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HOUSE BILL NO. 382

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 55.1-1807 of the Code of Virginia, relating to the Property Owners' Association Act; statement of lot owner rights.*

Patron—Convirs-Fowler

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 55.1-1807 of the Code of Virginia is amended and reenacted as follows:****§ 55.1-1807. Statement of lot owner rights.**

Every lot owner who is a member in good standing of a property owners' association shall have the following rights:

1. *The equal right to present use and enjoyment of the property;*

2. The right of access to all books and records kept by or on behalf of the association according to and subject to the provisions of § 55.1-1815, including records of all financial transactions *and any audio or video recordings;*

3. The right to cast a vote on any matter requiring a vote by the association's membership in proportion to the lot owner's ownership interest, unless the declaration provides otherwise;

4. The right to have notice of any meeting of the board of directors, to make a record of any such meeting by audio or visual means, and to participate in any such meeting in accordance with the provisions of subsection G of § 55.1-1815 and § 55.1-1816;

5. The right to have (i) notice of any proceeding conducted by the board of directors or other tribunal specified in the declaration against the lot owner to enforce any rule or regulation of the association and (ii) the opportunity to be heard and represented by counsel at such proceeding, as provided in § 55.1-1819, and the right of due process in the conduct of that hearing; ~~and~~

6. The right to serve on the board of directors if duly elected and a member in good standing of the association *and to carry out one's specific duties with the same rights and privileges as other board members*, unless the declaration provides otherwise; *and*

7. *The right to have notice of any pending or probable litigation, as defined in subdivision C 3 of § 55.1-1815, involving the association.*

The rights enumerated in this section shall be enforceable by any such lot owner pursuant to the provisions of § 55.1-1828.

INTRODUCED

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