

SENATE BILL NO. 672

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute--Senator Ebbin)

A BILL to amend and reenact §§ 55.1-1805 and 55.1-1904 of the Code of Virginia, relating to Property Owners' Association Act; Virginia Condominium Act; assessments for legal obligations of associations.

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1805 and 55.1-1904 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1805. Association charges.

Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association shall ~~(i) make an assessment or impose a charge against a lot or a lot owner~~ one or more but less than all lot owners unless the charge is (i) a fee for services provided or, (ii) related to use of the common area, or (iii) a fee related to the issuance of a resale certificate pursuant to § 55.1-2309 or 55.1-2311 except as expressly authorized in § 55.1-2316. Nothing in this chapter shall be construed to authorize an association or common interest community manager to charge an inspection fee for an unimproved or improved lot except as provided in § 55.1-2316. Nothing in this chapter shall be construed to prevent an association from levying or using assessments, charges, or fees to pay the association's contractual or other legal obligations in the exercise of the association's duties and responsibilities. The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) association pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349, and may issue a cease and desist order pursuant to § 54.1-2352.

§ 55.1-1904. Association charges.

Except as expressly authorized in this chapter, in the condominium instruments, or as otherwise provided by law, no unit owners' association may ~~make an assessment or impose a charge against a unit~~

27 ~~owner~~ one or more but less than all unit owners unless the charge is (i) authorized under § 55.1-1964, (ii)
28 a fee for services provided, or (iii) ~~related to the provisions set out in~~ a fee expressly authorized by § 55.1-
29 2316. Nothing in this chapter shall be construed to prevent a unit owners' association from using
30 assessments, charges, or fees to pay the unit owners' association's contractual or other legal obligations in
31 the exercise of the unit owners' association's duties and responsibilities. The Common Interest Community
32 Board may assess a monetary penalty for a violation of this section against any (a) unit owners' association
33 pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349 and may
34 issue a cease and desist order pursuant to § 54.1-2352.

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