

Senate Bill 1031

Commercial real estate referrals (Hanger)

This legislation will allow Virginia real estate agents to pay commissions to other states' licensees who bring buyers or tenants into Virginia for commercial transactions. The goal is to encourage and facilitate cross-border transactions in the commercial field.

House Bill 2541

Mandatory background checks for real estate license applicants (Amundson)

Several years ago, VAR studied the issue of requiring mandatory background checks for real estate license applicants. We concluded that the process for conducting background checks — including a criminal record check — wasn't efficient enough at that time.

Since then, however, we have determined that the Virginia Real Estate Board can comply with required background checks efficiently by using an electronic interface with the Comprehensive Criminal Record Exchange.

VAR's bill will require that the VREB have an electronic interface with CCRE.

Senate Bill 1157 / House Bill 2135

Recordation tax / grantor tax assessments - stated consideration (Saslaw / Jackson Miller)

In the 2008 General Assembly session, VAR introduced legislation requiring that the calculation of grantor taxes owed at closing be determined using the "stated consideration of the property" — the sale price — instead of the assessed value. Due to the unanticipated fiscal implications on local governments, the bill was carried over for the year.

VAR will introduce legislation in 2009 that requires the application of the grantor tax to be based on the sales price of the property. This legislation would also include a provision that any person who intentionally misstated the sales price in the calculation of the stated consideration would be guilty of a misdemeanor criminal offense.

House Bill 1680

Vested Rights (Orrock)

The City of Norfolk has interpreted the vested rights law that was passed last year (as part of VAR's 2008 Legislative Agenda) so as to exempt fire damage from the vested rights provisions.

After several meetings with city officials over the summer and fall, it has become apparent to VAR staff that we should introduce a bill in the 2009 General Assembly session specifically including fire damage in the vested rights statutes.

Have Questions?

Please contact VAR Legislative Consultant Martin K. Johnson (martin@FutureLaw.net) or VAR Legislative Counsel Chip Dicks (chipdicks@futurelaw.net)

House Bill 1785

Virginia Property Owners' Association Act amendments (Hull)

In 2008, VAR spearheaded major reforms of the POA Act. The Department of Professional and Occupational Regulation and the Virginia Housing Commission are working together to ensure that the state and the represented constituencies conform their various regulations and begin to adhere to the new statutory provisions. Needless to say, there will be technical and policy amendments made in the coming years, but those will be channeled through the Virginia Housing Commission.

The only issue that VAR seeks to amend in 2009 deals specifically with properties that are sold at auction. Such properties would be exempt from the provisions regarding POA disclosure packets.

Senate Bill 997 / House Bill 1724

Secondary signature (John Miller / Rust)

State law allows a local government to include in its local towing ordinance a requirement for a secondary signature prior to any towing, which may require the property manager be available whenever the towing company is planning to work — e.g., at 2 a.m. — to authorize a tow.

VAR's legislation will tighten secondary signature requirements, and we will work with the Virginia Municipal League and the Virginia Association of Counties to address other towing-related issues.

Senate Bill 1276 / House Bill 1788

Alternative Septic Systems (Martin / Hull)

Several local associations contacted VAR over the past year regarding localities actions by local governments to ban alternative septic systems. Both VAR and the Office of the Attorney General advised localities that while the Code of Virginia allows local governments to regulate alternative septic systems, the Code does not give them authority to ban outright these systems.

VAR's bill will clarify that local governments do not have the authority to ban alternative septic systems unless expressly authorized by the General Assembly.

House Bill 2040

Compensation of Attorneys for Real Estate Referrals (Laquinto)

Services rendered by attorneys in the performance of their duties are exempted from the provisions of the Code defining and regulating real estate salespersons and their activities.

VAR will introduce a bill to clarify within this exemption that an attorney is not entitled to claim or receive compensation merely for referring clients to real estate firms, unless that attorney is also licensed by the Virginia Real Estate Board as a real estate broker or salesperson.

Have Questions?

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