



Virginia  
REALTORS®  
*Shaping the future of real estate*

# LEGAL webinar

## 2017 NEW LAWS

- Common Interest Communities
- Residential Property Disclosure Act
- Property Management
- Real Property
- Tax
- Other



# Common Interest Communities

# Common Interest Communities

Governance:

If silent, amend Declaration by 2/3 vote



# Common Interest Community Board

- One page form with Disclosure Packet
- Accept complaints & assess monetary penalties for late Disclosure Packet



# POA & Condo Act

- Condo Act: right to terminate until resale certificate received
- Both: For Sale Signs
- Both: Agents & Representation



# Residential Property Disclosure Act

# Buyer Beware

§ **55-519**. Required disclosures for buyer to beware; buyer to exercise necessary due diligence.

~~A. With regard to transfers described in § **55-517**, the~~ *The* owner of the residential real property shall furnish to a purchaser a residential property disclosure statement ~~in for the buyer to beware of certain matters that may affect the buyer's decision to purchase such real property. Such statement shall be on a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:~~



# Historic Properties

- 3. ... including review of (i) any local ordinance creating such district-øf, (ii) any official map adopted by the locality depicting historic districts, **and (iii) any materials available from the locality that explain (a) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (b) the necessity of any local review board or governing body approvals prior to doing any work on a property located in a local historic district,** in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

# Easements

*11. The owner makes no representations with respect to whether the property is subject to one or more conservation or other easements and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;*

# Community Development Authority

*12. The owner makes no representations with respect to whether the property is subject to a community development authority approved by a local governing body pursuant to Article 6 (§ [15.2-5152](#) et seq.) of Chapter 51 of Title 15.2 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary in accordance with terms and conditions as may be contained in the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located for each tax parcel included in the district pursuant to § [15.2-5157](#), but in any event, prior to settlement pursuant to such contract.*

# Property Management & Leasing

# Foreclosure & Lease

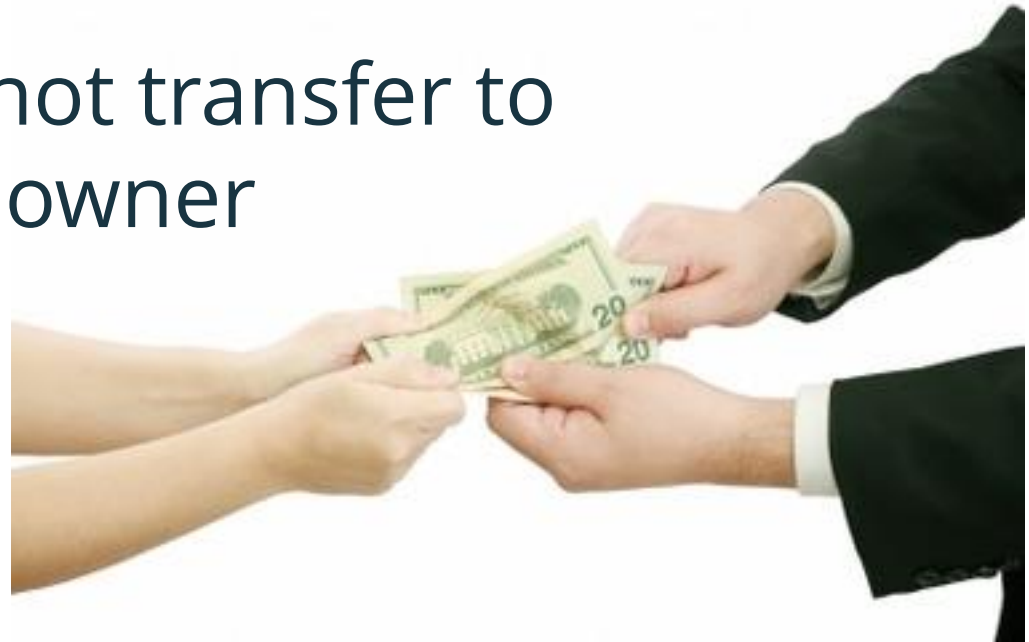
- Terminates Lease
- Month-to-month on same terms
- Pay rent:
  - New owner
  - Managing agent
  - Court escrow
- Terminate: 30 days or per lease

# Foreclosure & Property Management Agreement

- Terminates PMA
- Month-to-month on same terms
- May continue to collect rents
- Funds disbursed per PMA or law
- Termination: 30 days or per agreement

# Security Deposits

- Termination of PMA: Transfer to owner with notice to tenant
- Sale: Transfer to owner with notice to tenant
- Foreclosure: Do not transfer to foreclosed upon owner



# Unlawful Detainer

- Amendment of amount requested
- Allows bifurcation of possession & damages





# Tenant Obligations

Tenant financially obligated for added cost for insects and pests due to

1. Unreasonable delay in reporting
2. Failing to prevent infestation



# Assistance Animals

- Assistance Animal:
  - works, provides assistance, or performs tasks
  - for the benefit of a person with a disability, or
  - provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.

An assistance animal is not required to be individually trained or certified.

An assistance animal is not a pet.



# Documenting Need

- Disability obvious OR need for accommodation obvious – no further documentation
- If not obvious, may ask for additional verification from someone with therapeutic relationship



# Therapeutic Relationship

Provision of medical care, program care, or personal care, in good faith, by:

1. A mental health service provider
2. Individual with valid, unrestricted state license, etc. to serve persons with disabilities
3. Peer support group that doesn't charge
4. Caregiver, reliable third party or government entity with actual knowledge

# Reasonable Requests

MUST grant requests that **do not** impose either undue financial/administrative burden OR a fundamental alteration in nature

MUST engage in interactive process if undue burden or fundamental alteration

# Undue financial & administrative burden

- Substantial increase in the cost of the owner's insurance policy
- Financial resources of person receiving request
- Benefits the accommodation would provide
- Availability of alternative accommodations

# Interactive Process

- Good-faith interactive process
- Additional supporting documentation







# Water & Sewer Liens

- Must collect security deposit from tenant for 3-5 months
- Must attempt reasonable collection efforts



# Real Property

# Electronic Land Records

- \$5 recording fee for paper documents



# Housing Crisis

- Measures extended to July 1, 2020



# Tenants by the Entireties

- Cannot be severed without deed signed by both spouses

# Vested Property Rights – Non-conforming Use

- Requires no permit
- Told it complies
- Constructed

Cannot be required to removal for such non-conformity

# Code Violations – Manufactured Home Parks

- Housing & Community Development
- Uniform Statewide Building Code

# Inverse Condemnation

- Plaintiff reimbursed for *damages* and taking if judgement for plaintiff



Tax

# Surviving Spouse Exemption

Surviving Spouse of:

- law-enforcement officer,
  - firefighter,
  - search and rescue personnel, and
  - emergency medical services personnel
- 
- Up to average assessed value in locality
  - Un-married & principal residence

# Nonjudicial Sale of Tax Delinquent Property

- Unimproved up to \$5,000
- Between \$5,000 & \$20,000, not mortgaged and:
  - Unimproved & measures less than 4,000 sq ft
  - Unimproved & unsuitable for building
  - Condemned structure
  - Nuisance
  - Derelict building
  - Blighted

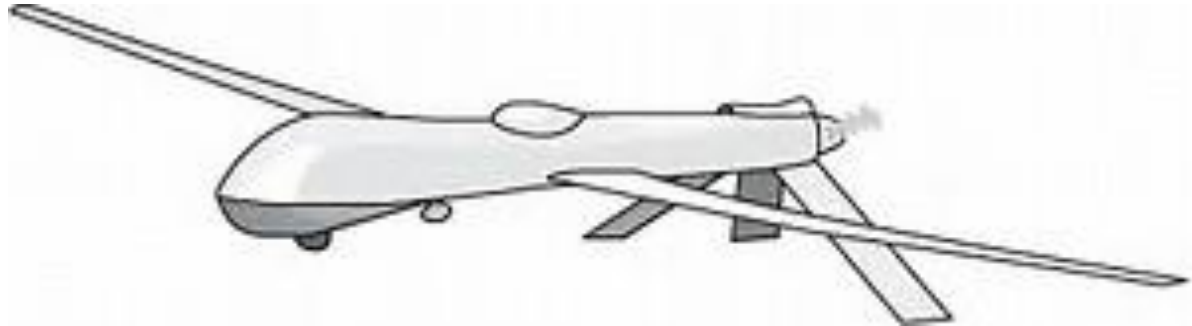
# Business Tax - Personal Property

- Aggregate estimate for personal property with an original cost of less than \$500 in lieu of a specific, itemized list

Other

# Drones

- Aircraft registration



# Home Inspectors

- Disclose “any shade of yellow shaded corrugated stainless steel tubing”
- Reminder: must be licensed on July 1



# Short Term Rentals

- Optional registry with annual registration
- Minimal in nature
- Must provide name & property address
- Reasonable registration fee (Real Estate Licensees exempt)
- Penalty up to \$500 per violation



# Septic & Private Wells

- Department of Health site evaluations & design services
- Private sector conventional system disclosure
- VDH to
  - increase inspections
  - Create online database & services
- Transfer of permits to new owners



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