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2019 VIRGINIA LEGAL ISSUES CHECKLIST

Actions taken by the Virginia General Assembly to amend the laws that govern common interest community associations have a direct impact on administration and governance of community associations. As has become our tradition, MercerTrigiani presents the following checklist of actions community association volunteer leaders and managers should consider in order to prepare for changes to Virginia laws that become effective July 1, 2019, and to address developing legal trends.

- Review procedures for preparation and delivery of resale disclosure documents to ensure that:**
 - The disclosure packet and resale certificate include the updated Common Interest Community Board cover sheet that address *storm water* disclosure.
 - The disclosure packet and resale certificate contain all information required by law to avoid questions about contract cancellation.
- Review association policy and procedures for development and publication of association budget:**
 - Distribute the budget or summary to owners before the end of fiscal year.
 - Ensure that the budget includes a statement of recommended reserves and current cash available for replacement reserves.
- Review property owners association governing document provisions to:**
 - Identify restrictions on home based child care.
 - Develop rules to address home based child care.
- Develop a policy to address reserves:**
 - Inventory common facilities.
 - Ensure a reserve study is performed at least every five years.
 - Look for and consider guidance from the Common Interest Community Board on reserve studies.
- Be aware of and become familiar with the reorganization and revisions to the Condominium Act and Property Owners' Association Act following recodification of Title 55 of the Virginia Code. (effective October 1, 2019).**
- Identify storm water management facilities located on the common area or common elements and ensure that those facilities are routinely inspected and reserves are adequate.**
- For condominiums – review proxy form requirements to allow signature by one unit owner.**
- For communities governed by property owners associations – consider sending notices by email after developing procedures that allow owners to elect to receive notice electronically.**
- If a transitioning community, check to make certain the developer provides information about storm water facilities.**

More information on legislative and case law developments affecting Virginia community interest communities is available on www.MercerTrigiani.com. Follow us on [www.twitter.com/MercerTrigiani](https://twitter.com/MercerTrigiani).