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# **Community Association Legal Webinar – 2025**

**June 9, 2025 Session - Topics:**

**2025 Virginia Legislative Update**

**A Primer on the Owners' Bill of Rights**

**Q&A**



**Community Association Legal Webinar - 2025**

# **Introductions & Welcome**

**Sara J. Ross, Esq.**

# **Legal Disclaimer**

This information is not intended to be legal advice. Legal advice must be tailored to the specific facts and circumstances of each case and each association's governing documents.

Every effort has been made to ensure this information is up-to-date. However, it is not intended to be a full and exhaustive explanation of the law in any area, nor should it be used to replace the individualized advice of your legal counsel.



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# **2025 VIRGINIA LEGISLATIVE UPDATE**

**Presented by Jerry M. Wright, Jr., Esq.**

# General Assembly – 2025 Session

## Overview

- Divided General Assembly and Governor

- House of Delegates: Democrat-controlled
- Senate: Democrat-controlled
- Executive Branch: Republican-controlled

- Regular Session

- Short Session: 46 days
- Convened January 8, 2025
- Adjourned *sine die* February 22, 2025
- Veto Session April 2, 2025

# General Assembly – 2025 Session Overview

## • Legislation Statistics

- 2,364 bills introduced/continued (plus 580 resolutions)
- 917 bills passed both the House and Senate
- 157 bills vetoed by Governor
- 159 bills amended by Governor
- 599 bills signed by Governor

## • CIC Legislation

- 4 bills adopted (plus some budget money)



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# *Bills That Passed*



# **SB 808/HB 1704**

***Resale Certificate must advise  
that an owner may be  
responsible for the insurance  
deductible***



# **HB 2110**

***Association cannot require  
purchaser's name before preparing  
resale certificate***



@SJWickham

## **HB 2750**

***CIC Manager shall transfer and release all funds and bank accounts within a reasonable time***

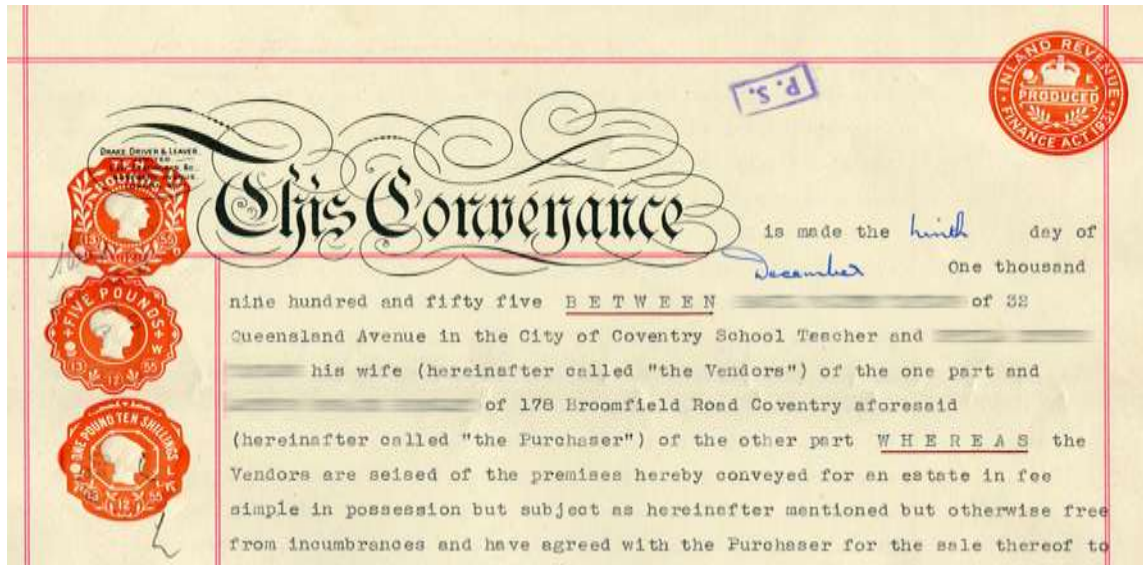


**HB 2000/SB 857**  
***Dam Safety Act***



# HB 1690

Clarifies the documents to be provided to a landowner in an eminent domain proceeding



## **HB 2362**

***The sale of property for failure to pay taxes requires lienholders be named defendants***



# **SB 1291**

***Increases the jurisdictional limit in  
General District Court from \$25,000  
to \$50,000***



*The “off season” -  
What could be coming  
in the next session...*



**VIRGINIA HOUSING COMMISSION**

# *Conservation Landscaping*



## **HAM RADIO**

***Protect amateur radio operators' rights within common interest communities.***

***Prohibit associations from restricting installation upon shared roofing structures, patios, balconies, and other areas owned or controlled by owners unless expressly prohibited in the recorded documents.***



***Bingo!!!***  
***(If you're old enough)***



# ***DEVELOPER TRANSITION?***





**Community Association Legal Webinar - 2023**

# **A Primer on Virginia's "Statement of Owner Rights"**

**Presented by Brendan Bunn**

# Impetus for the Legislation

- Virginia Senator: Law Needed to Protect Owners from “Overzealous” Enforcement by Associations
- Adopted in 2015 – unanimous votes in House/Senate
- Bill amended Virginia Condominium and Property Owners’ Association Acts to enumerate five specific rights
- Collected existing rights into one provision

Legislation protecting property owners from overzealous homeowners associations passed the Virginia House of Delegates unanimously Thursday, action that sends it to Gov. Terry McAuliffe’s (D) desk for approval. -WaPost

# Statement of Owner Rights

*Va. Condominium Act: § 55.1-1939*

*Va. POA Act: § 55.1-1807*

- Access to Association **books & records**
- **Casting vote** at membership meetings
- **Notice** of Board meetings (and to record meeting and participate in comment period)
- **Notice** of enforcement hearings and **due process**
- Right to **serve** on Board if duly elected
- All contingent on **“good standing”**



# Access to Books and Records

*Condo Act: § 55.1-1939(1) POA Act: § 55.1-1807(1)*

*1. The right of access to all books and records kept by or on behalf of the [association] according to and subject to the provisions of [§ 55.1-1815 or 55.1-1945], including records of all financial transactions;*

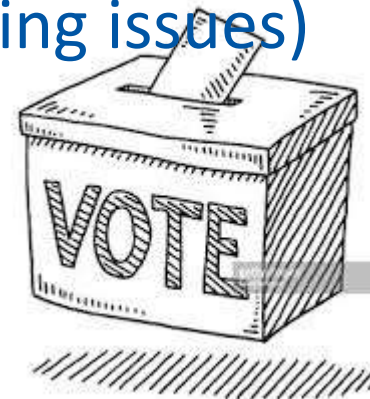
- Request must be for “proper purpose” related to membership
- Includes membership list/addresses; no use for solicitation.
- 5/10 business days – business hours or mutually convenient time
- Right to examination and copying – can charge for materials & labor based on adopted cost schedule
- Some records can be withheld (personnel matters, contracts in negotiation, pending/probable litigation, enforcement proceedings, legal counsel communications, exec session minutes/records, individual member files)

# Right to Cast Vote

*Condo Act: § 55.1-1939(2) POA Act: § 55.1-1807(2)*

*2. The right to cast a vote on any matter requiring a vote by the association's membership in proportion to owner's ownership interest, unless [governing documents] provide otherwise;*

- Most governing documents provide for owner rights to cast votes, issue approvals or consents as to any number of issues (elections, document amendments, loans, etc.)
- Many documents condition right to vote based on delinquency or violations (other good standing issues)
- Law does not change such provisions.



# Board Meeting-Related Owner Rights

*Condo Act: § 55.1-1939(3) POA Act: § 55.1-1807(3)*

*3. The right to have notice of any meeting of board..., to make a record of any such meeting by audio/visual means, and participate in any such meeting in accordance with the provisions of ...[§ 55.1-1815, 1816 OR § 55.1-1949;*

- Notice of time/date/place of Board/Committee meetings published where calculated to be available to majority
- Owners may record open portions of meetings
- Owners may “participate” in meetings – refers to designated period for owner comment
  - Subject to reasonable board rules
  - Comments must relate to association



# Enforcement Hearing Rights

*Condo Act: § 55.1-1939(4) POA Act: § 55.1-1807(4)*

*4. The right to have (i) notice of any proceeding conducted by board of directors or other tribunal specified in [documents] against owner to enforce any rule/regulation of association and (ii) opportunity to be heard and represented by counsel at such proceeding per [§ 55.1-1819 or 55.1-1959], and right of due process in conduct of hearing*

- Notice of “proceeding” of board/other tribunal to enforce
  - 14 days’ notice of hearing + other legal requirements
- Opportunity to be heard & represented by counsel
- Right of “due process” in conduct of hearing
  - Conduct hearing fairly, impartially
  - Owner can present argument, witnesses, evidence



# Right to Serve on Board

*Condo Act: § 55.1-1939(5) POA Act: § 55.1-1807(5)*

*5. The right to serve on the board of directors if duly elected and a member in good standing of the association, unless the [documents] provide otherwise.*

- Qualifications for Board service vary based on governing documents
  - Typically owners or spouses – but not legally required
  - Good standing + meeting attendance often required
- “Duly Elected”



# What is “Good Standing”?

- No express definition in Condo or POA Acts
- Look to governing documents
- “Good standing” typically relates to past due assessments or payments due to Association
  - Provisions often state that lien must have been filed
  - Can also relate to pending rules violations



**ANY QUESTIONS?**

**. . . Time for breakout sessions**