

NEW LAWS July 1, 2022

Description

The summaries below were drafted by the Virginia Division of Legislative Services. From the thousands of bills which were introduced during the 2022 session, these summaries include only bills which have been signed into law by the Governor and have been found by this author to be relevant to the VLTA membership. This selection process is HIGHLY subjective so a full list of the bills and the full history and text of the legislation may be reviewed on the General Assembly website at <http://leg1.state.va.us>. Enjoy!

COMMUNITY ASSOCIATIONS

HB 470 *Common interest communities; prohibition on refusal to recognize a licensed real estate broker.* Amends and reenacts *Â§Â§ 54.1-2350, 55.1-1806, 55.1-1809, 55.1-1823, 55.1-1962, 55.1-1973, and 55.1-1991 of the Code of Virginia.* Clarifies the prohibition on property owners' associations and unit owners' associations pursuant to the Property Owners' Association Act (*Â§ 55.1-1800 et seq.*) and the Virginia Condominium Act (*Â§ 55.1-1900 et seq.*), as the case may be, refusing to recognize a licensed real estate broker that is designated by the lot owner or unit owner as such lot owner's or unit owner's authorized representative, provided that the property owners' association or unit owners' association is given a written authorization signed by the lot owner or unit owner designating such licensed individual as his authorized representative and containing certain information for such designated representative. The bill also expands the list of authorized persons to whom a seller or seller's authorized agent may provide a written request for the delivery of the association disclosure packet or resale certificate. The bill contains a technical amendment. This bill is identical to **SB 197**. *Patron: David L. Bulova.*

SB 740 *Common interest communities; standards for structural integrity and reserves for capital components.* Directs the Department of Professional and Occupational Regulation (the Department) to establish a work group to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities. The bill directs the Department to report the work group's findings and provide recommendations, including any legislative recommendations, to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than April 1, 2023. *Patron: Scott A. Surovell.*

EASEMENTS

HB 1019 *Conveyance of easement and appurtenances.* Amends and reenacts *Â§ 2.2-1151 of the Code of Virginia.* Adds telecommunications companies to the list of entities to which a state department, agency, or institution may grant an easement. This bill is identical to **SB 444**. *Patron: Emily M. Brewer.*

HB 214 ?? Redevelopment and housing authorities; naming convention. *Amends and reenacts Â§ 36-4 of the Code of Virginia.* Provides that a locality that establishes a redevelopment and housing authority may name such authority an appropriate name and title. Current law requires the authority to be known as the ?? (insert name of locality) Redevelopment and Housing Authority.â• The bill contains technical amendments. *Patron: Roxann L. Robinson.*

HB 239 ?? Housing & Supportive Services ILT initiative; housing & services to include adults 65 yrs. or older. *Expands the existing Housing and Supportive Services Interagency Leadership Team initiative to include adults 65 years of age or older as a target subpopulation.* Directs the Department for Housing and Community Development to expand the existing Housing and Supportive Services Interagency Leadership Team (ILT) initiative to include adults 65 years of age or older as a target subpopulation and seek input from appropriate stakeholders to facilitate the development of strategies for increasing the supply of permanent supportive housing for adults 65 years of age or older. This bill is identical to **SB 263**. *Patron: Dawn M. Adams.*

HB 277 ?? Recovery residences; disclosure to potential residents that residence is certified. *Amends and reenacts Â§Â§ 37.2-431.1 and 55.1-1201 of the Code of Virginia.* Requires that all recovery residences be certified by the Department of Behavioral Health and Developmental Services (the Department) and that recovery residences, as a condition of such certification, comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity, which shall be no less than the square footage requirements set forth in the Uniform Statewide Building Code. The bill requires every person who operates a recovery residence to disclose to potential residents its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the bill requires the recovery residence to disclose the level of support provided by the recovery residence and, if the credentialing entity is Oxford House, Inc., the bill requires the recovery residence to disclose that the recovery residence is self-governed and unstaffed. The bill also requires the Department to include such information on the list of all recovery residences maintained by the Department on its website. The bill exempts recovery residences from the provisions of the Virginia Landlord and Tenant Act. This bill is identical to **SB 622**. The Governor recommended amendments that were accepted by the General Assembly. *Patron: Carrie E. Coyner.*

HB 400 ?? Real property; affordable housing. *Amends and reenacts Â§ 58.1-3295 of the Code of Virginia.* Includes the Rental Assistance Demonstration program in the list of federal laws whose restrictions shall be considered in determining the fair market value of real property that is operated as affordable rental housing. *Patron: Rodney T. Willett.*

HB 1265 ?? Broadband affordability plan; Department of Housing and Community Development to develop, report. *Directs the Department of Housing and Community Development to develop a plan to address broadband affordability.* Directs the Department of Housing and Community Development to develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan, to access federal funding under the federal Infrastructure Investment and Jobs Act. The bill requires that the Plan include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The bill requires the Department to report the Plan to the Governor and the General Assembly by December 1, 2022. This bill is identical to

SB 716. *Patron: Suhas Subramanyam.*

HB 1286 *?? Housing Authorities Law; notice of intent to dispose of housing projects.* *Amends and reenacts* *Â§ 36-7.2 of the Code of Virginia.* Removes the requirement that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of such housing project also serve a notice to any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project. The bill shortens from 12 to six the number of months prior to such application submission date required before the housing authority serves notice of intent to the Virginia Department of Housing and Community Development and each tenant residing in the housing project. The bill prohibits the housing authority from requiring a tenant currently residing in such housing project to surrender possession of his unit until at least 12 months after serving the notice required by the bill except as otherwise provided by law. *Patron: Sally L. Hudson.*

HB 1289 *?? Uniform Statewide Building Code; exemption for certain use and occupancy classifications.* Directs the Board of Housing and Community Development to consider, during the next code development cycle, revising the Uniform Statewide Building Code (the Building Code) to provide an exemption from any requirements in the energy efficiency standards in the Building Code and the 2018 Virginia Energy Conservation Code (the Energy Conservation Code), and any subsequent amendments to the Building Code and the Energy Conservation Code, for the use and occupancy classifications of (i) Section 306, Factory Group F; (ii) Section 311, Storage Group S; and (iii) Section 312, Utility and Miscellaneous Group U. *Patron: Christopher T. Head.*

ENVIRONMENT AND CONSERVATION

HB 141 *?? Virginia Black, Indigenous, and People of Color Historic Preservation Fund; created.* *Amends and reenacts* *Â§ 10.1-2204 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 10.1-2202.5.* Establishes the Virginia Black, Indigenous, and People of Color Historic Preservation Fund for the purpose of awarding grants to eligible state-recognized and federally recognized Indian tribes, private nonprofit organizations, and localities for the eligible costs of acquiring land or permanent protective interest therein, and of undertaking preservation activities on such land, that is of cultural or historic significance to Black, indigenous, or people of color communities. The bill provides that land or interests acquired with grant funds shall grant the Board of Historic Resources or other holder a perpetual preservation interest in the property. This bill is identical to **SB 158**. *Patron: C. Delores L. McQuinn.*

HB 206 *?? Small renewable energy projects; impact on natural resources, report.* *Amends and reenacts* *Â§ 10.1-1197.6 of the Code of Virginia.* Requires, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources. The bill directs the Department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted. Any application for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill. *Patron: Michael J. Webert.*

HB 516 ?? Flood resiliency & protection; implements recom. from first Va. Coastal Resilience Master Plan. Amends and reenacts §§ 2.2-222.4, 10.1-602, 10.1-658, and 10.1-659 of the Code of Virginia. Implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. The bill also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience in the Commonwealth. This bill is identical to **SB 551**. Patron: David L. Bulova.

HB 517 ?? Chief Resilience Officer; clarifies designation and role. Amends and reenacts §§ 2.2-215 and 2.2-435.11 of the Code of Virginia, amends the Code of Virginia by adding in Article 7 of Chapter 2 of Title 2.2 a section numbered 2.2-220.5, and repeals § 2.2-222.4 of the Code of Virginia. Clarifies the designation and role of the Chief Resilience Officer by moving the position from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adding provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan. Under current law, the Secretary of Natural and Historic Resources is designated the Chief Resilience Officer. This bill is a Chesapeake Bay Commission initiative. The Governor recommended amendments that were accepted by the General Assembly. Patron: David L. Bulova. **PENDING SIGNATURE BY GOVERNOR (Deadline May 27, 2022)**

INSURANCE

HB 1156 ?? Private family leave insurance; definition, establishes as a class of insurance. Amends and reenacts §§ 38.2-135, 38.2-316, and 38.2-1800 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 38.2-107.2. Establishes family leave insurance as a class of insurance. The bill defines ??family leave insurance? as an insurance policy issued to an employer related to a benefit program provided to an employee to pay for the employee's income loss due to (i) the birth of a child or adoption of a child by the employee; (ii) placement of a child with the employee for foster care; (iii) care of a family member of the employee who has a serious health condition; or (iv) circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty. Under the bill, family leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer. The bill prohibits delivery or issue for delivery of a family leave insurance policy unless a copy of the form and the rate manual showing rates, rules, and classification of risks have been filed with the State Corporation Commission. The bill prohibits an individual certificate and enrollment form from being used in connection with a group family leave insurance policy unless the form for the certificate and enrollment form have been filed with the Commission. The bill provides that ??life and annuities insurance agent? means an agent licensed in the Commonwealth to sell, solicit, or negotiate, among other types of insurance, family leave insurance on behalf of insurers licensed in the Commonwealth. This bill is identical to **SB 15**. Patron: Kathy J. Byron.

FINANCE

HB 1153 *?? Mortgage brokers; dual compensation.* Amends and reenacts *Â§Â§ 6.2-888, 6.2-1616, and 6.2-1627 of the Code of Virginia.* Removes provisions prohibiting a person from acting as a mortgage broker in connection with any real estate sales transaction in which such person has acted as a real estate broker or real estate salesperson and has received or will receive compensation in connection with such transaction. The bill provides that if a mortgage broker negotiates, places, or finds a mortgage loan and acts as a real estate broker or real estate salesperson in connection with the sale of the real estate that secures such loan, the mortgage broker is required to conspicuously provide to the borrower a written disclosure at the time the mortgage broker services are first offered to the borrower. This bill is identical to **SB 303**. *Patron: R. Lee Ware.*

HB 263 *?? Banks; virtual currency custody services.* Amends the Code of Virginia by adding in Article 2 of Chapter 8 of Title 6.2 a section numbered **6.2-818.1**. Permits banks in the Commonwealth to provide virtual currency custody services so long as the bank has adequate protocols in place to effectively manage the associated risks. The bill defines *??virtual currency?* and provides that a bank may choose to offer such custody services in a nonfiduciary capacity or a fiduciary capacity. If it chooses to provide such custody services in a fiduciary capacity, it must possess trust powers and have a trust department approved by the State Corporation Commission. *Patron: Christopher T. Head.*

MISCELLANEOUS

HB 150 *?? Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website.* Amends the Code of Virginia by adding a section numbered **2.2-3707.2**. Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator. *Patron: Marie E. March.*

HB 307 *?? Virginia Freedom of Information Act; estimated charges for records.* Amends and reenacts *Â§Â§ 2.2-3704 and 2.2-3704.1 of the Code of Virginia.* Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost. The bill also requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The Governor recommended amendments that were accepted by the General Assembly. *Patron: Nicholas J. Freitas.*

HB 644 *?? General Services, Department of; adjustment of boundary lines of surplus property.* Amends and reenacts *Â§Â§ 2.2-1156, 10.1-1122, and 36-139.1 of the Code of Virginia.* Provides that the Department of General Services may determine that a boundary line of surplus property is in need of adjustment and may work with landowners to make such adjustment. The bill provides that the Department may determine that a grant or acceptance of an easement may facilitate such adjustment and may enter into such easement in a form approved by the Attorney General and subject to the written approval of the Governor. The bill also makes changes regarding the notice of sale of surplus

property. The Governor recommended amendments that were accepted by the General Assembly.
Patron: Betsy B. Carr..

PROFESSIONS AND OCCUPATIONS

HB 117 *Attorneys; examinations and issuance of licenses, requirements. Amends and reenacts* *Â§ 54.1-3926 of the Code of Virginia.* Requires, before an applicant is permitted to take the Virginia bar exam, that the applicant furnish to the Board of Bar Examiners satisfactory evidence that he has satisfactorily completed legal studies amounting to at least five semesters, or the equivalent of at least five semesters on a system other than a semester system, of full-time study at a law school approved by the American Bar Association or the Board of Bar Examiners. Under current law, an applicant is required to have completed all degree requirements of such law school. *Patron: Terry G. Kilgore.*

HB 284 *Real Estate Appraiser Board; continuing education to include fair housing or appraisal bias courses. Amends and reenacts* *Â§ 54.1-2014 of the Code of Virginia.* Provides that any regulation of the Real Estate Appraiser Board setting out continuing education requirements for real estate appraiser licensees as a prerequisite of license renewal shall include at least two hours of fair housing or appraisal bias courses if the Board requires continuing education for the renewal of such licenses. The bill directs the Real Estate Appraiser Board to promulgate regulations to implement the provisions of this act that include a course of at least two hours relating to fair housing or appraisal bias and exempts the initial adoption of such regulations from the Administrative Process Act, except that the Board shall provide an opportunity for public comment prior to adoption of the regulations. The bill has a delayed effective date of July 1, 2023. *Patron: Carrie E. Coyner.*

REAL ESTATE SALES AND SETTLEMENTS

SB 533 *Real estate brokers; protection of real estate escrow funds. Amends and reenacts* *Â§ 54.1-2108.2 of the Code of Virginia.* Department of Professional and Occupational Regulation; real estate brokers; protection of real estate escrow funds. Clarifies that, upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker, or an agent of such principal broker or supervising broker, that will be held in the firm's escrow account shall be placed in such account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction. The bill provides that if an earnest money deposit received by the principal broker or supervising broker, or an agent of such principal broker or supervising broker, will not be held in the firm's escrow account, the principal broker or supervising broker shall ensure that the earnest money deposit is delivered to the escrow agent named in the contract by the end of the fifth business banking day following receipt of the deposit, unless otherwise agreed to in writing by the principals to the transaction. *Patron: Lynwood W. Lewis, Jr*

HB 281 *Real property; duty to disclose ownership interest and lis pendens. Amends the Code of Virginia by adding sections numbered* *54.1-2138.2 and 55.1-706.1.* Provides that a real estate licensee has an affirmative duty, upon having substantive discussions about specific real property, to disclose in writing to the purchaser, seller, lessor, or lessee of the property if he, any member of his family, his firm, any member of his firm, or any entity in which he has an ownership interest has or will have an ownership interest as a party to the transaction and must also disclose in writing that he is a licensee. The bill requires that an owner of a residential dwelling unit who has actual knowledge of a lis

pendens filed against the dwelling unit must provide to a prospective purchaser a written disclosure of such fact on a form provided by the Real Estate Board on its website. This bill is identical to **SB 311**, which was vetoed by the Governor. *Patron: Carrie E. Coyner.*

HB 702 *?? Va. Residential Property Disclosure Act; required disclosures, maximum lot coverage.* *Amends and reenacts Â§ 55.1-703 of the Code of Virginia.* Requires that the owner of residential real property include in the residential property disclosure statement provided to a potential purchaser of such residential real property a statement that the owner makes no representation with respect to current lot lines or the ability to expand, improve, or add any structures on the property and that the potential purchaser is advised to exercise necessary due diligence, including obtaining a property survey and contacting the locality to determine zoning ordinances or lot coverage, height, or setback requirements on the property. *Patron: Mark L. Keam.*

HB 1364 *?? Real estate settlement agents; choice of settlement agent.* *Amends and reenacts Â§ 55.1-1006 of the Code of Virginia.* Clarifies that a seller shall not be prohibited from retaining a licensed attorney to represent his interests and provide legal advice pertaining to escrow, closing, or settlement services. This bill is declarative of existing law. The bill contains an emergency clause and is identical to **SB 775**. *Patron: James A. ??Jay?• Leftwich.*

SB 498 *?? Conveyances of property; acceptance by clerk's office for recordation.* *Amends the Code of Virginia by adding a section numbered 55.1-602.1.* Provides that there is a presumption for state and local governmental agency and office purposes that title to property transfers to the grantee upon acceptance of a deed conveying such property by the clerk of court in the county or city in which the property is located. Such presumption does not apply to matters litigated in the federal or state courts. *Patron: Lynwood W. Lewis, Jr. CONTINUED TO SPECIAL SESSION.*

HB 200 *?? Real property; tax exemption shall include property of certain single member limited liability company.* *Amends and reenacts Â§ 58.1-3609 of the Code of Virginia* Provides that the property of an organization that is tax exempt by classification (religious, charitable etc) shall include the property of a single member limited liability company whose sole member is such an organization. *Patron: Michael J. Webert*

Summary compiled by Sarah Louppe Petcher, Partner, S&T Law Group PLLC.

**Sarah Louppe Petcher**

Sarah knew she wanted to become a lawyer when she was 10 years old. After a stint as a family law attorney in Fairfax, Sarah became General Counsel of the Northern Virginia Association of Realtors where she fell in love with real estate. During her tenure at NVAR, she learned not only about running a real estate association but came to understand the full picture of the real estate industry in the US. With this unique perspective, she partnered up with Toula to form S & T Law Group with the goal to provide services to non-profits, trade associations, real estate brokerages, real estate agents, and members of the public involved in real estate transactions. Sarah lives in Falls Church with her husband and two daughters. She joyfully embraces a slower pace of life and less wildlife at home than Toula's, and enjoys cooking, theatre and to travel as often as possible.

Category

1. Featured
2. In the News
3. Legislative
4. Settlements
5. Title Examination

- 6. Uncategorized
- 7. Underwriting

Tags

- 1. featured

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