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**HOUSE BILL NO. 1627**

Offered January 12, 2011

Prefiled January 10, 2011

*A BILL to amend and reenact §§ 54.1-2349, 55-79.93:1, and 55-516.1 of the Code of Virginia, relating to the Common Interest Community Board; annual payment by common interest communities.*

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 Patron—Watts
 

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 Referred to Committee on General Laws
 

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

**1. That §§ 54.1-2349, 55-79.93:1, and 55-516.1 of the Code of Virginia are amended and reenacted as follows:**

§ 54.1-2349. Powers and duties of the Board.

A. The Board shall administer and enforce the provisions of this chapter. In addition to the provisions of §§ 54.1-201 and 54.1-202, the Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of common interest community manager licenses. The Board shall annually assess each common interest community manager an amount equal to the lesser of (i) \$1,000 \$3,000, or such other amount as the Board may establish by regulation, or (ii) ~~five~~ *three* hundredths of one percent (~~0.05%~~) (*0.03%*) of the gross receipts from common interest community management during the preceding calendar year. For the purposes of clause (ii), no minimum payment shall be less than \$10. The annual payment shall be remitted to the State Treasurer and shall be placed to the credit of the Common Interest Community Management Fund established pursuant to § 55-529;

2. Establish criteria for the licensure of common interest community managers to ensure the appropriate training and educational credentials for the provision of management services to common interest communities. Such criteria may include experiential requirements and shall include designation as an Accredited Association Management Company by the Community Associations Institute. As an additional alternative to such designation, the Board shall have authority, by regulation, to include one of the following: (i) successful completion of another Board-approved training program and certifying examination, or (ii) successful completion of a Virginia testing program to determine the quality of the training and educational credentials for and competence of common interest community managers;

3. Establish criteria for the certification of the employees of common interest community managers who have principal responsibility for management services provided to a common interest community or who have supervisory responsibility for employees who participate directly in the provision of management services to a common interest community to ensure the person possesses the character and minimum skills to engage properly in the provision of management services to a common interest community. Such criteria shall include designation as a Certified Manager of Community Associations by the National Board of Certification for Community Association Managers, designation as an Association Management Specialist by the Community Associations Institute, or designation as a Professional Community Association Manager by the Community Associations Institute. As an additional alternative to such designations, the Board shall have authority, by regulation, to include one of the following: (i) successful completion of another Board-approved training program and certifying examination, or (ii) successful completion of a Virginia testing program to determine the quality of the training and educational credentials for and competence of the employees of common interest community managers who participate directly in the provision of management services to a common interest community. The fee paid to the Board for the issuance of such certificate shall be paid to the Common Interest Community Management Information Fund established pursuant to § 55-529;

4. Approve the criteria for accredited common interest community manager training programs;

5. Approve accredited common interest community manager training programs;

6. Establish, by regulation, standards of conduct for common interest community managers and for employees of common interest community managers certified in accordance with the provisions of this chapter; and

7. Establish, by regulation, an education-based certification program for persons who are involved in the business or activity of providing management services for compensation to common interest communities. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter.

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59 B. 1. The Board shall have the sole responsibility for the administration of this chapter and for the  
60 promulgation of regulations to carry out the requirements thereof.

61 2. The Board shall also be responsible for the enforcement of this chapter, provided that the Real  
62 Estate Board shall have the sole responsibility for the enforcement of this chapter with respect to a real  
63 estate broker, real estate salesperson, or real estate brokerage firm licensed in accordance with Chapter  
64 21 (§ 54.1-2100 et seq.) who is also licensed as a common interest community manager.

65 3. For purposes of enforcement of this chapter or Chapter 4.2 (§ 55-79.39 et seq.), 21 (§ 55-360 et  
66 seq.), 24 (§ 55-424 et seq.), or 26 (§ 55-508 et seq.) of Title 55, any requirement for the conduct of a  
67 hearing shall be satisfied by an informal fact-finding proceeding convened and conducted pursuant to  
68 § 2.2-4019 of the Administrative Process Act (§ 2.2-4000 et seq.).

69 C. The Board is authorized to obtain criminal history record information from any state or federal  
70 law-enforcement agency relating to an applicant for licensure or certification. Any information so  
71 obtained is for the exclusive use of the Board and shall not be released to any other person or agency  
72 except in furtherance of the investigation of the applicant or with the authorization of the applicant or  
73 upon court order.

74 § 55-79.93:1. Annual report by unit owners' association.

75 A. The unit owners' association shall file an annual report in a form and at such time as prescribed  
76 by regulations of the agency. The filing of the annual report required by this section shall commence  
77 upon the termination of the declarant control period pursuant to § 55-79.74. The annual report shall be  
78 accompanied by a fixed fee in an amount established by the agency.

79 B. The agency may accept copies of forms submitted to other state agencies to satisfy the  
80 requirements of this section if such forms contain substantially the same information required by the  
81 agency.

82 C. The unit owners association shall also remit to the agency an annual payment as follows:

83 1. The lesser of:

84 a. ~~\$1,000~~ \$3,000 or such other amount as established by agency regulation; or

85 b. ~~Five~~ Three hundredths of one percent (~~0.05%~~) (0.03%) of the unit owners' association's gross  
86 assessment income during the preceding calendar year.

87 2. For the purposes of clause b of subsection C, no minimum payment shall be less than \$10.00.

88 D. The annual payment shall be remitted to the State Treasurer and shall be placed to the credit of  
89 the Common Interest Community Management Fund established pursuant to § 55-529.

90 § 55-516.1. Annual report by association.

91 A. The association shall file an annual report in a form and at such time as prescribed by regulations  
92 of the Common Interest Community Board. The annual report shall be accompanied by a fixed fee in an  
93 amount established by the Board.

94 B. The Common Interest Community Board may accept copies of forms submitted to other state  
95 agencies to satisfy the requirements of this section if such forms contain substantially the same  
96 information required by the Common Interest Community Board.

97 C. The association shall also remit to the agency an annual payment as follows:

98 1. The lesser of:

99 a. ~~\$1,000~~ \$3,000 or such other amount as established by agency regulation; or

100 b. ~~Five~~ Three hundredths of one percent (~~0.05%~~) (0.03%) of the unit owners' associations'  
101 association's gross assessment income during the preceding calendar year.

102 2. For the purposes of clause b of subsection C, no minimum payment shall be less than \$10.00.

103 D. The annual payment shall be remitted to the State Treasurer and shall be placed to the credit of  
104 the Common Interest Community Management Fund established pursuant to § 55-529.