to offer rate incentives for green roof construction.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0402>

**[HB1856](#)**: Del. Stephen Shannon (D-Vienna) **PASSED**

**Virginia Residential Property Disclosure Act; disclosure of stormwater detention facilities.**

Provides that an owner of real property disclose that no representations are being made with respect to the presence of any stormwater detention facilities located on the property and that purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities 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.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0641>

**[HB1876](#)**: Del. John Cosgrove (R-Chesapeake) **PASSED**

**Text messaging and emailing while driving.**

Prohibits operation of a motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. This bill provides exemptions for using global positioning systems (GPS), reading caller identification information, and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles. This bill incorporates [HB 1615](#) and [HB 2380](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0661>

**[HB1887](#)**: Del. Samuel Nixon (R-Chesterfield) **PASSED**

**Cancellation of property insurance policy upon foreclosure.**

Authorizes the cancellation of a policy insuring an owner-occupied dwelling on grounds that the property secured by the policy has been sold pursuant to foreclosure of a deed of trust encumbering the property.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0442>

**[HB1891](#)**: Del. Robert Brink (D-Arlington) **PASSED**

**Land preservation tax credit.**

Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for each of taxable years 2009 and 2010. Any taxpayer affected by the credit reduction would be allowed an additional two taxable years in which to claim the land preservation tax credit.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0012>

**[HB1912](#)**: Del. Mamyé BaCote (D-Newport News) **PASSED**

**High grass and weeds; civil penalty.**

Expands the authority of the City of Newport News to require that owners of not only vacant developed and undeveloped properties but also owners of occupied property cut grass, weeds, and other foreign growth on the property. If such property owner fails to do so after reasonable notice, the City may cut such grass, weeds, or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0446>

**HB1930**: Del. Ken Plum (D-Reston) **PASSED**

**Certification of stormwater development property.**

Authorizes the Department of Conservation and Recreation to certify stormwater management development properties as being designed, constructed, or reconstructed for the primary purpose of abating or preventing pollution. Such a certification allows the local government to tax the property at a different rate from other classifications of real property. This technical change is necessary because responsibility for administering the stormwater program was moved from DEQ to the Department of Conservation and Recreation.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0350>

**HB1936**: Del. Riley Ingram (R- Hopewell) **PASSED**

**Virginia Resources Authority; local government buildings.**

Clarifies that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for any local government.

This bill is identical to [SB 1476](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0014>

**HB1938**: Del. Chris Peace (R- Mechanicsville) **PASSED**

**Income tax; livable home tax credit.**

Increases the individual tax credit limit from \$500 to \$2,000 and the 25 percent amount for retrofitting to 50 percent for taxable years beginning on or after January 1, 2010. This bill incorporates [HB 2343](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0015>

**HB1991**: Del. David Bulova (D-Fairfax) **PASSED**

**Establishment of stormwater programs by localities.**

Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0018>

**HB2019**: Del. Tom Rust (R-Herndon) **PASSED**

**Transportation corridors.**

Allows the Commonwealth Transportation Board to establish transportation corridors in connection with the establishment of the Statewide Transportation Plan. This bill incorporates [HB 2420](#) and is the same as [SB 1398](#) (Norment).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0670>

**HB2029**: Del. Daniel Marshall (R-Danville) **PASSED**

**Subdivision ordinance; bonding requirements.**

Reduces the bonding requirement from 25 percent to 10 percent of estimated construction costs for the administrative allowance required from a developer. This provision will sunset in 5 years.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0193>

**HB2030**: Del. Daniel Marshall (R-Danville) **PASSED**

## **Mortgage Lender and Broker Act; employee background checks and training.**

Repeals provisions enacted in 2008 that require licensed mortgage lenders and brokers (i) to conduct background checks on employees who may have access to or process personal identifying or financial information from a member of the public and (ii) to ensure that their employees are properly trained in applicable state and federal mortgage lending laws and regulations.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0452>

**HB2031:** Del. Daniel Marshall (R-Danville) **PASSED**

## **Mortgage loan originators.**

Prohibits an individual from acting as, or holding himself out to the public as being, a mortgage loan originator on or after July 1, 2010, unless he has obtained a license from the State Corporation Commission (SCC). The measure implements requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, which allows states to retain regulatory authority over mortgage loan originators if they enact legislation that provides for the licensing and registration of such persons through the Nationwide Mortgage Licensing System and Registry. The measure establishes licensing procedures and criteria, including requirements for bonding, background checks, education, testing, continuing education, investigations, examinations, reporting, payment of annual fees, license suspension and revocation, and fines. The measure also provides for the SCC, to the extent practicable, to include in any written memorandum of understanding or other written agreement with the Registry provisions that address information security, disclosure of pending or incompletely adjudicated regulatory matters, licensing tests limited to specific products and services, reports on examination results, privilege or confidentiality of information, and review of the Registry's proposed budget, fees, and audited financial statements. [SB 1171](#) is identical.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0453>

**HB2032:** Del. Daniel Marshall (R-Danville) **PASSED**

## **Department of Professional and Occupational Regulation; mold inspectors and remediators.**

Provides for the licensure of mold inspectors and mold remediators by the Board for Asbestos, Lead, and Home Inspectors. The bill increases the membership of this Board by one member to include a mold inspector or a mold remediator.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0358>

**HB2034:** Del. Scott Lingamfelter (R-Prince William) **PASSED**

## **Plats; period of validity.**

Extends the period of plat validity with phased developments.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0194>

**HB2055:** Del. Matt Lohr (R- Harrisonburg) **PASSED**

## **Transfer of development rights.**

Makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of development rights process more useable for property owners and localities. The amendments make clear that development rights may be severed but not immediately affixed to a receiving property. Other changes state that a locality may provide in its ordinance for (i) the owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, (ii) the owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property," and (iii) the receiving areas to include such urban development areas in the locality established. Also, any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties, and a locality may not require property owners to sever or transfer

development rights as a condition of the development of any property. This is a recommendation of the Joint Subcommittee Studying Transfer of Development Rights. This bill is identical to [SB 1418](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0413>

**[HB2077](#)**: Del. Glenn Oder (R-Newport News) **PASSED**

**Plats and site plans; period of validity.**

Extends the period of validity for certain preliminary and recorded plats and final site plans, as well as certain other land use approvals, to July 1, 2014.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0196>

**[HB2080](#)**: Del. Glenn Oder (R-Newport News) **PASSED**

**Landlord and tenant laws; rights and obligations of tenants.**

Requires the landlord to give the same notice to the tenant for the application of insecticides as is required for pesticide applications, and requires the tenant to prepare the dwelling unit for the application of insecticides or pesticides in accordance with any written instructions of the landlord, and if insects or pests are found to be present, to follow any written instructions of the landlord to eliminate the insects or pests following the application of insecticides or pesticides. The bill also (i) eliminates the landlord's obligation to pay all costs for mold remediation where the mold is a result of the tenant's failure to maintain the dwelling unit; (ii) eliminates a tenant's right to repair, replace, or clean a damaged item in the dwelling unit and instead allows the landlord to do so and charge all costs to the tenant, which costs shall be due on the next rent due date; (iii) changes the cap on liquidated damages penalties included in a rental agreement to 150% of the per diem of the monthly rent; and (iv) amends the schedule of interest rates on security deposits between January 1, 2009 and December 31, 2009. The bill requires the landlord to provide notice to the tenant in the event of foreclosure under certain circumstances. The bill contains technical amendments.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0663>

**[HB2096](#)**: Del. Robert Orrock (R-Spotsylvania) **PASSED**

**Waiver of certain fees; affordable housing.**

Allows localities to waive certain fees for 501(c)(3) organizations with a primary purpose of assisting with the provision of affordable housing.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0799>

**[HB2126](#)**: Del. Kathy Byron (R-Lynchburg) **PASSED**

**Business entities; employing illegal aliens.**

Relocates provisions that require the cancellation of limited liability companies, limited partnerships, and business trusts, whether domestic or foreign, upon conviction for violating federal law for actions of its members or managers constituting a pattern or practice of employing unauthorized aliens in the Commonwealth, to sections of the Limited Liability Company Act, Limited Partnership Act, and Business Trust Act that were enacted in 2008 to provide for the involuntary cancellation of the existence of a limited liability company, limited partnership, and business trust, and the registration of their foreign counterparts. The measure has an emergency clause and will become effective on April 1, 2009, which is the effective date of the business entity provisions enacted in 2008.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0167>

**[HB2132](#)**: Del. Jackson Miller (R-Manassas) **PASSED**

**Housing Assistance for school board employees.**

Provides that localities, in cooperation with the school board, may pursue housing assistance for its employees.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0198>

**[HB2138](#)**: Del. Jackson Miller (R-Manassas) **PASSED**

## **Graffiti abatement.**

Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill is identical to [SB 1369](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0462>

## **[HB2150](#): Del. Tom Rust (R-Herndon) **PASSED****

### **Notice of certain sales under deed of trust.**

Permits localities in Planning District 8 to adopt an ordinance to require that a notice be given to the chief administrative officer when residential property becomes subject to a sale under a deed of trust.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0803>

## **[HB2168](#): Del. Watkins Abbitt (I- Appomattox) **PASSED****

### **Stormwater offsets.**

Authorizes permit issuing authorities to allow stormwater permit holders to comply with nonpoint nutrient runoff water quality criteria by acquiring nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. The permit issuing authority may only allow the use of nonpoint nutrient offsets when the permit applicant demonstrates that (i) alternative site designs have been considered that may accommodate on-site best management practices (BMPs), (ii) on-site BMPs have been considered in alternative site designs, (iii) appropriate on-site BMPs will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on site. The bill also requires an offset broker to pay the permit issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0364>

## **[HB2188](#): Del. Clarence Phillips (D- Castlewood) **PASSED****

### **Onsite treatment works.**

Provides that the Board of Health shall establish procedures for requiring a survey plat with any application for a permit or letter for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0747>

## **[HB2216](#): Del. Chris Jones (R-Suffolk) **PASSED****

### **Provisions for subdivision of a lot for conveyance to a family member; City of Suffolk.**

Amends the law so the City of Suffolk is no longer required to provide for reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in its subdivision ordinance. This bill is identical to [SB 1354](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0465>

## **[HB2261](#): Del Terry Kilgore (R-Scott) **PASSED****

### **Virginia Consumer Protection Act; foreclosure rescues.**

Provides that the prohibition on fraudulent acts or practices committed by a supplier in a consumer transaction involving residential real property owned and occupied as the primary dwelling unit of the owner applies when the supplier of service to avoid or prevent foreclosure charges or receives a fee (i) prior to the full and complete

performance of the services it has agreed to perform, if the transaction does not involve the sale or transfer of residential real property, or (ii) prior to the settlement on the sale or transfer of residential real property, if the transaction involves the sale or transfer of the property. Currently, any practice where a supplier of a foreclosure avoidance or prevention service is to be paid a fee prior to the settlement on a sale of residential real property is prohibited, regardless of whether the fee is charged or collected as part of the transaction involving a sale of the property. The measure also clarifies that the existing prohibition on mandatory arbitration in an agreement with a property owner applies only to transactions involving foreclosure rescue services. This bill incorporates [HB 1688](#). This bill is identical to [SB 1169](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0203>

[HB2262](#): Del Terry Kilgore (R-Scott) **PASSED**

### **Mortgage Lender and Broker Act.**

Provides that no person in the business of originating residential mortgage loans shall use any deception, fraud, false pretense, false promise, or misrepresentation in connection with a mortgage loan transaction and authorizes the Attorney General to investigate any such violations. The Attorney General may bring an action in circuit court to enjoin any such violations. If a person is found to have committed a willful violation, the Attorney General may recover a civil penalty of not more than \$2,500 per violation. The Attorney General may also recover damages, restitution on behalf of borrowers, other costs and expenses, and attorney fees. The bill does not create a private right of action in favor of any person aggrieved by a violation. This bill is identical to [SB 1170](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0204>

[HB2266](#): Del. Onzlee Ware (D-Roanoke) **PASSED**

### **Freedom of Information Act; building and fire code complaints.**

Expands the current record exemption for the names, addresses, and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body to also include complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0237>

[HB2270](#): Del. Charles Poindexter (R-Glade Hill) **PASSED**

### **Private residential wells; minimum storage capacity and yield requirements.**

Requires the Board of Health to include in its regulations minimum storage capacity and yield requirements for residential drinking wells, and requires that the certified water well systems provider shall certify the storage capacity and yield of the well on a form provided by the Department of Health at the time the well is completed.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0105>

[HB2289](#): Del. Ben Cline (R-Amherst) **PASSED**

### **Real and personal property taxes; duty to provide information to commissioner of the revenue.**

Adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations, to the extent that such list is maintained, to the commissioner upon his request.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0672>

[HB2291](#): Del. Ben Cline (R-Amherst) **PASSED**

### **Release of deed of trust; assignment of penalty.**

Prohibits settlement agents and real estate attorneys from facilitating an assignment, to any third party designated by them, of their client's right to the \$500 penalty levied on lenders that fail to timely deliver a certificate of satisfaction releasing a deed of trust. This bill is identical to [SB 888](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0421>

[HB2305](#): Del. Morgan Griffith (R-Salem) **PASSED**

**Property Owners' Association Act; access to books and records.**

Provides that actual salary information of the six highest paid employees of a property owners' association making over \$75,000 shall be available for examination and copying by association members. Currently, only aggregate salary information is required to be open. The bill also specifies that all books and records of the association, including individual salary information for all employees and payments to independent contractors, are available for examination by a member of the board of directors.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0665>

[HB2306](#): Del. Morgan Griffith (R-Salem) **PASSED**

**Virginia Residential Landlord and Tenant Act; rent escrow pending appeal.**

Provides that no rent required to be escrowed in an unlawful detainer action shall be disbursed within 10 days of the date of the judgment unless otherwise agreed to by the parties. If an appeal is taken by the plaintiff (landlord), the rent held in escrow shall be transmitted to the clerk of the circuit court.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0137>

[HB2308](#): Del. Ken Melvin (D-Portsmouth) **PASSED**

**Effect on rate when assessment results in tax increase; public hearings.**

Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which a general appropriation act or amendments to a general appropriation act have not been enacted by April 30.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0030>

[HB2322](#): Del. Clifford Athey (R-Front Royal) **PASSED**

**Urban development areas.**

Provides that cities and towns shall have until July 1, 2012, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1. Currently, counties have until July 1, 2011, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0469>

[HB2326](#): Del. Clifford Athey (R-Front Royal) **PASSED**

**Boards of zoning appeals; variances.**

Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation."

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0206>

[HB2408](#): Del. Frank Hall (D-Richmond) **PASSED**

**Community development authorities.**

Makes comprehensive changes to provisions related to the creation and operation of community development authorities (CDA). Changes include codification of the current practice of altering the boundaries of a CDA under certain circumstances and clarification of the process for creating a CDA if it is located wholly or partly within a town.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0473>

**[HB2417](#)**: Del. Joe Bouchard (D-Virginia Beach) **PASSED**

**Covenants regarding solar power.**

Clarifies that restrictive covenants prohibiting the installation of solar panels existing prior to July 1, 2008 may be amended to allow such installation if the amendment is adopted by the membership of the community association in accordance with such association's governing documents.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0866>

**[HB2424](#)**: Del. Joe May (R-Leesburg) **PASSED**

**Graffiti abatement.**

Permits courts to order any person convicted of unlawfully defacing property to pay full or partial restitution to the locality for costs incurred by the locality in removing or repairing the defacement. Further provides that such order of restitution shall be docketed as provided in § 8.01-446 and may be enforced by the locality in the same manner as a judgment in a civil action.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0475>

**[HB2432](#)**: Del. Johnny Joannou (D-Portsmouth) **PASSED**

**DPOR; regulation of lead-based paint renovation, repair, and painting.**

Provides for the Board for Asbestos, Lead, and Home Inspectors to regulate the practice of lead-based paint renovation businesses, individuals, and training providers. The bill defines "renovation" as the modification of any existing structure, for compensation, that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead abatement project. Currently the Board's authority is limited to the regulation of permanent elimination of lead-based paint. The bill adds definitions for a dust-sampling technician, renovation contractor, and renovator and increases the size of the Board from 10 to 14 members. The bill also contains technical amendments.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0819>

**[HB2504](#)**: Del. Kristen Amundson (D-Mount Vernon) **PASSED**

**Corporate income tax; real estate investment trusts.**

Phases in over a two-year period certain dividend income in calculating the Virginia taxable income of "Captive Real Estate Investment Trusts (REITs)" to be certain their income is taxed in the same manner as any other corporation's shareholders/owners.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0426>

**[HB2551](#)**: Del. Robert Orrock (R-Spotsylvania) **PASSED**

**Onsite treatment works; designs by engineers.**

Provides that onsite treatment works designs submitted by professional engineers to the Department of Health shall ensure that the treatment works will meet or exceed the discharge, effluent, and surface and ground water quality standards for systems otherwise permitted pursuant to regulations and policies of the Department of Health. This bill is identical to [SB 1468](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0220>

**[HB2559](#)**: Del. Joseph Johnson (D-Abingdon) **PASSED**

**Homestead exemption.**

Increases the homestead exemption from \$5,000 to \$10,000 for householders who are 65 years of age or older.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0387>

**[HB2560](#)**: Del. Joseph Johnson (D-Abingdon) **PASSED**

## **Homestead exemption; veterans.**

Increases the additional homestead exemption for veterans from \$2,000 to \$10,000.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0388>

## **HB2565: Del. Barry Knight (R-Virginia Beach) **PASSED****

### **Farmland Preservation programs and policies.**

Empowers the Office of Farmland Preservation to provide technical, and other assistance to local governments interested in developing additional farmland preservation policies and programs.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0389>

## **HB2568: Del. James Scott (R- Merrifield) **PASSED****

### **Consumer Real Estate Settlement Protection Act; disclosures.**

Expands the disclosure that is required to be included in certain real estate purchase contracts to include statements that (i) the provisions of the Consumer Real Estate Settlement Protection Act may not be varied by agreement and rights conferred by the Act may not be waived and (ii) the seller may not require the use of a particular settlement agent as a condition of the sale of the property. The measure also makes technical changes to the required disclosure regarding the choice of settlement agent.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0140>

## **HB2569: Del. James Scott (R- Merrifield) **PASSED****

### **Manufactured Housing Licensing and Transaction Recovery Fund Law.**

Limits to \$4,000 the amount of actual damages that a manufactured home dealer may retain when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and in the manufactured home dealer's stock. The bill also raises the limit of actual damages from \$5,000 to \$7,000 when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and is specially ordered for the buyer. The bill also (i) raises the maximum claim amount of a single claimant against the Manufactured Housing Recovery Fund for single or multiple violations by one or more regulants from \$20,000 to \$40,000, (ii) raises the minimum balance of the Fund from \$250,000 to \$300,000, (iii) authorizes interest earned on the Fund to be used for education programs for a wider range of individuals and to pay department staff expenses for conducting investigations, and (iv) authorizes the Manufactured Housing Board to use up to five percent of the balance of the Fund in any fiscal year for educational purposes and to pay investigation expenses. Under the bill, the provisions raising the minimum fund balance and authorizing the use of the Fund balance and interest on educational programs and to pay investigative costs will expire on July 1, 2011.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0141>

## **HB2586: Del. Barry Knight (R-Virginia Beach) **PASSED****

### **Standards for use of coastal primary sand dunes: exemption.**

Authorizes the Virginia Beach Wetlands Board to determine which structures or properties are in imminent danger from erosion or storm damage. If such structures or properties are found to be in imminent danger, the property owners will be able to erect or maintain protective bulkheads of a type, size and configuration approved by the Board.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0391>

## **HB2599: Del. Barry Knight (R-Virginia Beach) **PASSED****

### **Real Estate Cooperative Act; amendment of declaration; revival of expired declarant rights.**

Provides that if the time limit specified in the declaration for the creation of cooperative interests or the exercise of special declarant rights has expired, with the approval of the persons entitled to cast at least two-thirds of the votes in the association, other than any votes allocated to cooperative interests owned by the declarant, or any larger

percentage as the declaration specifies, the declaration may be amended to (i) revive and reinstate any or all of the expired rights to create additional cooperative interests and any or all of the expired special declarant rights, and (ii) vest in any person, including the original declarant, any or all of the powers, rights, privileges, and authority to which a declarant is entitled under the Act regarding the exercise of the revived and reinstated rights with respect to any parcel of real estate that is a common element or any additional real estate that such amendment permits to be added to the cooperative. In no event, however, shall any such amendment extend or renew a period of declarant control of the association or provide a new period of declarant control.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0221>

**SB833:** Sen. Mamie Locke (D-Hampton) **PASSED**

### **Notaries public.**

Provides that equipment, security, and technological standards for electronic notarization shall be developed by the Secretary of the Commonwealth with the assistance of the Virginia Information Technologies Agency. The process for developing and maintaining such standards shall be exempt from the Administrative Process Act. In addition, the bill requires that applicants submit a registration form for registering and being commissioned as an electronic notary public, which shall include certification of compliance to the Secretary of the Commonwealth with the aforementioned electronic notary standards developed. Furthermore, the bill provides that a notary's electronic signature and seal shall conform to the developed standards for electronic notarization. This bill contains an emergency clause.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0160>

**SB845:** Sen. Linda Puller (D- Mt. Vernon) **PASSED**

### **Livable Home Tax Credit; increase limit.**

Increases the Livable Home Tax Credit limit from \$500 to \$2,000 for new residences, and from 25 percent to 50 percent of the amount spent retrofitting an existing residence, for taxable years beginning on or after January 1, 2010.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0496>

**SB855:** Sen. John Edwards (D- Roanoke) **PASSED**

### **Uniform Power of Attorney Act (UPOAA).**

Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Act consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The Act contains an optional statutory form. The bill contains a reenactment clause.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0830>

**SB896:** Ryan McDougle (R-Mechanicsville) **PASSED**

### **Duty to file lists of property owners, renters, and lessees.**

Adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations, to the extent that such list is maintained, to the commissioner upon his request.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0501>

**SB907:** Sen. Richard Stuart (R-Montross) **PASSED**

### **Personal representatives and trustees; donation of open-space easements.**

Authorizes personal representatives and trustees to donate open-space easements on land of their decedents and settlors in order to obtain benefit of an estate tax exclusion allowed under the Internal Revenue Code.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0588>

**SB938:** Sen. John Watkins (R-Midlothian) **PASSED**

**CRESPA; settlement agent registration.**

Shifts the duty to register settlement agents from the Virginia State Bar to the appropriate licensing authorities that are responsible for regulating their particular settlement agents. The measure also allows the appropriate licensing authority to administratively terminate the registration of a settlement agent who fails to maintain a license, fails to renew his registration, or fails to comply with certain financial responsibility requirements.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0256>

**SB940:** Sen. John Watkins (R-Midlothian) **PASSED**

**Licensure of landscape architects; penalty.**

Requires the licensure of landscape architects by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects effective July 1, 2010. Currently landscape architects are required to be certified by the Board.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0309>

**SB959:** Sen. Mark Obenshain (R-Harrisonburg) **PASSED**

**Fraudulent conveyances; attorney fees.**

Provides that attorney fees shall be awarded to a creditor in an action where a gift; deed; conveyance, assignment, or transfer of or charge upon the estate of a debtor; suit commenced or decree, judgment, or execution suffered or obtained; or bond or other writing is declared void. The award of attorney fees shall be paid out of the proceeds of a resulting judicial sale, if any, but shall not affect a prior lien creditor not represented by the attorney. This bill is a recommendation of the Boyd-Graves Conference.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0593>

**SB982:** Sen. Frank Wagner (R-Virginia Beach) **PASSED**

**Regulation of stormwater.**

Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading, as long as a stormwater permit has been obtained from either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required. Under current law, localities have the option of providing such waivers and permits.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0703>

**SB1003:** Sen. Fred Quayle (R-Suffolk) **PASSED**

**Effect on rate when assessment results in tax increase; public hearings.**

Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act have been enacted by April 30.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0511>

**SB1004:** Sen. Fred Quayle (R-Suffolk) **PASSED**

**Certification of energy-efficient buildings for local taxes.**

Adds architects to those persons currently authorized to certify buildings as energy efficient using standards prescribed in the Uniform Statewide Building Code. The bill also makes technical changes.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0512>

**SB1052:** Margaret Whipple (D-Arlington) **PASSED**

**Affordable housing assessments.**

Provides for a determination of fair market value of affordable rental housing, allows for localities to determine the definition of affordable rental housing, and does not allow the determination to be made if pending building code violations exist. This bill is recommended by the Virginia Housing Commission.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0264>

**SB1064:** Sen. Linda Puller (D-Mt. Vernon) **PASSED**

**Posting of comprehensive plans.**

Provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission or on any other website on which the commission generally posts information and that is available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing body on any other website on which the governing body generally posts information and that is available to the public.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0605>

**SB1114:** Sen. Patricia Ticer (D-Alexandria) **PASSED**

**Stormwater management; emerging technology.**

Directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0709>

**SB1128:** Sen. Chapman Peterson (D-Fairfax) **PASSED**

**Construction of wells; geothermal heating systems.**

Requires the Board of Health to develop regulations for the issuance of an express geothermal permit allowing the construction of wells used solely for closed loop geothermal heating systems. Such regulations shall include a provision that a single application and a single fee shall be required for any geothermal well system, and that the fee shall be equal to the fee for a single private well.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0710>

**SB1143:** Margaret Whipple (D-Arlington) **PASSED**

**Common Interest Communities.**

Limits that authority of the Common Interest Community Board to impose fines against governing boards rather than individual members of the governing board and adds requirement for a hearing before imposing a fine. The bill also changes the annual assessment collected by the Board from common interest community managers, condominium unit owners associations, real estate cooperative associations and property owners associations from the two hundredths of one percent (0.02%) to the lesser of \$1,000 or five hundredths of one percent (0.05%) of the managers' gross receipts from community management work and the associations' gross assessment income. A minimum assessment of \$10 is also provided. The bill also makes several other technical amendments including (i) conforming provisions relating to the delivery of the association disclosure packet, and (ii) changing the venue for Board actions from City of Richmond to Henrico County. This bill is recommended by the Virginia Housing Commission.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0557>

**SB1147**: Margaret Whipple (D-Arlington) **PASSED**

**Corporate income tax; real estate investment trusts.**

Phases in over a two-year period certain dividend income in calculating the Virginia taxable income of "Captive Real Estate Investment Trusts (REITs)" to be certain their income is taxed in the same manner as any other corporation's shareholders/owners.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0558>

**SB1165**: Sen. John Watkins (R-Midlothian) **PASSED**

**Enterprise zone economic incentive grants.**

Increases from \$50,000 to \$100,000 the minimum amount of investment required to be made in the rehabilitation or expansion of a building in order to be eligible for an enterprise zone incentive grant, and increases from \$250,000 to \$500,000 the minimum amount of investment required to be made for new construction in order to be eligible for an enterprise zone incentive grant. Grants would be calculated at a rate of 20 percent of the amount of qualified real property investment in excess of \$500,000 for the construction of a new building or facility. Grants would be calculated at a rate of 20 percent of the amount of qualified real property investment in excess of \$100,000 in the case of a rehabilitation or expansion of an existing building or facility. The bill would provide that any investor making \$5 million or less in qualified real property investment in a building would be allowed a maximum of \$100,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$125,000). The bill would provide that any investor making more than \$5 million in qualified real property investment in a building would be allowed a maximum of \$200,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$250,000). The bill also makes technical changes.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0271>

**SB1212**: Sen. Creigh Deeds (D-Charlottesville) **PASSED**

**Clean energy financing.**

Grants localities the authority to authorize, by ordinance, contracts to provide loans for the initial acquisition and installation of clean energy improvements.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0773>

**SB1277**: Sen. Stephen Newman (R-Forest) **PASSED**

**Land records; social security numbers.**

Requires, beginning July 1, 2012, that land records posted via secure remote access to the Internet may contain only the last four digits of the social security number of any party.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0312>

**SB1291**: Sen. John Edwards (D-Roanoke) **PASSED**

**Limitation on enforcement of deed of trust or mortgage.**

Provides a transition period for mortgages and deeds of trust for which enforcement rights may have been cut off as a result of 2008 legislation that reduced the time in which a deed of trust or mortgage may be enforced from 20 years to 10 years after the maturity of the underlying obligation. The measure provides that if the secured obligation became due and payable between July 1, 1988, and July 1, 2000, the instrument may be enforced until July 1, 2010. If the instrument is not enforced by that date, its enforcement will be time barred unless the beneficiary of the deed of trust or mortgage has extended the limitations period, for 10 additional years, by filing a certificate in the circuit court. The measure addresses obligations that matured within the 20 years preceding the effective date of the 2008 legislation and for which the beneficiary's ability to extend its limitation period was curtailed. However, the bill shall have no effect on the rights of a person who (i) acquired an interest in the real property securing such deed of trust or mortgage between July 1, 2008, and the date of enactment of this subsection and (ii) would otherwise have

priority over or take free of such deed of trust or mortgage under the laws of the Commonwealth at that time. This bill contains an emergency clause.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0163>

**SB1309:** Sen. Robert Hurt (R-Chatham) **PASSED**

**Recordation tax; exemption for 501(c)(3).**

Expands the recordation tax exemption statewide for an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means, when the organization is the grantor. Under current law only such organizations located in the City of Lynchburg or Amherst County are exempt.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0574>

**SB1325:** Sen. Walter Stosch (R-Glen Allen) **PASSED**

**Neighborhood Assistance Act Tax Credit.**

Changes the administration of the Neighborhood Assistance Act Tax Credit and the eligibility for an allocation of tax credits. The bill would provide that nonprofit organizations with education proposals that serve individuals with family annual income not in excess of 180 percent of the federal poverty guidelines would be eligible for an allocation of neighborhood assistance tax credits. Current Department of Social Services regulations (22 VAC 40-41-10) sets eligibility for tax credits for programs that serve individuals with family annual income not in excess of 150 percent of the federal poverty guidelines, which eligibility requirement remains the same for other than education proposals. The bill would provide that programs that offer counseling or supportive services to students or their parents in developing a postsecondary academic or vocational education plan or scholarships would be eligible for tax credits. The bill would establish a \$0.5 million annual limit in tax credits for each neighborhood organization or a grouping of neighborhood organization affiliates. The bill would require the Department of Education to allocate up to \$4.9 million in tax credits each year for education-related programs and \$7 million for all other proposals approved by the Department of Social Services. The bill extends the sunset date of the Neighborhood Assistance Act program from July 1, 2009, to July 1, 2011.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0851>

**SB1335:** Sen. Richard Stuart (R-Montross) **PASSED**

**Conditional zoning; public hearing.**

Provides that where an amendment to proffered conditions is requested by the profferrer, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0315>

**SB1416:** Sen. Harry Blevins (R-Chesapeake) **PASSED**

**Preservation of historical sites and architectural areas.**

Provides that local governing bodies may include in ordinances establishing areas of known historical or archaeological significance, that any applicant must submit documentation that any development in such areas will preserve or accommodate the historical or archaeological resources. This Act shall not affect any locality that has adopted an ordinance imposing archaeological requirements as of January 1, 2009.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0290>

**SB1450:** Sen. Charles Colgan (D-Manassas) **PASSED**

**Registration of cemeteries.**

Allows localities to set forth a register of cemeteries located on private property.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0718>

**SB1471:** Sen. Richard Saslaw (D-Springfield) **PASSED**

**Real property; Commonwealth's title.**

Authorizes the Governor, at the request of a local authority and in a form approved by the Attorney General, to disclaim any and all rights, title, and interest of the Commonwealth in and to lands used for stormwater control systems or water or waste systems if he finds (i) there is no greater public need or purpose than such use or (ii) that public use and necessity have been established. Such disclaimer shall be filed with the appropriate court and shall have the legal force and effect of disclaiming, releasing, and renouncing all of the right, title, and interest of the Commonwealth in and to such lands.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0861>

**SB1478:** Sen. Mamie Locke (D-Hampton) **PASSED**

**Freedom of Information Act; building and fire code complaints.**

Provides a record exemption under the Freedom of Information Act for the names, addresses, and telephone numbers of complainants relating to Uniform Statewide Building Code or Statewide Fire Prevention Code enforcement made to the local governing body. This bill incorporates [SB 1014](#).

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0326>

**SB1487:** Sen. Jill Holtzman Vogel (R-Winchester) **PASSED**

**Comprehensive plans; urban development areas.**

Requires urban development areas to provide for a mix of residential housing types, including affordable housing, to meet projected family income distributions of future residential growth.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0327>

**SB1509:** Sen. Patricia Ticer (D-Alexandria) **PASSED**

**Septic systems; nitrogen-reducing technology.**

Clarifies that the Department of Conservation and Recreation may award grants from the Water Quality Improvement Fund for the replacement or modification of residential onsite sewage systems to include nitrogen removal capabilities. The Board of Health may also set nitrogen-reducing performance requirements for alternative onsite sewage systems that protect public health and ground and surface water quality.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0695>

**SB1524:** Sen. John Watkins (R-Midlothian) **PASSED**

**Permitted provisions in zoning ordinances.**

Broadens the zoning administrator's authority to determine vested rights in certain circumstances.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0721>

**SB1530:** Sen. Thomas Norment (R-Williamsburg) **PASSED**

**Subdivision streets; acceptance into state secondary highway system.**

Provides that no secondary street can be taken into the state secondary highway system unless and until any and all required permits have been obtained and any outstanding fees, charges, or other financial obligations of whatsoever nature have been satisfied or provision has been made, whether by the posting of a bond or otherwise, for their satisfaction.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0635>

**SB1533:** Sen. Richard Saslaw (D-Springfield) **PASSED**

**Special use permits; extension of validity.**

Extends the expiration of special use permits that were valid and outstanding as of January 1, 2009, to July 1, 2011.

Bill Text: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0636>