

23102097D

**HOUSE BILL NO. 1837**

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact § 55.1-1940 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-1815.1, relating to common interest community associations; prohibition on use of nominating committees.*

---

 Patron—Simon
 

---

Referred to Committee on General Laws

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

**1. That § 55.1-1940 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-1815.1 as follows:**

**§ 55.1-1815.1. Board of directors; election of members; nominating committees prohibited.**

*No association shall utilize a nominating committee or similar entity for the purpose of soliciting, nominating, selecting, or appointing a member or rejecting an otherwise qualified member of such association for a position on the board of directors.*

**§ 55.1-1940. Bylaws to be recorded with declaration; contents; unit owners' association; executive board; amendment of bylaws.**

A. Bylaws providing for governance of the condominium by an association of all of the unit owners shall be recorded simultaneously with the declaration. The unit owners' association may be incorporated.

B. The bylaws shall provide whether or not the unit owners' association shall elect an executive board. If there is to be such a board, the bylaws shall specify the powers and responsibilities of the board and the number and terms of its members. Except to the extent the condominium instruments provide otherwise, any vacancy occurring in the executive board shall be filled by a vote of a majority of the remaining members of the executive board at a meeting of the executive board, even though the members of the executive board present at such meeting may constitute less than a quorum because a quorum is impossible to obtain. Each person so elected shall serve until the next annual meeting of the unit owners' association at which time a successor shall be elected by a vote of the unit owners. The bylaws may delegate to such board, inter alia, any of the powers and responsibilities assigned by this chapter to the unit owners' association. The bylaws shall also specify which, if any, of its powers and responsibilities the unit owners' association or its executive board may delegate to a managing agent.

C. *No unit owners' association electing an executive board in accordance with its recorded bylaws shall utilize a nominating committee or similar entity for the purpose of soliciting, nominating, selecting, or appointing a unit owner or rejecting an otherwise qualified unit owner for a position on the executive board.*

D. The bylaws may provide for arbitration of disputes or other means of alternative dispute resolution in accordance with subsection C of § 55.1-1915.

~~D.~~ E. In any case where an amendment to the declaration is required by subsection B, C, or D of § 55.1-1918, the person required to execute such amendment shall also prepare and execute, and record simultaneously with such amendment, an amendment to the bylaws. The amendment to the bylaws shall allocate votes in the unit owners' association to new units on the same basis as was used for the allocation of such votes to the units depicted on plats and plans recorded pursuant to subsections A and B of § 55.1-1920 or shall abolish the votes appertaining to former units, as appropriate. The amendment to the bylaws shall also reallocate rights to future common surpluses, and liabilities for future common expenses not specially assessed, in proportion to relative voting strengths as reflected by the amendment.

INTRODUCED

HB1837