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## VLTA Legislative Update

### Description



As we enter the 5th week of the General Assembly session the pace of the legislature

is picking up rapidly. "Crossover", defined as the time when all bills must be out of their chamber of origin, will be on February 13, 2018. Committees and subcommittees are working at a frantic pace and the legislature will soon begin to focus in earnest on the state's new biennial budget. Below is a recap of last November's elections, some items of interest to us, and some of the hot button issues facing the General Assembly this legislative session.

### Statewide Races

As predicted, the Democrats swept the statewide races. The Democratic nominee for Governor, Ralph Northam, defeated the Republican nominee, Ed Gillespie by almost 9 percentage points. Justin Fairfax (D) beat Senator Jill Vogel (R) by 5 percentage points for Lieutenant Governor and Mark Herring (D) was re-elected as Attorney General over John Adams (R) by 6.5 percentage points. While the margins in those elections were much bigger than anticipated, the real surprise was in the House of Delegates.

### House of Delegates

Republicans went into the election with a 66-34 majority in the House of Delegates. Surprisingly to all, the Democrats picked up 15 seats after all the votes were counted. 13 Republican incumbents lost their seats and three open seats flipped from Republican to Democrat. The House now stands at a 51 to 49 Republican majority. Of especial interest was the race for House District 94. This race pitted incumbent Republican David Yancey against the Democratic candidate Shelly Simonds. The results of the election were close enough to trigger an automatic recount. During the recount it had appeared that Simonds had won by a single vote. However, a three judge panel decided to accept a ballot that had been discarded as double marked and award the vote to Yancey. This produced a tie race. The Simonds campaign filed a legal challenge to have the ballot removed which was ultimately unsuccessful. This resulted in a "drawing of lots" to break the tie. Film canisters with each candidate's name were placed into a bowl. Yancey proved to be luckier than Simonds and retained his seat giving Republicans a one vote majority in the House of Delegates.

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## Bills of Interest to the VLTA

The VLTA is currently tracking 45 separate pieces of legislation. Some of these are more interesting than others. Two particularly relevant pieces of proposed legislation are listed below:

**HB 570** – Delegate [Gooditis](#) – Real estate settlement agents; presumption of competency, etc.

This bill sought to establish a presumption that any person who is authorized to act as a settlement agent is competent to handle settlements of federally backed mortgages secured by real estate in the Commonwealth. It also established several prohibitions on lenders. The bill faced significant opposition and the patron ultimately asked that the bill be stricken from the docket. This means the bill is no longer viable legislation for this session.

**HB 1028** – Delegate [Convirs-Fowler](#) – Real estate settlement; choice of settlement service provider.

This bill provides that a purchaser or borrower in a transaction related to real estate in the Commonwealth shall have the right to select the settlement agent, mortgage lender or broker, and any other vendor associated with the financing or settlement of such real estate. It also prohibits the seller or any other party associated with a real estate transaction from requiring the use of, or offering anything of value for the use of, a particular mortgage lender or broker or any other vendor as a condition of the sale. This bill also faces significant opposition. It has yet to be heard in committee. We will continue to monitor the progress of the bill and will keep you informed.

## Bonus Item of Interest

### Medicaid Expansion

The Governor's Office and the Republican Leadership are currently in negotiations regarding what a potential expansion of Medicaid might look like. As of now there is little available information on how these negotiations are going. What we do know is that any expansion will be placed in the upcoming budget bill. As these talks progress we will keep you updated with more information as it becomes available. The work on the budget cannot really begin in earnest until this issue is resolved.

We expect the pace of session to increase in the next week with many of these issues coming to conclusion. Please let us know if you have any questions or would like more information about the topics above.

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### Category

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