

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding sections numbered 55-79.71:1 and 55-515.3, relating*
3 *to the Virginia Condominium Act; the Virginia Property Owners' Association Act; amending*
4 *association documents using technology.*

5 [H 1058]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding sections numbered 55-79.71:1 and 55-515.3 as**
9 **follows:**

10 § 55-79.71:1. *Use of technology.*

11 *A. Unless the condominium instruments expressly provide otherwise, (i) any notice required to be*
12 *sent or received or (ii) any signature, vote, consent, or approval required to be obtained under any*
13 *condominium instrument or any provision of this chapter may be accomplished using the most advanced*
14 *technology available at that time if such use is a generally accepted business practice. This section shall*
15 *govern the use of technology in implementing the provisions of any condominium instrument or any*
16 *provision of this chapter dealing with notices, signatures, votes, consents, or approvals.*

17 *B. Electronic transmission and other equivalent methods. The unit owners' association, unit owners,*
18 *and other persons entitled to occupy a unit may perform any obligation or exercise any right under any*
19 *condominium instrument or any provision of this chapter by use of any technological means providing*
20 *sufficient security, reliability, identification, and verifiability. "Acceptable technological means" shall*
21 *include without limitation electronic transmission over the Internet or the community or other network,*
22 *whether by direct connection, intranet, telecopier, or electronic mail.*

23 *C. Signature requirements. An electronic signature meeting the requirements of applicable law shall*
24 *satisfy any requirement for a signature under any condominium instrument or any provision of this*
25 *chapter.*

26 *D. Voting rights. Voting, consent to and approval of any matter under any condominium instrument*
27 *or any provision of this chapter may be accomplished by electronic transmission or other equivalent*
28 *technological means provided that a record is created as evidence thereof and maintained as long as*
29 *such record would be required to be maintained in nonelectronic form.*

30 *E. Acknowledgment not required. Subject to other provisions of law, no action required or permitted*
31 *by any condominium instrument or any provision of this chapter need be acknowledged before a notary*
32 *public if the identity and signature of such person can otherwise be authenticated to the satisfaction of*
33 *the executive organ.*

34 *F. Nontechnology alternatives. If any person does not have the capability or desire to conduct*
35 *business using electronic transmission or other equivalent technological means, the unit owners'*
36 *association shall make reasonable accommodation, at its expense, for such person to conduct business*
37 *with the unit owners' association without use of such electronic or other means.*

38 *G. This section shall not apply to any notice related to an enforcement action by the unit owners*
39 *association, an assessment lien, or foreclosure proceedings in enforcement of an assessment lien.*

40 § 55-515.3. *Use of technology.*

41 *A. Unless the declaration expressly provides otherwise, (i) any notice required to be sent or received*
42 *or (ii) any signature, vote, consent, or approval required to be obtained under any declaration or bylaw*
43 *provision or any provision of this chapter may be accomplished using the most advanced technology*
44 *available at that time if such use is a generally accepted business practice. This section shall govern the*
45 *use of technology in implementing the provisions of any declaration or bylaw provision or any provision*
46 *of this chapter dealing with notices, signatures, votes, consents, or approvals.*

47 *B. Electronic transmission and other equivalent methods. The association, lot owners, and those*
48 *entitled to occupy a lot may perform any obligation or exercise any right under any declaration or*
49 *bylaw provision or any provision of this chapter by use of any technological means providing sufficient*
50 *security, reliability, identification, and verifiability. "Acceptable technological means" shall include*
51 *without limitation electronic transmission over the Internet, or the community or other network, whether*
52 *by direct connection, intranet, telecopier, or electronic mail.*

53 *C. Signature requirements. An electronic signature meeting the requirements of applicable law shall*
54 *satisfy any requirement for a signature under any declaration or bylaw provision or any provision of*
55 *this chapter.*

56 *D. Voting rights. Voting, consent to and approval of any matter under any declaration or bylaw*

57 provision or any provision of this chapter may be accomplished by electronic transmission or other
58 equivalent technological means provided that a record is created as evidence thereof and maintained as
59 long as such record would be required to be maintained in nonelectronic form.

60 E. Acknowledgment not required. Subject to other provisions of law, no action required or permitted
61 by any declaration or bylaw provision or any provision of this chapter need be acknowledged before a
62 notary public if the identity and signature of such person can otherwise be authenticated to the
63 satisfaction of the executive organ.

64 F. Nontechnology alternatives. If any person does not have the capability or desire to conduct
65 business using electronic transmission or other equivalent technological means, the association shall
66 make reasonable accommodation, at its expense, for such person to conduct business with the
67 association without use of such electronic or other means.

68 G. This section shall not apply to any notice related to an enforcement action by the association, an
69 assessment lien, or foreclosure proceedings in enforcement of an assessment lien.