

FAIRFAX COUNTY

2023 Homeowners' Association and
Condominium Association Legislative Update



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PREFACE

The 2023 Homeowners' and Condominium Association Legislative Update includes an overview of the legislative amendments from the 2023 Virginia General Assembly Legislative Session. The guide is designed to be an interactive document connecting the public with the [Code of Virginia](#).

The Consumer Affairs Branch monitors the regulatory process and incorporates information about amended regulations into subsequent editions of the Fairfax County Homeowners' and Condominium Association Legislative Update. These updates are informational only and should not be used or relied upon in place of the actual text of the relevant legislation. In addition, homeowners' and condominium association members should consult with private legal counsel regarding their specific legal rights and interests and should in no way rely upon this informational guide for evaluating those specific legal rights and interests.

Please contact the Fairfax County [Department of Cable and Consumer Services](#), Consumer Affairs office at 703-222-8435, TTY 711, for additional information or assistance.

2023 LEGISLATIVE UPDATES

The General Assembly meets each January and bills that pass both chambers become law once signed by the governor. The Titles, Chapters, and Sections of the Code of Virginia (as well as Uncodified Acts) pertaining to the governance of common interest communities which were impacted by the activity of the 2023 Virginia General Assembly session are included. The Code of Virginia, in its entirety, can be viewed online using the [Virginia Legislative Information Service](#).

Title 15.2. Counties, Cities and Towns - Subtitle II. Powers of Local Government - Chapter 21.

§ 15.2-2114.01. Local Stormwater Management Fund; grant moneys.

Expands the allowable uses of grants from a local Stormwater Management Fund, established under current law to grant funds to private property owners and common interest communities for certain stormwater management and erosion control projects, to include joint flooding mitigation projects of condominium owners.

Title 36. Housing – Chapter 5.1. Virginia Fair Housing Law

§ 36-96.3:1. Rights and responsibilities with respect to the use of an assistance animal in a dwelling.

Prohibits certain persons from providing fraudulent supporting documentation to evince the existence of a disability or disability-related need for a person requesting a reasonable accommodation with respect to the use of an assistance animal in a dwelling. A violation of such prohibition is a prohibited practice under the Virginia Consumer Protection Act.

Title 54.1. Professions and Occupations - Chapter 23.3 Common Interest Communities

§ 54.1-2354.3. Common Interest Community Ombudsman; appointment; powers and duties.

Allows the Office of the Common Interest Community Ombudsman, upon receiving any notice of a final adverse decision issued by a common interest community association, to either (i) refer such final adverse decision to the Common Interest Community Board for further review of whether such decision is in conflict with relevant laws or Board regulations or (ii) make a determination of whether such final adverse decision conflicts with relevant laws or Board regulations. If the Office determines that such final adverse decision conflicts with relevant laws or Board regulations, the Office will promptly notify the governing board, and if applicable the common interest community manager, of the association of such determination. If the Common Interest Community Ombudsman receives a subsequent notice of final adverse

decision for the same violation within one year of such determination, the Office shall refer the matter to the Board. The Office shall maintain data on referrals made to the Board.

If, within one year of issuing a determination that an adverse decision issued by a common interest community association is in conflict with relevant laws or Board regulations, the Director of the Department of Professional and Occupational Regulation receives a subsequent notice of final adverse decision for the same violation, the Director must refer the repeat violation to the Board.

Title 55.1. Property and Conveyances – Chapters 18 and 19. Property Owners' Association Act and Condominium Act

Chapter 23.1. Resale Disclosure Act

Establishes the Resale Disclosure Act, which sets out disclosure requirements and authorized fees relating to contracts for the resale of property located within common interest communities and provides for the issuance of resale certificates or financial updates. The Act repeals the existing disclosure requirements and authorized fees relating to association disclosure packets under the Property Owners' Association Act and resale certificates under the Virginia Condominium Act. The Act requires a seller to obtain a resale certificate for the purchaser.

§ 55.1-1837. Termination and duration of certain management contracts.

A management contract that contains an automatic renewal provision may be terminated by the association or the common interest community manager at any time without cause upon not less than 60 days' written notice.

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