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**HOUSE BILL NO. 423**

Offered January 11, 2012

Prefiled January 10, 2012

*A BILL to amend and reenact § 54.1-2349 of the Code of Virginia, relating to the Common Interest Community Board; duties.*

Patrons—Bulova and Filler-Corn

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-2349 of the Code of Virginia is 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, or such other amount as the Board may establish by regulation, or (ii) five hundredths of one percent (0.05%) 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 as developed by the Virginia Association of Realtors or other organization, 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; and

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59 8. *Develop and publish best practices for declarations and develop a model declaration consistent*  
60 *with the best practices and the requirements of Chapter 4.2 (§ 55-79.39 et seq.), 24 (§ 55-424 et seq.),*  
61 *or 26 (§ 55-508 et seq.) of Title 55.*

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

64 2. The Board shall also be responsible for the enforcement of this chapter, provided that the Real  
65 Estate Board shall have the sole responsibility for the enforcement of this chapter with respect to a real  
66 estate broker, real estate salesperson, or real estate brokerage firm licensed in accordance with Chapter  
67 21 (§ 54.1-2100 et seq.) who is also licensed as a common interest community manager.

68 3. For purposes of enforcement of this chapter or Chapter 4.2 (§ 55-79.39 et seq.), 21 (§ 55-360 et  
69 seq.), 24 (§ 55-424 et seq.), or 26 (§ 55-508 et seq.) of Title 55, any requirement for the conduct of a  
70 hearing shall be satisfied by an informal fact-finding proceeding convened and conducted pursuant to  
71 § 2.2-4019 of the Administrative Process Act (§ 2.2-4000 et seq.).

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