

FAIRFAX COUNTY

2021 Homeowners' Association and  
Condominium Association Legislative Update



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## PREFACE

The 2021 Homeowners' and Condominium Association Legislative Update includes an overview of the legislative amendments from the 2021 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.

## 2021 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 pertaining to the governance of common interest communities which were impacted by the activity of the 2021 Virginia General Assembly session, are included. The Code of Virginia, in its entirety, can be viewed online using the [Virginia Legislative Information Service](#).

### [Title 2.2. Administration of Government - Chapter 39. Virginia Human Rights Act](#)

#### [§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors, and the elderly.](#)

Adds discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act.

#### [§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.](#)

Includes and defines disability as a protected class.

#### [§ 2.2-3905.1. Reasonable accommodations for persons with disabilities; unlawful discriminatory practice; notice of rights.](#)

Requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer.

### [Title 3.2. Agriculture, Animal Care, and Food - Chapter 65. Comprehensive Animal Care](#)

#### [§ 3.2-6540.01. Obligations of officer and owner following dangerous dog finding.](#)

Provides that any contract or agreement for the use of real property, including a recorded restrictive covenant, condominium instrument of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), declaration of a common interest community as defined in § 54.1-2345, or cooperative instrument of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), may prohibit the keeping of a dangerous dog or otherwise impose conditions that are more restrictive than those provided in subsection B.

## Title 8.01. Civil Remedies and Procedure - Chapter 4. Limitations of Actions

### § 8.01-251. Limitations on enforcement of judgments.

Reduces from 20 years to 10 years from the date of a judgment the period of time within which an execution may be issued, or action may be taken on such judgment. Provides that the limitation of the enforcement of a judgment may be extended up to two times by a recordation of a certificate prior to the expiration period in the clerk's office in which a judgment lien is recorded. Provides that such recordation shall extend the limitations period for 10 years per recordation from the date of such recordation.

### § 8.01-463. Enforcement of lien when judgment does not exceed \$25,000.

Restricts the circumstances under which a court may order a person's primary residence to be sold to enforce a judgment lien.

## Title 36. Housing - Chapter 5.1. Virginia Fair Housing Law

### § 36-96.3:2. Reasonable accommodations; interactive process.

Provides that when a person receives a request for accessible parking to accommodate a disability, the person receiving the request shall treat such request as a request for reasonable accommodation as provided by this chapter.

## Title 51.5. Persons With Disabilities - Chapter 9. Rights of Persons With Disabilities

### § 51.5-41. Discrimination against otherwise qualified persons with disabilities by employers prohibited.

Prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

[Title 55.1. Property and Conveyances - Chapter 18. Property Owners' Association Act](#)

[§ 55.1-1800. Definitions.](#)

Amends the definition of "electronic means" to provide that a meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods.

[§ 55.1-1815. Access to association records; association meetings; notice.](#)

Provides that unless expressly prohibited by the governing documents, a member may vote at a meeting of the association in person, by proxy, or by absentee ballot. Such voting may take place by electronic means, provided that the board of directors has adopted guidelines for such voting by electronic means. Members voting by absentee ballot or proxy shall be deemed to be present at the meeting for all purposes.

[§ 55.1-1816. Meetings of the board of directors.](#)

Removes the requirement for two members of the board of directors to be present at the designated meeting place if a meeting is conducted by electronic means.

[§ 55.1-1819. Adoption and enforcement of rules.](#)

Provides that at a special meeting of the association convened in accordance with the provisions of the association's bylaws and called for that purpose shall, a majority of votes cast at such meeting may repeal or amend any rule or regulation adopted by the board of directors.

[§ 55.1-1819.1. Limitation of smoking in development.](#)

Provides that except to the extent that the declaration provides otherwise, the board of directors may establish reasonable rules that restrict smoking in the development, including rules that prohibit smoking in the common areas. For developments that include attached private dwelling units, such rules may prohibit smoking within such dwelling units.

[§ 55.1-1832. Use of technology.](#)

Provides that if a vote, consent, or approval required to be obtained by secret ballot is accomplished through electronic means, the electronic means shall protect the identity of the voter and provides that if the electronic means cannot protect the identity of the voter, another means of voting shall be used.

Allows meetings of property owners' associations, boards of directors, and committees to be held entirely or partially by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for the use of electronic means for such meetings. Requires that such guidelines ensure that persons accessing such meetings are authorized to do so and that persons entitled to participate in such meetings have an opportunity to do so. Grants authority for determining whether any such meeting may be held entirely or partially by electronic means to the board of directors, as applicable.

[Title 55.1. Property and Conveyances - Chapter 19. Condominium Act](#)

[§ 55.1-1900. Definitions.](#)

Amends the definition of "electronic means" to provide that a meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods.

[§ 55.1-1935. Use of technology.](#)

Provides that if a vote, consent, or approval required to be obtained by secret ballot is accomplished through electronic means, the electronic means shall protect the identity of the voter and provides that if the electronic means cannot protect the identity of the voter, another means of voting shall be used.

Allows meetings of unit owners' associations, executive boards, and committees to be held entirely or partially by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for the use of electronic means for such meetings. Requires that such guidelines ensure that persons accessing such meetings are authorized to do so and that persons entitled to participate in such meetings have an opportunity to do so. Grants authority for determining whether any such meeting may be held entirely or partially by electronic means to the executive board, as applicable.

[§ 55.1-1949. Meetings of unit owners' association and executive board.](#)

Removed the requirement for two members of the executive board to be present at the designated meeting place if a meeting is conducted by electronic means.

[§ 55.1-1953. Meetings of unit owners' association and executive board; voting by unit owners; proxies.](#)

Provides that unless expressly prohibited by the condominium instruments, a unit owner may vote at a meeting of the unit owners' association in person, by proxy, or by absentee ballot. Such voting may take place by electronic means, provided that the executive board has adopted guidelines for such voting by electronic means. Unit owners voting by absentee ballot or proxy shall be deemed to be present at the meeting for all purposes.

[§ 55.1-1959. Suspension of services for failure to pay assessments; corrective action; assessment of charges for violations; notice; hearing; adoption and enforcement of rules and regulations.](#)

Provides that except as otherwise provided in this chapter, the executive board shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common elements and with respect to such other areas of responsibility assigned to the unit owners' association by the condominium instruments, except where expressly reserved by the condominium instruments to the unit owners. Rules and regulations may be adopted by resolution and shall be reasonably published or distributed to the unit owners. At a special meeting of the unit owners' association convened in accordance with the provisions of the condominium instruments, a majority of the votes cast at such meeting may repeal or amend any rule or regulation adopted by the executive board. Rules and regulations may be enforced by any method authorized by this chapter.

[§ 55.1-1960.1. Limitation of smoking in condominium.](#)

Provides that except to the extent that the condominium instruments provide otherwise, the executive board may establish reasonable rules that restrict smoking in the condominium, including rules that prohibit smoking in the common elements and within units. Rules adopted pursuant to this section may be enforced in accordance with § 55.1-1959.



**Fairfax County Department of Cable and Consumer Services**

12000 Government Center Parkway, Suite 433

Fairfax, VA 22035

703-222-8435 TTY 711

<https://www.fairfaxcounty.gov/cableconsumer/csd/consumer>

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