

12101080D

**HOUSE BILL NO. 377**

Offered January 11, 2012

Prefiled January 10, 2012

*A BILL to amend and reenact § 55-79.87 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 55-79.97:01 and 55-509.7:1, relating to the Condominium and Property Owners' Association Acts; information requested by lenders.*

Patron—Pogge

Referred to Committee on General Laws

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

**1. That § 55-79.87 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 55-79.97:01 and 55-509.7:1 as follows:**

§ 55-79.87. Exemptions from certain provisions of article.

A. Unless the method of offer or disposition is adopted for the purpose of evasion of this chapter, the provisions of §§ 55-79.88 through 55-79.93, subsections A and C of § 55-79.94, and § 55-79.97 of this chapter do not apply to:

1. Dispositions pursuant to court order;

2. Dispositions by any government or government agency;

3. Offers by the declarant on nonbinding reservation agreements; or

4. Dispositions in a residential condominium in which there are three or fewer units, so long as the condominium instruments do not reserve to the declarant the right to create additional condominium units; or

5. A disposition of a lot by a sale at an auction, where the resale certificate packet was made available as part of an auction package for prospective purchasers prior to the auction sale.

B. In cases of dispositions in a condominium where all units are restricted to nonresidential use, the provisions of §§ 55-79.88 through 55-79.95 of this chapter shall not apply, unless the method of offer or disposition is adopted for the purpose of evasion of this chapter.

§ 55-79.97:01. Information requested by lenders.

If a lender for a purchaser of a condominium unit requests information from the unit owner's association or its common interest community manager, such information shall be provided within 10 business days of such request for a fee not to exceed the cap on the fees authorized for a resale certificate in § 55-79.97:1 and as otherwise provided in accordance with § 55-79.97:1. Such information shall be provided to the requestor by one of the following methods:

1. Hand delivery;

2. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;

3. Electronic means, provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or

4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation.

§ 55-509.7:1. Information requested by lenders.

If a lender for a purchaser of a property subject to this chapter requests information from the association or its common interest community manager, such information shall be provided within 10 business days of such request for a fee not to exceed the cap on the fees authorized for a resale certificate in § 55-509.6 or 55-509.7, as applicable, and as otherwise provided in accordance therewith. Such information shall be provided to the requestor by one of the following methods:

1. Hand delivery;

2. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;

3. Electronic means, provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or

4. Overnight delivery using a commercial service or the United States Postal Service.

INTRODUCED

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**59**     *In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of*  
**60**     *cancellation.*