



WILLIAMSBURG AREA ASSOCIATION OF REALTORS®

The Legislative Update from WAAR

Number 4

February 4, 2017

WHAT A WEEK!

We are only days from the halfway mark of this short 45-day General Assembly Session! Known as “Crossover,” Tuesday, February 7th, marks the last day that House bills can be considered by the House of Delegates, and the last day that the Senate of Virginia will hear bills that originated in the Senate. From that point on, the bills “cross over” to the other Chamber.

The state budget remains a huge component of the remaining 21 days. Budget negotiators and leaders of the “money” Committees – House Appropriations, House Finance and Senate Finance – clearly are exerting leverage that are rolling into policy discussions.

Air B ‘n B has been heavily lobbied for weeks, including with a substantial presence by your REALTOR® lobbying team, and hotly debated. SB 1578 <http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+SB1578+pdf> from the Majority Leader and Co-Chairman of the Senate Finance Committee, Senator Tommy Norment, was reported 11-2 on Thursday from the Senate Local Government Committee. Of importance to the REALTOR® and real estate licensee community is a provision in the bill that *exempts* properties from being registered as a short-term rental, defined in the bill as rented for a period of less than 30 days, IF the property is owned by a real estate licensee or if the property owner is represented by a licensee. (See lines 553-556 of the legislation.) The bill allows the locality to develop a registration platform, to retain local control over zoning and to collect the transient occupancy tax. Localities are in support of the measure. SB 1578 now goes to the Senate floor for consideration.

The broadband bill, HB 2018 <http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB2108H2+pdf> from Delegate Kathy Bryon of Lynchburg, also was on deck this week, and still was largely opposed by local governments that were concerned that the measure will hamper their ability to enhance and expand broadband deployment. The bill actually does not prevent a locality from deploying broadband infrastructure, but what it does do is require transparency from the locality so that taxpayers and the Commonwealth know the taxpayer dollars that are being spent. There likely will be additional amendments to the bill as it moves through the House floor, having passed the House Commerce and Labor Committee on slim 11-9 vote on Thursday afternoon. The REALTOR® Association supports the measure.

FUNNIEST MOMENT OF THE SESSION (so far.....)

Delegate Matt Farris (R-Campbell County) brought the House to loud guffaws as he spoke in opposition to HB 1900, regarding the retrieval and penalties of hunting dogs on private property, patroned by Speaker of the House Bill Howell. Brought the House and the lobbying cadre to tears.

<https://www.bing.com/videos/search?q=delegate+matt+farris+HB+1900&view=detail&mid=066E50A7CA7B827AD400066E50A7CA7B827AD400&FORM=VIRE>

REALTOR® bills have gained considerable traction and are advancing with little controversy.

For a full review of the 2017 VAR legislative agenda, go to:

<http://www.virginiarealtorschoose.com/legislativeupdates/>

Transfer of Security Deposits upon the Sale of a Dwelling Unit

HB 1623

DELEGATE YANCEY

PASSED THE HOUSE 99-0 and NOW IS IN THE SENATE

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB1623+pdf>

SB 991

SENATOR DANCE

PASSED THE SENATE 40-0 and NOW IS IN THE HOUSE

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+SB991+pdf>

Allows a property manager to transfer a security deposit to the owner and to simply provide notice to the tenants, versus having to obtain the written consent of the owner and tenants.

Licensee Responsibilities – Transfer of Escrow Funds and Foreclosures

HB 2281

DELEGATE LEFTWICH

PASSED THE HOUSE 95-0 and NOW IS IN THE SENATE

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB2281+pdf>

SB 966

SENATOR OBENSHAIN

PASSED THE SENATE 40-0 and NOW IS IN THE HOUSE

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+SB966+pdf>

Allows for a smoother transition for an existing tenant and a new owner following a foreclosure.

Allows the tenant to continue to pay rent to the: (i) new landlord, (ii) the property manager at the time of the foreclosure, or (iii) the courts, through an escrow account.

Allows for the written property management agreement to continue in place following a foreclosure on a month-to-month basis until terminated by either the property manager or the new owner, unless a shorter period is provided for in the property management agreement.

This legislation does not change Virginia Code Section 55-248.15:1 that places the responsibility on the landlord at the lease termination to make disposition of the tenant's security deposit, regardless of whether that landlord received the tenant's security deposit from a prior landlord.

POA Act Amendments

HB 2045

DELEGATE (and REALTOR@!) MILLER

PASSED THE HOUSE 98-0 and NOW IS IN THE SENATE

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB2045+pdf>

SB 1231

SENATOR BILL STANLEY

REPORTED FROM THE SENATE GENERAL LAWS & TECHNOLOGY COMMITTEE 14-0 and NOW IS ON THE SENATE FLOOR

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+SB1231+pdf>

Condo Act Amendments

HB 2274

DELEGATE DANNY MARSHALL

PASSED THE HOUSE 98-0 and NOW IS IN THE SENATE

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB2274+pdf>

SB 1255

SENATOR BILL DeSTEPH

REPORTED FROM THE SENATE GENERAL LAWS & TECHNOLOGY COMMITTEE 14-0 and NOW IS ON THE SENATE FLOOR

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+SB1255+pdf>

Associations cannot condition, limit or prohibit for sale signs other than limiting signs to those that are in compliance with the VREB regulations.

Associations cannot require a formal power of attorney from a real estate licensee to represent their clients before the association and are required to accept a document from the real estate licensee signed by the owner that confirms representation.

Adds that failure to deliver the association disclosure packet within the 14-day requirement subjects the association to up to \$1,000 fine imposed by the Common Interest Community Board.

Residential Property Disclosure Act Amendments

HB 2034 DELEGATE (and REALTOR@!) MILLER

PASSED THE HOUSE 99-0 and NOW IS IN THE SENATE

<http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB2034+pdf>

Renames the “red-flag” disclosure statement the “buyer to beware” statement.

Adds the following buyer to beware statements:

Owner makes no representations with respect to underlying conservation or other easements.

Owner makes no representations with respect to an underlying community development authority.

Allows for electronic delivery of the form to the potential purchaser.

Generally, “cleans up” the Residential Disclosure Act.

PHOTOS OF THE WEEK

http://www.richmond.com/news/virginia/government-politics/general-assembly/collection_d85a364f-6f4a-5ed9-a6ae-0d09ca85ff7e.html

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Sen. Tommy Norment, R-3rd, James City

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GENERAL ASSEMBLY WEBSITES OF INTEREST

We would like to share with you some very valuable (and helpful) information regarding General Assembly Resources:

We encourage you to familiarize yourself with a few helpful websites and other relevant information. Our goal is for you to be able to follow the action here in Richmond as well as to participate in the process.

To watch the House of Delegates in Session live at Noon each day, click here: http://virginia-house.granicus.com/ViewPublisher.php?view_id=3

To watch the Virginia Senate in Session live at noon each day, click here: http://virginia-senate.granicus.com/ViewPublisher.php?view_id=3

Subscribe to receive daily e-mails with news articles highlighting major political and legislative happenings. <http://www.vpap.org/vanews>

Virginia Legislative Information System (list of General Assembly members, all legislation, committee action, daily meeting schedule and daily floor calendars)
<http://lis.virginia.gov/>

Who's My Legislator?
<http://whosmy.virginiageneralassembly.gov/>

Governor of Virginia
<https://governor.virginia.gov/>

Governor's Cabinet
<https://governor.virginia.gov/the-administration/the-cabinet/>

Lt. Governor
<http://www.ltgov.virginia.gov/>

Attorney General
<http://www.oag.state.va.us/>

REALTOR® DAY ON THE HILL - FEBRUARY 8, 2017

Mark your calendars now for February 8th so that you can attend WAAR's Annual REALTOR® Day on the Hill! Join REALTORS® from across the Commonwealth as they descend upon the General Assembly to tout the Association's legislative agenda. Visit with legislators from the region, hear from "in the know" politicians on current issues and tour the Capitol and the Executive Mansion. Join us for a highly beneficial day!

For additional information or other details, please contact Susan Gaston, WAAR's Legislative Consultant, at 757-871-1445, or by e-mail at susan@gastongroup.com. We also encourage our members to follow the General Assembly on Facebook at <https://www.facebook.com/WAARRealtor/?fref=ts>.