

**FAIRFAX COUNTY**  
**2016 Homeowners' Association and**  
**Condominium Association**  
**Supplement Guide**

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# **Fairfax County Homeowners' and Condominium Association Supplement Guide**

## **2016 Legislative Review**

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## **Preface**

The Supplement Guide includes an overview of the legislative amendments from the 2016 Virginia General Assembly Legislative Session and an overview of the activity of the Common Interest Community Board and the Office of the Common Interest Community Ombudsman. The supplement is designed to be an interactive electronic document linking readers to the Code of Virginia, the Fairfax County Ordinances, and other common interest community association resources.

During the 2008 Legislative Session the Common Interest Community Board was developed and charged with the responsibility to adopt regulations necessary to carry out its duties. The Consumer Affairs Branch will monitor the regulatory process and incorporate information about newly adopted regulations into subsequent editions of the Fairfax County Homeowners' and Condominium Association Supplement Guide. These updates, however, are for informational purpose only, and should not be used or relied upon in place of the actual text of the relevant legislation. In addition, homeowner 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 Consumer Affairs Branch of Fairfax County Department of Cable and Consumer Services office at 703-222-8435, TTY 711, if you need additional information or assistance.

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## **2016 Legislative Updates**

The Virginia General Assembly consists of the House of Delegates and the Senate of Virginia. One of its responsibilities is to enact laws of the Commonwealth of Virginia. The General Assembly meets beginning each January and bills that pass both chambers become law once they are signed by the governor. Each year bills pertaining to the governance of common interest communities may be passed into law. Below you will find reference to the titles, chapters, and sections of the Virginia Code that govern common interest communities which were impacted by the activity of the 2016 Virginia General Assembly session. A brief summary of the changes or additions to the code is provided. The Virginia Code, in its entirety, can be viewed on the internet by using the [Virginia Legislative Information Service](#).

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**Title 9.1. Commonwealth Public Safety**  
**Chapter 9. Sex Offender and Crimes Against Minors Registry Act**

**§ 9.1-914. Automatic notification of registration to certain entities; electronic notification to requesting persons.**

Provides that the association for a common interest community may request and receive from the State Police notice of the registration or reregistration of sex offenders whose registered address is in the same or a contiguous zip code as that of the common interest community.

**Title 15.2. Counties, Cities and Towns**  
**Chapter 1. General Provisions**

**§ 15.2-110. Authority to require approval by common interest community association.**

Prohibits a locality from requiring the consent of a condominium association, homeowners' association, or real estate cooperative prior to the issuance of a permit, certificate, or license, including a building permit or a business license.

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**Title 55 Property and Conveyances**  
**Chapter 4.2 Condominium Act**

**§ 55-79.87:1. Rental of units.**

Prohibits a unit owners' association from charging an annual or monthly rental fee or any other fee not expressly authorized in the Condominium Act. Provides that an association has no authority to evict a tenant. Provides that if an owner designates a person licensed by the Real Estate Board as the owner's authorized representative with respect to any lease, the association shall recognize such representation without a formal power of attorney

**§ 55-79.97. Resale by purchaser.**

Provides clarification and additions of certain definitions regarding delivery and receipt of disclosure documents.

**§ 55-79.97:1. Fees for resale certificate.**

Provides that associations must wait 60 days to initiate legal action to collect unpaid disclosure fees. Provides for technical amendments.

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**Title 55 Property and Conveyances**  
**Chapter 26. Property Owners' Association Act**

**§ 55-509.3:1. Rental of lots.**

Prohibits a property owners' association from charging an annual or monthly rental fee or any other fee not expressly authorized in the Property Owners' Association Act. Provides that an association has no authority to evict a tenant. Provides that if an owner designates a person licensed by the Real Estate Board as the owner's authorized representative with respect to any lease, the association shall recognize such representation without a formal power of attorney.

**§ 55-509.4. Contract disclosure statement; right of cancellation.**

Provides clarification and additions of certain definitions regarding delivery and receipt of disclosure documents.

**§ 55-509.5. Contents of association disclosure packet; delivery of packet.**

Conforms the Property Owners' Association Act to the Condominium Act relating to provision of disclosure documents in electronic form and charges therefor. The bill contains technical amendments.

**§ 55-509.6. Fees for disclosure packet; professionally managed associations.**

Provides that associations must wait 60 days to initiate legal action to collect unpaid disclosure fees. Provides for technical amendments.

**§ 55-516.2. Condemnation of common area; procedure.**

Provides that, for the purposes of condemnation, the value of a portion of a common area of a property owners' association shall be based on the common area's highest and best use as though it were free from restriction to sole use as a common area. The bill also provides that it applies solely to condemnation actions, and no common area shall be reassessed for property tax purposes due to the passage of the bill or the valuation standards described in the bill.

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# **The Virginia Common Interest Community Board and the Office of the Ombudsman**

Effective July 1, 2008, the Virginia General Assembly passed HB 516 and SB 301 which established the Common Interest Community Board. The legislation was the result of a joint effort between the Housing Commission and members of the Community Associations Institute, Virginia Association of Community Managers, Virginia Association of Realtors, industry lawyers and accountants. It created the Common Interest Community Board and the Office of the Common Interest Community Ombudsman.

The Common Interest Community Board (CIC Board) consists of 11 citizens appointed by the governor. The CIC Board is representative of industry professionals including three common interest community managers, a community association attorney, a certified public accountant, a representative of the time-share industry, two real estate developers, and three Virginia citizens, one of whom serves or has served on the governing board of an association that is not professionally managed at the time of appointment and two of whom reside in a common interest community. View the current [Board Roster](#) for appointed board member information. The CIC Board is charged with the development and regulation of educational requirements, licensing and certification of community managers and employees, the complaint process for the Office of the Ombudsman's Office, the administration of the Common Interest Community Management Information Fund, and the enforcement of regulations established under its authority.

The CIC Board is responsible for administering Virginia's property registration laws: the Condominium Act ([Code of Virginia, Title 55, Chapter 4.2](#)), the Virginia Real Estate Time-Share Act ([Code of Virginia, Title 55, Chapter 21](#)), the Virginia Real Estate Cooperative Act ([Code of Virginia, Title 55, Chapter 24](#)), and the Property Owners' Association Act ([Code of Virginia, Title 55, Chapter 26](#)). These statutes generally require registration and certain disclosures by land developers. The CIC Board is authorized to promulgate regulations to fulfill the requirements of these acts. The CIC Board regulates the sale of new condominiums and time-shares. The Condominium Act and the Real Estate Time-Share Act cover transactions occurring within the Commonwealth, even if the property involved is located outside the Commonwealth. Additionally, property owner, condominium, and cooperative associations are required to file annual reports with the board. The fees from the annual reports go to fund the Common Interest Community Management Information Fund, which in turn helps to fund the Common Interest Community Management Recovery Fund ([Code of Virginia, Title 54.1, Chapter 23.3](#)).

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The Common Interest Community Board has established a number of regulatory committees to review applicable regulations and to explore education needs and requirements. Information about the regulations and applicable guidance documents can be reviewed below:

- [Common Interest Community Manager Regulations](#) (*licensure*)
- [Condominium Regulations](#) (*project registration*)
- [Time-Share Regulations](#) (*project registration*)
- [CIC Management Information Fund Regulations](#) (*annual report filing requirements and fees*)
- [CIC Ombudsman Regulations](#) (*association complaint processes and notices of final adverse decisions*)
- [UPDATE Maximum Allowable Fees](#) for POA Disclosure Packets/Condo Resale Certificates
- [Best Practices for POA Declarations](#) (*adopted 12/10/15*)

Visit the [Common Interest Community Board website](#) for information about the board's regulatory activity, board and committee meetings and minutes, forms and applications, and news and publications.

The Office of the Common Interest Community Ombudsman offers assistance and information to association members regarding the rights and processes available to them through their associations. As required by statute [The Common Interest Community Ombudsman Regulations](#) were established and were effective July 1, 2012. This regulation requires associations set rules for receiving and considering complaints from members and other citizens. Specifically, the regulation (i) requires associations to establish written complaint procedures; (ii) requires the maintenance of association complaint records; (iii) sets time frames in which associations must complete certain actions; (iv) indicates the consequences for failure of an association to establish and utilize a complaint procedure; and (v) establishes procedures and forms for filing a notice of final adverse decision. The law that authorizes the Board to establish these regulations is found in [Chapter 29 \(§ 55-530\) of Title 55 of the Code of Virginia](#). Associations were required to have an established association complaint procedure adopted by September 28, 2012. The office has developed a flow chart that serves as [Guidelines for Review of Complaint Procedures](#).

The Office of the Common Interest Community Ombudsman reviews **Notices of Final Adverse Decision** resulting from the submission of a complaint through an association's complaint procedure. The sole purpose of this review is to determine if the final adverse decision received by the complainant, from the association, may be in conflict with laws or regulations governing common interest communities or interpretations thereof by the board. [Published Ombudsman's Determinations](#) are made available online to serve as an information resource on common interest community topics.

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The guidance provided in the published determinations may be helpful for association owners, members of association boards of directors and anyone else who may be dealing with similar issues.

Visit the [Common Interest Community Ombudsman's website](#) for forms, determinations, and news and publications.

## **The Code of Virginia**

The most updated and current version of the entire Code of Virginia is available online through the [Virginia Legislative Information System](#).

The [Virginia Condominium Act](#), Title 55, Chapter 4.2, and the [Virginia Property Owners Association Act](#), Title 55, Chapter 26, of the Code of Virginia are the state civil statutes that authorize and govern condominium and homeowners' associations within the Commonwealth. [The Virginia Nonstock Corporation Act](#), Title 13.1, Chapter 10, establishes the requirements and regulatory authority under which non-profit associations can incorporate.

## **The Code of Fairfax County**

The [Code of Fairfax County](#) is available online. To access ordinances frequently referenced by common interest communities, review the full Table of Contents and select the appropriate chapters as follows:

[Chapter 31](#) Peddlers, Solicitors and Canvassers

[Chapter 41.1](#) Animal Control and Care

Section 41-2-4	Unrestricted dogs prohibited; leash law
Section 41-2-6	Animals causing unsanitary conditions

[Chapter 69.1](#) Water Reconciliation Facilities Ordinance

[Chapter 82](#) Motor Vehicles and Traffic

Section 82-1-3	Enforcement by County officers
Section 82-5-32	Removal (towing) of vehicles

[Chapter 108](#) Noise

Article 5	Nuisance Noise
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# The Zoning Ordinance of Fairfax County

The Zoning Ordinance of Fairfax County, Virginia, regulates zoning in Fairfax County. It is intended to promote the health, safety and general welfare of the public, and to implement the adopted [Comprehensive Plan](#) for the orderly and controlled development of the county. It is administered by the Fairfax County Department of Planning & Zoning (DPZ) whose mission is to promote livable communities which enhance the quality of life for the present and the future.

[The Fairfax County Zoning Ordinance](#) is subject to periodic revisions upon action by the Board of Supervisors. The Zoning Ordinance presented here is current as of October 28, 2014. Should you have any questions regarding the Zoning Ordinance, please contact 703-324-1314, TTY 711, and ask to speak with the planner of the day.

<a href="#">Article 1, Part 1</a>	Constitution of the ordinance
<a href="#">Article 1, Part 2</a>	Purpose and intent
<a href="#">Article 1, Part 4</a>	Conflicting ordinances
<a href="#">Article 1, Part 7</a>	Common open space
<a href="#">Article 2, Part 3</a>	Interpretation of District regulations – open space

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## Common Interest Community Resources

A list of local, state, and national resources has been provided to assist you in governing your association effectively. When available, an electronic link to the resource is included for your convenience.

## Common Interest Community Organizations and Resources

### [Community Associations Institute \(CAI\) National Office](#)

703-970-9220

- Provides published information, training programs, and professional references

### [CAI - Washington Metropolitan Chapter](#)

703-750-3644

- Serves the educational, business, and networking needs of the community association industry

### [Fairfax County Consumer Affairs Branch](#)

703-222-8435

- Provides advice and guidance to homeowner and condominium associations, "Your Community, You're Connected" on Fairfax County Government Channel 16

### [Fairfax County Federation of Citizens Association Inc.](#)

(No Public Phone Number)

- Promotes opinions and consensus of citizens associations throughout Fairfax County; enhances general welfare of citizens and communities

### [Fairfax County Office of Public Affairs](#)

703-324-3187

- Publishes "Newcomers Guide" and quarterly newsletter for citizens; serves as the "Information Connection" to and for Fairfax County government

### [Institute of Real Estate Management \(IREM\)](#)

301-948-7962 Northern Virginia Chapter

800-837-0706 IREM Headquarters

- Provides education, resources, information, and membership for real estate management professionals

### [Northern Virginia Association of Realtors](#)

703-207-3200

- Provides general information on Northern Virginia locales and access to local realtors

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## **Community Enhancement Safety Programs**

### [Fairfax County Fire Prevention Division](#)

703-246-4800

- Provides fire suppression, emergency medical, technical rescue, fire prevention, and educational services

### [Fairfax County Neighborhood Watch Community Crime Prevention Program](#)

(Contact Your Local Police Department)

- Promotes "Neighborhood Watch" safety, security, education, and crime prevention programs

### [Northern Virginia Soil and Water Conservation Service](#)

703-324-1460

- A self-governing subdivision of the Commonwealth of Virginia, offers environmental leadership, technical assistance, and environmental education

## **Electric Service Providers**

### [Dominion Virginia Power](#)

888-667-3000

- Electric outdoor lighting program private streets – residential and commercial buildings

### [Northern Virginia Electric Cooperative](#)

703-335-0500 **or** 888-335-0500

- Delivers cost-efficient, reliable energy to residential, commercial, business, and government

## **Fairfax County Code Requirements and Enforcement**

### [Animal Services Division](#)

703-691-2121

- Oversees the animal shelter and animal control wildlife biologist. To make a report, contact County Police non-emergency dispatch number

### [Code Compliance](#)

703-324-1300

- Enforces the codes and ordinances which regulate property maintenance and construction in Fairfax County

### [Consumer Affairs Branch](#)

703-222-8435

- Mediates consumer complaints against businesses, tenant-landlord disputes, and cable issues; answers advice inquiries and provides community outreach presentations

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### Environment and Facilities Inspection

703-324-5033

- Handles erosion/sediment control, grading, agreements, project approval, amendments, completion, site, and construction complaints

### Environmental Health Division

703-246-2201 or 2205

- Provides information on sanitary standards, wells and septic systems, maintenance, and repairs

### Land Records Division

703-691-7320

- Maintains copies of condominium and homeowners associations declarations, deed of dedication, and bylaws

### Maintenance and Stormwater Management

703-324-5500

- Maintenance of stormwater management facilities is required as a condition for land use approval

### Permits Division

703-222-0810

- Issues building, demolition, electrical, mechanical, plumbing, home improvement, deck, and garage permits

### Planning Division

703-324-1380

- Maintains the county's Comprehensive Plan, processes amendments to the Plan, evaluates land use

### Real Estate Division

703-222-8234

- Maintains real estate assessments, provides assessment analysis and information about appeals, relief and exemptions

### Solid Waste Management Recycling and Trash

703-324-5230

- Includes the Division of Solid Waste Collection/Recycling, the Division of Solid Waste Disposal and Resource Recovery

### Stormwater Management

703-324-5033

- Responsible for controlling runoff, (rain, melting snow, and ice, etc.) draining off roads, sidewalks driveways, roofs, and other hard surfaces

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### [Wastewater Management](#)

703-324-5030

- Protects both the public's health and the region's water quality by collecting and treating wastewater

### [Zoning Administration Division](#)

703-324-1314

- Enforces, maintains, and administers the provisions of the Fairfax County Zoning and Noise Ordinances

### [Zoning Evaluation Division](#)

703-324-1290

- Processes all zoning applications submitted to the county

### [Zoning Permit Review Branch](#)

703-222-1082

- Issues building non-residential use permits, permit records, home occupation permits, setbacks, and general easement questions

## **Insurance**

### [Virginia State Corporation Commission](#)

804-371-9185

- Regulates companies and agents, and provides consumer information and Bureau of Insurance

## **Lawn and Garden Landscaping**

### [Fairfax County Soil Science Office](#)

703-324-5033

- Offers an online description and rating for soil types, which are useful in determining in the development of suitability on particular soils in an urban area

### [Fairfax County Urban Forest Management Division](#)

703-324-1770

- Provides guidance about tree planting and reforestation, handles general pest questions

### [Northern Virginia Soil and Water Conservation Service](#)

703-324-1460

- A self-governing subdivision of the Commonwealth of Virginia offers environmental leadership, technical assistance, and environmental education

### [Virginia Cooperative Extension](#)

703-324-5369

- Provides research-based educational resources about environmental horticulture

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## **Legal Reference**

### [Fairfax Bar Association](#)

703-246-2740

- Provides information about legal matters

### [Lawyer Referral Service](#)

703-246-3780

- Non-profit public service of the Fairfax Bar Association

## **Pavement Maintenance**

### [Fairfax County Stormwater Management](#)

703-324-5033

- Manages the process of controlling the runoff draining off roads, sidewalks, driveways, roofs, and other hard surfaces

### [National Asphalt Pavement Association](#)

888-468-6499

- Provides technical, educational, and marketing materials and supplies to users and specifiers of paving materials

### [Virginia Department of Transportation \(VDOT\)](#)

800-367-7623

- Provides public road maintenance, snow removal, signs, hazards, etc.

## **Recreation Construction and Maintenance**

### [American Sports Builders Association](#)

410-730-9595

- Provides technical information, and consumer-oriented information on the process of selecting a site, choosing a contractor, and identifying a surface

### [Fairfax County Park Authority](#)

703-324-8702

- Provides in-depth information on county parks, facilities, programs, and maintenance responsibilities

### [Northern Virginia Regional Park Authority](#)

703-352-5900

- Provides diverse regional recreational and educational opportunities

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### [U.S. Consumer Protection](#)

800-638-2772 **or** 301-504-7921

- Protects the public from unreasonable risks of serious injury or death from thousands of types of consumer products under the Agency jurisdiction

## **State Laws and Regulatory Authorities**

### [Code of Virginia](#) Legislative Information System

- Electronic access to Virginia state laws

### [Community Interest Community Ombudsman's Office](#)

804-367-2941

- Assists individuals in understanding and exercising their rights in resolving alleged violations of governing state statutes

### [Office of the Common Interest Community Board](#)

804-367-0362, Registration Division: 804-367-8510

- The administrative office of the Common Interest Community Board provides information about board meetings, board actions and the regulatory process. Administers the application process for common interest registration process for common interest community associations

### [State Corporation Commission](#)

804-371-9773

- Regulates corporate entities and utilities

## **Taxes**

### [Fairfax County Department of Tax Administration](#) (DTA)

703-222-8234

- Charged by law with the responsibility to assess and collect taxes for Fairfax County

### [United States Department of Treasury - Internal Revenue Service](#)

800-829-1040 **or** 800-829-3676

- Provides assistance to individuals and businesses to file Federal tax with information, forms, and publications

## **Trash Collection & Recycling**

### [Fairfax County Division of Solid Waste Collection and Recycling](#)

703-324-5230

- Fairfax County trash service information, applications, and private trash information

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### [Herndon Dept. of Public Works](#)

703-435-6853

- Handles collection of refuse and yard waste information

## **Utilities**

### [City of Fairfax Department of Public Works](#)

703-385-7810

- Responsible for providing safe portable water and reliable sanitary sewer service to the city's customers

### [City of Falls Church](#)

703- 248-5070 **or** 703-248-5071

- Provides overall operation and maintenance of the City's water distribution system, storm sewer system, and sanitary sewer system

### [Columbia Gas of Virginia](#)

800-543-8911 / 24-hour Emergency Service: 800-544-5606

- Natural gas service for parts of Chantilly and Herndon

### [Dominion Virginia Power Company](#)

866-366-4357

- Electric outdoor lighting program; private streets, residential and commercial buildings

### [Fairfax County Planning and Design Division](#)

703-324-5033

- Manages county streetlights program and installation criteria

### [Fairfax County Water Authority](#)

703-698-5600

- Manages an integrated water system for supplying and distributing water among Fairfax County residents

### [Herndon Department of Public Works - Water and Sewer](#)

703-435-6814

- Provides safe and dependable informs citizens of the supply of drinking water, and efforts taken to protect the water supply

### [Northern Virginia Electric Cooperative](#) (NOVEC)

703-335-0500 **or** 888-335-0500, Service for new home build: 703-754-6750

- Cooperative supplier of electricity and energy services

### [Vienna Water and Sewer](#)

703-255-6385

- Conducts water quality sampling and analysis, resolves complaints, and handles meter reads

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Washington Gas

703-750-1000

- Delivers natural gas to customers throughout Washington, DC, and the surrounding region

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