

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

COMMON INTEREST COMMUNITY BOARD

Tentative **AGENDA**

**THURSDAY, MARCH 12, 2020, 9:30 A.M.
2nd FLOOR, BOARD ROOM 3**

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**
a. Board Agenda, March 12, 2020
- IV. INTRODUCTION OF NEW BOARD MEMBERS**
- V. APPROVAL OF MINUTES**
a. Board Meeting, December 5, 2019
- VI. PUBLIC COMMENT PERIOD***
- VII. REVIEW FILES AND DISCIPLINARY MATTERS**
a. File Number 2020-00381, Joie Scott Ford
Licensing—IFF by Eldridge
b. File Number 2020-00599, Linda S. Emiroglu
Licensing—IFF by Eldridge
c. File Number 2020-00601, Emiroglu Management Services, LLC
Licensing—IFF by Eldridge
d. Consider Temporary Cease and Desist Orders Regarding Condominium Registrations
- VIII. BOARD BUSINESS**
a. Update on Regulatory Actions
b. Consider Exempt Actions to Amend Trade/Fictitious Name Requirements
i. Condominium Regulations
ii. Time-Share Regulations
iii. Common Interest Community Manager Regulations
c. Consider Final Adoption of Amendments to Common Interest Community Management Information Fund Regulations (to be renamed Common Interest Community Association Registration Regulations)
d. Discussion on Expiration of Temporarily Reduced Application Fees for Registration and Renewal of Community Association Registrations
e. Discussion on Determining Sanctions for Associations Brought Before the Board for Disciplinary Matters
- IX. OTHER BUSINESS**
a. Legislative Update
b. Ombudsman Report
c. Board Financial Statements
d. Staff Event Calendar
e. Consideration of Resolutions for Service
f. Discuss Training Program Review Committee Membership
g. Other Board Business

i. Notice of BPOR Public Hearings

X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XI. ADJOURN

NEXT MEETING SCHEDULED FOR JUNE 4, 2020, at 9:30 A.M.

* Five minute public comment, per person, with the exception of any open disciplinary or application files.

** Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8510 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound.

When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

INTRODUCTION OF **NEW BOARD MEMBERS**

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COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on December 5, 2019, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members were present:

Drew Mulhare, Chair
Maureen A. Baker
David S. Mercer, Vice-Chair
Paul Orlando
Lori Overholt
Scott Sterling

Board members Tom Burrell, Amanda Jonas, Eugenia Lockett Reese, and Katie Waddell were not in attendance at the meeting.

DPOR staff present for all or part of the meeting included:

Mary Broz-Vaughan, Acting Director
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Administrative Assistant

Joshua Laws, Assistant Attorney General with the Office of the Attorney General, was present.

Finding a quorum of the Board present, Mr. Orlando, Vice-Chair, called **Call to Order** the meeting to order at 9:41 a.m.

Mr. Orlando advised the Board of the emergency evacuation **Emergency Evacuation of Board Rooms** procedures.

Ms. Henshaw advised the Board of amendments to the agenda. Mr. Mulhare moved to approve the agenda as amended. Ms. Overholt seconded the motion which was unanimously approved by: Baker, Mercer, Mulhare, Orlando, Overholt, and Sterling. **Approval of Agenda**

Ms. Overholt moved to approve the September 5, 2019, Board meeting minutes as presented. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Mercer, Mulhare, Orlando, Overholt, **Approval of Minutes**

and Sterling.

Ms. Henshaw introduced to the Board newly appointed Board Member David Mercer, who will serve as the attorney member of the Board.

Introduction of New Board Member

Ms. Henshaw advised the Board that Pia Trigiani is no longer a member of the Board after having served two full terms, the maximum allowed by statute. Ms. Henshaw expressed her appreciation for Ms. Trigiani's exemplary service.

Ms. Henshaw advised the Board that after having served as Acting Director of DPOR, Mary Broz-Vaughan was named Agency Director in September 2019.

There were no members of the public present to address the Board.

Public Comment Period

Mr. Orlando opened the floor for annual nominations of the Board Chair. Mr. Sterling moved to nominate Mr. Mercer. Mr. Mercer respectfully declined the nomination, but advised he would be willing to assist in any manner necessary to serve the Board. Ms. Overholt asked Mr. Mulhare if he would accept the nomination for Chair. Ms. Henshaw and Ms. Broz-Vaughan advised the Board of the extent of the responsibilities of the Board Chair and Vice-Chair. After discussion, Mr. Mulhare responded affirmatively. Mr. Sterling moved to nominate Mr. Mulhare as Board Chair, and Mr. Mercer as Board Vice-Chair. Ms. Overholt seconded the motion, which was unanimously approved by: Baker, Mercer, Mulhare, Orlando, Overholt, and Sterling. By acclamation, Mr. Mulhare was named Board Chair, and Mr. Mercer was named Vice-Chair.

Election of Officers

Mr. Mulhare assumed Chair of the Board.

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages:

Update on Regulatory Actions

Amendments to the Condominium Regulations in connection with the recodification of Title 55 of the Code of Virginia as outlined in SB 1080, were published in the Virginia Register on November 11, 2019, and will become effective on December 31, 2019.

Amendments to the Time-Share Regulations in connection with the recodification of Title 55 of the Code of Virginia as outlined in SB 1080, were published in the Virginia Register on November 11, 2019, and will become effective on December 30, 2019.

Amendments to the Common Interest Community Manager Regulations in connection with the recodification of Title 55 of the Code of Virginia as outlined in SB 1080, were published in the Virginia Register on September 30, 2019, and became effective on November 1, 2019.

Amendments to the Common Interest Community Management Information Fund Regulations in connection with the recodification of Title 55 of the Code of Virginia as outlined in SB 1080, were published in the Virginia Register on September 30, 2019, and became effective on November 1, 2019.

Amendments to the Common Interest Community Ombudsman Regulations in connection with the recodification of Title 55 of the Code of Virginia as outlined in SB 1080, were published in the Virginia Register on November 11, 2019, and will become effective on December 11, 2019.

The Board's general review of the CIC Management Information Fund Regulations is in process. A public hearing was held on November 12, 2019, as part of a sixty-day public comment period that will end on December 27, 2019.

A public comment period was held from June 10, 2019, to July 1, 2019 for the periodic review of the Condominium Regulations. No public comments were received. The Board voted to retain the regulations as is at its September 5, 2019, Board meeting.

A public comment period for the periodic review of Public Participation Guidelines, Time-Share Regulations, Common Interest Community Manager Regulations, Common Interest Community Management Fund Regulations, and Common Interest Community Ombudsman Regulations ended on October 21, 2019. Ms. Henshaw advised the periodic review will be discussed later in the meeting.

Ms. Henshaw and Ms. Broz-Vaughan explained the periodic review process to the Board. Ms. Henshaw advised that a periodic review of Board regulations was conducted in accordance with Executive Order 14, and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia.

Periodic Review

The Board considered the periodic review of Public Participation Guidelines. A public comment period was held and no public comments were received. Mr. Orlando moved to retain the current Public Participation Guidelines as is. Ms. Overholt seconded the motion which was unanimously approved by: Baker, Mercer, Mulhare, Orlando, Overholt, and Sterling.

The Board considered the periodic review of Common Interest Community Manager Regulations. A public comment period was held and one public comment was received wherein a member of the public submitted a comment, and also requested that a public comment she submitted in writing to the Board in June 2019, be reconsidered. The commenter stated that the Department's interpretation of the regulations imposes a requirement that experience gained in providing management services to obtain a license can only be gained through an already licensed management company, which prevents otherwise qualified companies from providing management services, and effectively creates a monopoly for licensed managers. The Department's reading of the regulation is not consistent with the plain language of the statute, and is arbitrary and capricious. The commenter noted that the 2017 JLARC review of the Department recommended that regulation of common interest community managers be eliminated.

The Board reviewed and discussed the comment received. The discussion included the requirement for licensure of common interest community managers and certification of certain employees of common interest community managers. The requirement for licensure of common interest community managers and certification of certain employees of managers is established in statute by the General Assembly, and can only be changed through legislative action. Discussion also included experience requirements to obtain a license. It is not a requirement that experience in providing management services must be obtained under a licensed common interest community manager. For example, an individual may obtain experience providing management services as an employee of an association, which may be used to demonstrate qualification for licensure.

After review and discussion, Mr. Orlando moved to retain the current Common Interest Community Manager Regulations as is. The decision to retain a regulation in its current form does not prevent the Board from initiating action to review or amend the regulation in the future. The Board thanks the commenter for her participation. Mr. Sterling seconded the motion which was unanimously approved by: Baker, Mercer, Mulhare, Orlando, Overholt, and Sterling.

The Board considered the periodic review of Common Interest Community Management Information Fund Regulations. A public comment period was held and no public comments were received. Mr. Orlando moved to retain the current Common Interest Community Management Information Fund Regulations as is. Ms. Overholt seconded the motion which was unanimously approved by: Baker,

Mercer, Mulhare, Orlando, Overholt, and Sterling.

The Board considered the periodic review of Common Interest Community Ombudsman Regulations. A public comment period was held and one public comment was received. The commenter stated many owners residing in common interest communities may be unaware that an association complaint process exists in order to report alleged violations of common interest community statutes or regulations. Making the complaint process and complaint form available is insufficient for those who are unaware the process exists. The complaint process and sample form need to be distributed to all association members upon initial adoption or revision; and annual notification to members and residents regarding how to request the procedure and form should be provided. In addition, when there are changes to an association's complaint procedure, the association governing board should readopt the resolution establishing the procedure, and distribute to the membership.

Mr. Mercer disclosed that he is legal counsel to the association in which the public commenter lives; however, the public comment was not made on behalf of the association. After review and discussion, Mr. Orlando moved to retain the current Common Interest Community Ombudsman Regulations as is. The decision to retain a regulation in its current form does not prevent the Board from initiating action to review or amend the regulation in the future. The Board thanks the commenter for his participation. Mr. Mercer seconded the motion which was unanimously approved by: Baker, Mercer, Mulhare, Orlando, Overholt, and Sterling.

The Board considered the periodic review of Time-Share Regulations. A public comment period was held and no public comments were received. Ms. Overholt moved to retain the current Time-Share Regulations as is. Mr. Orlando seconded the motion which was unanimously approved by: Baker, Mercer, Mulhare, Orlando, Overholt, and Sterling.

Ms. Henshaw advised the Board of HB13, introduced for the 2020 General Assembly session, which would broaden the acceptable methods in which fiduciary managing agents of condominium unit owners' associations may invest association funds.

Legislative Update

Ms. Henshaw and Ms. Broz-Vaughan reminded the Board that staff actively monitors legislation throughout General Assembly session and provides data and information regarding the Board and Department relevant to legislative proposals affecting the Board.

Ms. Gillespie provided the Board with the annual report on the Office of the Common Interest Community Ombudsman. The report contains statistics on complaints received by the Ombudsman's office, as well as compliance and enforcement statistics.

Ombudsman Report

Discussion was held on education and outreach opportunities.

The Board recessed from 10:55 a.m. to 11:05 a.m.

Recess

Discussion was held on the requirement for an association governing board to provide a final complaint decision to the complaining association member in writing. Board staff advised that if it is consistent with an association's established complaint procedure, pursuant to 18VAC48-70-50, the final decision may be sent via electronic means. Ms. Gillespie clarified that the Ombudsman's determination on a notice of final adverse decision must be delivered in writing via registered mail in keeping with due process.

**Ombudsman Report
Continued**

Discussion was also held on the complaint procedure as governed by the Common Interest Community Ombudsman Regulations.

Discussion was held on determining sanctions for associations that come before the Board for disciplinary matters. Ms. Henshaw advised that the topic could be placed on a future Board meeting agenda for further discussion.

Ms. Henshaw provided the Board with the most recent financial statements. There have been no claims from the Recovery Fund.

**Board Financial
Statements**

Ms. Henshaw advised that legislation passed during the 2019 General Assembly session requires the cash balance of the Board's funds to be placed in a cash reserve fund. In addition, legislation was passed requiring DPOR to issue refunds to licensees beginning in July 2022, if the excess cash balance of the Board's funds exceeds \$100,000.00 or 20% of the Board's revenue.

Ms. Henshaw gave a brief overview of the Board Member Training Conference held October 3-4, 2019.

**Report from Board
Member Training
Conference**

Ms. Henshaw advised the Board that the Guidelines for the Development for Reserve Studies for Capital Components approved by the Board at its September 5, 2019, Board meeting were presented to the Common Interest Community Workgroup of the Virginia Housing Commission, and Delegate David Bulova, patron of the bill requiring

Other Business

the development of reserve study guidelines for common interest communities.

Mr. Mulhare reminded Board members to complete their conflict of interest forms and travel vouchers.

**Complete Conflict
of Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:39 a.m.

Adjourn

Drew Mulhare, Chair

Mary Broz-Vaughan, Secretary

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PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

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Common Interest Community Board

Update on Regulatory Actions

(as of March 2, 2020)

Action: Title 55 Recodification – Condominium Regulations

Current Stage: Adopted (Exempt)

- Final amendments adopted by Board on 6/6/19.
- Submitted to Registrar on 10/21/19.
- Published in Virginia Register on 11/11/19.
- Amended regulation became effective on 12/31/19.

Next Step: N/A

Action: Title 55 Recodification – Time-Share Regulations

Current Stage: Adopted (Exempt)

- Final amendments adopted by Board on 6/6/19.
- Submitted to Registrar on 10/15/19.
- Published in Virginia Register on 11/11/19.
- Amended regulation became effective on 12/30/19.

Next Step: N/A

Action: Title 55 Recodification – Common Interest Community Ombudsman Regulations

Current Stage: Adopted (Exempt)

- Final amendments adopted by Board on 6/6/19.
- Submitted to Registrar on 10/10/19.
- Published in Virginia Register on 11/11/19.
- Amended regulation became effective on 12/11/19.

Next Step: N/A

Common Interest Community Board

Action: CIC Management Information Fund – General Review

Current Stage: Proposed

- Board adopted proposed amendments on 11/29/18.
- Executive Branch review completed on 9/19/19.
- Submitted to Registrar on 9/30/19.
- Published in Virginia Register on 10/28/19.
- Sixty-day public comment period held between 10/28/19, and 12/27/19.
- Public hearing held on 11/12/19. One commenter appeared.

Next Step: Board Review/Final Adoption

- Board review of public comments and adoption of final amendments to regulation.

Action: Public Participation Guidelines – Periodic Review

- Periodic Review Notice filed on 9/6/19.
- Notice published in Register on 9/30/19.
- Public comment period held from 9/30/19 to 10/21/19. No comments received.
- Board voted to retain regulation as is on 12/5/19.

Action: Time-Share Regulations – Periodic Review

- Periodic Review Notice filed on 9/6/19.
- Notice published in Register on 9/30/19.
- Public comment period held from 9/30/19 to 10/21/19. No comments received.
- Board voted to retain regulation as is on 12/5/19.

Action: Common Interest Community Manager Regulations – Periodic Review

- Periodic Review Notice filed on 9/6/19.
- Notice published in Register on 9/30/19.
- Public comment period held from 9/30/19 to 10/21/19. One comment received.
- Board voted to retain regulation as is on 12/5/19.

Board position.

Common Interest Community Board

Action: Common Interest Community Management Information Fund Regulations – Periodic Review

- Periodic Review Notice filed on 9/6/19.
- Notice published in Register on 9/30/19.
- Public comment period held from 9/30/19 to 10/21/19. No comments received.
- Board voted to retain regulation as is on 12/5/19.

Action: Common Interest Community Ombudsman Regulations – Periodic Review

- Periodic Review Notice filed on 9/6/19.
- Notice published in Register on 9/30/19.
- Public comment period held from 9/30/19 to 10/21/19. One comment received.
- Board voted to retain regulation as is on 12/5/19.

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Code of Virginia

Title 59.1. Trade and Commerce

Chapter 5. Transacting Business under Assumed Name

This section has more than one version with varying effective dates. Scroll down to see all versions.

§ 59.1-69. (Effective until January 1, 2020) Certificate required of person, partnership, limited liability company or corporation transacting business under assumed name

A. No person, partnership, limited liability company or corporation shall conduct or transact business in this Commonwealth under any assumed or fictitious name unless such person, partnership, limited liability company or corporation shall sign and acknowledge a certificate setting forth the name under which such business is to be conducted or transacted, and the names of each person, partnership, limited liability company or corporation owning the same, with their respective post-office and residence addresses (and, (i) when the partnership or limited liability company is a foreign limited partnership or limited liability company, the date of the certificate of registration to transact business in this Commonwealth issued to it by the State Corporation Commission, or (ii) when the corporation is a foreign corporation, the date of the certificate of authority to transact business in this Commonwealth issued to it by the State Corporation Commission), and file the same in the office of the clerk of the court in which deeds are recorded in the county or city wherein the business is to be conducted.

B. No person, partnership, limited liability company or corporation shall use an assumed or fictitious name in the conduct of its business to intentionally misrepresent the geographic origin or location of any such person or entity.

Code 1950, § 59-169; 1968, c. 439; 1987, c. 702; 1995, c. 168; 1996, c. 904.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 59.1-69. (Effective January 1, 2020) Certificate required of person transacting business under assumed name

A. As used in this chapter, unless the context requires a different meaning:

"Commission" means the State Corporation Commission.

"Person" has the meaning prescribed in § 1-230.

B. No person shall conduct or transact business in the Commonwealth under any assumed or fictitious name unless such person files in the office of the clerk of the Commission a certificate of assumed or fictitious name.

C. No person shall use an assumed or fictitious name in the conduct of the person's business to intentionally misrepresent the geographic origin or location of the person.

Code 1950, § 59-169; 1968, c. 439; 1987, c. 702; 1995, c. 168; 1996, c. 904; 2017, c. 594.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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1 **COMMON INTEREST COMMUNITY BOARD**

2 **Condominium Registration - Amend Declarant Trade or Fictitious Name Requirements**

3
4 **18VAC48-30-120. Prerequisites for registration.**

5 The following provisions are prerequisites for registration and are supplementary to the
6 provisions of § 55.1-1977 of the Code of Virginia.

7 A. The declarant shall own or have the right to acquire an estate in the land constituting or to
8 constitute the condominium that is of at least as great a degree and duration as the estate to be
9 conveyed in the condominium units.

10 B. The condominium instruments must be adequate to bring a condominium into existence
11 upon recordation except that the certification requirements of § 55.1-1920 of the Code of
12 Virginia need not be complied with as a prerequisite for registration. This subsection does not
13 apply to condominium instruments that may be recorded after the condominium has been
14 created.

15 C. The declarant shall have filed with the board reasonable evidence of its financial ability to
16 complete all proposed improvements on the condominium. Such evidence may include (i)
17 financial statements and a signed affidavit attesting that the declarant has sufficient funds to
18 complete all proposed improvements on the condominium and that the funds will be used for
19 completion of the proposed improvements or (ii) proof of a commitment of an institutional lender
20 to advance construction funds to the declarant and, to the extent that any such commitments
21 will not furnish all the necessary funds, other evidence, satisfactory to the board, of the
22 availability to the declarant of necessary funds. A lender's commitment may be subject to such
23 conditions, including registration of the condominium units and presale requirements, as are
24 normal for loans of the type and as to which nothing appears to indicate that the conditions will
25 not be complied with or fulfilled.

26 1. In the case of a condominium located in Virginia, "proposed improvements" are
27 improvements that are not yet begun or not yet complete and that the declarant is
28 affirmatively and unconditionally obligated to complete under §§ 55.1-1920 and 55.1-
29 1930 B of the Code of Virginia and applicable provisions of the condominium
30 instruments or that the declarant would be so obligated to complete if plats and plans
31 filed with the board in accordance with 18VAC48-30-140 A were recorded.

32 2. In the case of a condominium located outside of Virginia, "proposed improvements"
33 are improvements that are not yet begun or not yet complete and that the declarant
34 represents, without condition or limitation, will be built or placed in the condominium.

35 D. The current and planned condominium marketing activities of the declarant shall comply
36 with § 18.2-216 of the Code of Virginia, 18VAC48-30-80, and 18VAC48-30-660.

37 E. The declarant shall have filed with the board (i) a proposed public offering statement that
38 complies with this chapter and subsection A of § 55.1-1976 of the Code of Virginia and, if
39 applicable, subsection B of § 55.1-1982 of the Code of Virginia; (ii) a substituted public offering
40 statement that complies with this chapter; or (iii) a prospectus that complies with this chapter.

41 F. Declarants may be organized as individuals or firms. Firms shall be organized as
42 business entities under the laws of the Commonwealth of Virginia or otherwise authorized to
43 transact business in Virginia. Firms shall register any trade or fictitious names with the State
44 Corporation Commission or the clerk of court in the jurisdiction where the business is to be
45 conducted in accordance with ~~§§ 59.1-69 through 59.1-76~~ Chapter 5 of Title 59.1 (§ 59.1-69 et
46 seq.) of the Code of Virginia before submitting an application to the board.

47 Statutory Authority

48 § 54.1-2349 of the Code of Virginia.

49 Historical Notes

50 Derived from Virginia Register Volume 31, Issue 20, eff. August 1, 2015; amended, Virginia
51 Register Volume 36, Issue 6, eff. December 31, 2019.

Virginia Administrative Code
Title 18. Professional and Occupational Licensing
Agency 48. Common Interest Community Board
Chapter 30. Condominium Regulations

18VAC48-30-120. Prerequisites for Registration.

The following provisions are prerequisites for registration and are supplementary to the provisions of § 55.1-1977 of the Code of Virginia.

A. The declarant shall own or have the right to acquire an estate in the land constituting or to constitute the condominium that is of at least as great a degree and duration as the estate to be conveyed in the condominium units.

B. The condominium instruments must be adequate to bring a condominium into existence upon recordation except that the certification requirements of § 55.1-1920 of the Code of Virginia need not be complied with as a prerequisite for registration. This subsection does not apply to condominium instruments that may be recorded after the condominium has been created.

C. The declarant shall have filed with the board reasonable evidence of its financial ability to complete all proposed improvements on the condominium. Such evidence may include (i) financial statements and a signed affidavit attesting that the declarant has sufficient funds to complete all proposed improvements on the condominium and that the funds will be used for completion of the proposed improvements or (ii) proof of a commitment of an institutional lender to advance construction funds to the declarant and, to the extent that any such commitments will not furnish all the necessary funds, other evidence, satisfactory to the board, of the availability to the declarant of necessary funds. A lender's commitment may be subject to such conditions, including registration of the condominium units and presale requirements, as are normal for loans of the type and as to which nothing appears to indicate that the conditions will not be complied with or fulfilled.

1. In the case of a condominium located in Virginia, "proposed improvements" are improvements that are not yet begun or not yet complete and that the declarant is affirmatively and unconditionally obligated to complete under §§ 55.1-1920 and 55.1-1930 B of the Code of Virginia and applicable provisions of the condominium instruments or that the declarant would be so obligated to complete if plats and plans filed with the board in accordance with 18VAC48-30-140 A were recorded.

2. In the case of a condominium located outside of Virginia, "proposed improvements" are improvements that are not yet begun or not yet complete and that the declarant represents, without condition or limitation, will be built or placed in the condominium.

D. The current and planned condominium marketing activities of the declarant shall comply with § 18.2-216 of the Code of Virginia, 18VAC48-30-80, and 18VAC48-30-660.

E. The declarant shall have filed with the board (i) a proposed public offering statement that

complies with this chapter and subsection A of § 55.1-1976 of the Code of Virginia and, if applicable, subsection B of § 55.1-1982 of the Code of Virginia; (ii) a substituted public offering statement that complies with this chapter; or (iii) a prospectus that complies with this chapter.

F. Declarants may be organized as individuals or firms. Firms shall be organized as business entities under the laws of the Commonwealth of Virginia or otherwise authorized to transact business in Virginia. Firms shall register any trade or fictitious names with the State Corporation Commission or the clerk of court in the jurisdiction where the business is to be conducted in accordance with §§ 59.1-69 through 59.1-76 of the Code of Virginia before submitting an application to the board.

Statutory Authority

§ 54.1-2349 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 31, Issue 20, eff. August 1, 2015; amended, Virginia Register Volume 36, Issue 6, eff. December 31, 2019.

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1 **COMMON INTEREST COMMUNITY BOARD**

2 **Time-Share Registration - Amend Developer and Reseller Trade or Fictitious Name**
3 **Requirements**

4
5 **18VAC48-45-110. Prerequisites for registration of a time-share project.**

6 The following provisions are prerequisites for registration and are supplementary to the
7 provisions of § 55.1-2239 of the Code of Virginia.

8 1. The developer shall own or have the right to acquire an estate in the land constituting
9 or to constitute the time-share project that is of at least as great a degree and duration
10 as the estate to be conveyed in the time-shares.

11 2. The time-share instrument must be adequate to bring a time-share project into
12 existence upon recordation. This subdivision does not apply to a time-share instrument
13 that may be recorded after the time-share project has been created.

14 3. The time-share instrument must include a statement detailing that the developer
15 reserves or does not reserve the right to add or delete any alternative purchase.

16 4. The current and planned time-share advertising activities of the developer shall
17 comply with § 18.2-216 of the Code of Virginia and this chapter.

18 5. If the developer is a firm, it shall be organized as a business entity under the laws of
19 the Commonwealth of Virginia or otherwise authorized to transact business in Virginia.
20 Firms shall register any trade or fictitious names with the State Corporation Commission
21 ~~or the clerk of court in the jurisdiction where the business is to be conducted in~~
22 ~~accordance with §§ 59.1-69 through 59.1-76~~ Chapter 5 of Title 59.1 (§ 59.1-69 et seq.)
23 of the Code of Virginia before submitting an application to the board.

24 **Statutory Authority**

25 §§ 54.1-2349 and 55.1-2247 of the Code of Virginia.

26 **Historical Notes**

27 Derived from Virginia Register Volume 32, Issue 10, eff. March 1, 2016; amended, Virginia
28 Register Volume 36, Issue 6, eff. December 30, 2019.

29 **18VAC48-45-670. Requirements for registration as a time-share reseller.**

30 A. Individuals or firms that provide any time-share resale services shall submit an application
31 on a form prescribed by the board and shall meet the requirements of this section, including:

- 32 1. The information contained in § 55.1-2244 of the Code of Virginia.
- 33 2. The application fee specified in 18VAC48-45-70.
- 34 3. All contact information applicable to the time-share reseller and the lead dealer.
- 35 B. Any individual or firm offering resale services as defined in § 55.1-2200 of the Code of
- 36 Virginia shall be registered with the board. All names under which the time-share reseller
- 37 conducts business shall be disclosed on the application. The name under which the firm
- 38 conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also
- 39 be disclosed on the application. Firms shall be organized as business entities under the laws of
- 40 the Commonwealth of Virginia or otherwise authorized to transact business in Virginia. Firms
- 41 shall register any trade or fictitious names with the State Corporation Commission or the clerk of
- 42 court in the jurisdiction where the business is to be conducted in accordance with ~~§§ 59.1-69~~
- 43 ~~through 59.1-76~~ Chapter 5 of Title 59.1 (§ 59.1-69 et seq.) of the Code of Virginia before
- 44 submitting an application to the board.
- 45 C. The applicant for a time-share reseller registration shall disclose the firm's mailing
- 46 address and the firm's physical address. A post office box is only acceptable as a mailing
- 47 address when a physical address is also provided.
- 48 D. In accordance with § 54.1-204 of the Code of Virginia, each applicant for a time-share
- 49 reseller registration shall disclose the following information about the firm, the lead dealer, and
- 50 any of the principals of the firm, if applicable:
- 51 1. All felony convictions.
- 52 2. All misdemeanor convictions in any jurisdiction that occurred within three years before
- 53 the date of application.
- 54 3. Any plea of nolo contendere or finding of guilt regardless of adjudication or deferred
- 55 adjudication shall be considered a conviction for the purposes of this section. The record
- 56 of conviction certified or authenticated in such form as to be admissible in evidence
- 57 under the laws of the jurisdiction where convicted shall be admissible as prima facie
- 58 evidence of such guilt.
- 59 E. The applicant for time-share reseller registration shall be in compliance with the
- 60 standards of conduct set forth in Part X (18VAC48-45-720 et seq.) of this chapter at the time of
- 61 application, while the application is under review by the board, and at all times when the
- 62 registration is in effect.

63 F. The applicant for time-share reseller registration, the lead dealer, and all principals of the
64 firm shall be in good standing in Virginia and in every jurisdiction and with every board or
65 administrative body where licensed, certified, or registered, and the board, in its discretion, may
66 deny registration to any applicant who has been subject to, or whose lead dealer or principals
67 have been subject to, any form of adverse disciplinary action, including reprimand, revocation,
68 suspension or denial, imposition of a monetary penalty, required to complete remedial
69 education, or any other corrective action, in any jurisdiction or by any board or administrative
70 body or surrendered a license, certificate, or registration in connection with any disciplinary
71 action in any jurisdiction prior to obtaining registration in Virginia.

72 G. The applicant for time-share reseller registration shall provide all relevant information
73 about the firm, the lead dealer, and of the principals of the firm for the seven years prior to
74 application on outstanding judgments, past-due tax assessments, defaults on bonds, or pending
75 or past bankruptcies and specifically shall provide all relevant financial information related to
76 providing resale services as defined in § 55.1-2200 of the Code of Virginia.

77 H. The application for time-share reseller registration shall include the exhibits required
78 pursuant to 18VAC48-45-680.

79 Statutory Authority

80 §§ 54.1-2349 and 55.1-2247 of the Code of Virginia.

81 Historical Notes

82 Derived from Virginia Register Volume 32, Issue 10, eff. March 1, 2016; amended, Virginia
83 Register Volume 35, Issue 6, eff. December 14, 2018; Volume 36, Issue 6, eff. December 30,
84 2019.

85

86

87 **18VAC48-45-360. Filing of amended public offering statement.**

88 A. The developer shall promptly file with the board for review a copy of the amended public
89 offering statement together with a copy of a summary of proposed amendments that shall be
90 distributed to purchasers during the board review period. The summary of proposed
91 amendments shall enumerate the amendments to the public offering statement submitted for
92 board review and include a statement that the amendments to the public offering statement
93 have been filed with the board but have not yet been accepted. The form of the submission is at
94 the discretion of the developer provided that (i) all amendments are clearly represented in the

95 documentation presented; (ii) the additions and deletions of text in the public offering statement
96 and exhibits shall be identified by underlining and striking through text to be added and deleted;
97 and (iii) documents being added to or deleted from the contents of the public offering statement
98 shall be clearly and accurately reflected in the table of contents utilizing underlines and strike-
99 throughs for additions and deletions. In addition to the copies showing edits to the text, a clean
100 copy of all new and amended documents shall be provided.

101 B. The amended public offering statement submitted to the board for review shall include the
102 effective date of the amendments.

103 C. Within 30 days of receipt of the amended public offering statement, the board shall
104 review the amended public offering statement and supporting materials to determine whether
105 the amendment complies with this chapter. If the board's review determines that the amended
106 public offering statement complies with this chapter, it shall notify the developer in writing and
107 confirm the new effective date of the public offering statement.

108 D. If the board's review determines that the amended public offering statement does not
109 comply with this chapter, it shall immediately notify the developer in writing that the review has
110 determined the amended public offering statement is not in compliance and shall specify the
111 particulars of such noncompliance. The developer shall then have 20 days in which to correct
112 the particulars of noncompliance identified by the board. The developer may, prior to the
113 completion of the 20-day correction period, request an extension in writing of the 20-day
114 correction period. Upon expiration of the 20-day correction period, if requested corrections have
115 not been made or a request for extension properly received, the board may issue a temporary
116 cease and desist order in accordance with subdivision D 2 of § 55.1-2247 of the Code of
117 Virginia to require the cessation of sales until such time as affirmative action as directed by the
118 board is taken. Use of the noncompliant public offering statement may result in further action by
119 the board pursuant to §§ 55.1-2247, 55.1-2251, and 55.1-2252 of the Code of Virginia.

120 E. Notwithstanding an extension of the 30-day period for review agreed to in writing by the
121 board and developer, if the board does not perform the required review of the public offering
122 statement in accordance with subsection C of this section, the amendment shall be deemed to
123 comply with 18VAC48-45-150 through 18VAC48-45-310, and the new effective date shall be the
124 effective date of the amendment provided pursuant to subsection B of this section.

125 F. In each case in which an amended document is filed pursuant to this section and the
126 manner of its amendment is not apparent on the face of the document, the developer shall
127 provide an indication of the manner and extent of amendment.

128 Statutory Authority

129 §§ 54.1-2349 and 55.1-2247 of the Code of Virginia.

130 Historical Notes

131 Derived from Virginia Register Volume 32, Issue 10, eff. March 1, 2016; amended, Virginia

132 Register Volume 36, Issue 6, eff. December 30, 2019.

133 **18VAC48-45-410. Board review of annual report for a time-share project registration.**

134 A. During review of the annual report, the board may make inquiries or request additional
135 documentation to amplify or clarify the information provided.

136 B. If the board does not accept the annual report and the annual report filing is not
137 completed within 60 days of a request by the board for additional information, the board may
138 take further action pursuant to §§ 55.1-2247, ~~55.1-2251~~, and 55.1-2252 of the Code of Virginia
139 for failing to file an annual report as required by § 55.1-2242 of the Code of Virginia.

140 C. If the board does not perform the required review of the annual report within 30 days of
141 receipt by the board, the annual report shall be deemed to comply with § 55.1-2242 of the Code
142 of Virginia.

143 Statutory Authority

144 §§ 54.1-2349 and 55.1-2247 of the Code of Virginia.

145 Historical Notes

146 Derived from Virginia Register Volume 32, Issue 10, eff. March 1, 2016; amended, Virginia
147 Register Volume 36, Issue 6, eff. December 30, 2019.

148 **18VAC48-45-620. Board review of annual report for exchange program registration.**

149 A. During review of the annual report, the board may make inquiries or request additional
150 documentation to amplify or clarify the information provided.

151 B. If the board does not accept the annual report and the annual report filing is not
152 completed within 60 days of a request by the board for additional information, the board may
153 take further action pursuant to §§ 55.1-2247, ~~55.1-2251~~, and 55.1-2252 of the Code of Virginia
154 for failing to file an annual report as required by subsection E of § 55.1-2219 of the Code of
155 Virginia.

156 C. If the board does not perform the required review of the annual report within 30 days of
157 receipt by the board, the annual report shall be deemed to comply with subsection E of § 55.1-
158 2219 of the Code of Virginia.

159 Statutory Authority

160 §§ 54.1-2349 and 55.1-2247 of the Code of Virginia.

161 Historical Notes

162 Derived from Virginia Register Volume 32, Issue 10, eff. March 1, 2016; amended, Virginia

163 Register Volume 36, Issue 6, eff. December 30, 2019.

DRAFT AGENCY
Materials contained in this agenda
DRAFT AGENDA

are proposed topics for discussion and are not to be construed as regulation or official Board position.

Virginia Administrative Code
Title 18. Professional and Occupational Licensing
Agency 48. Common Interest Community Board
Chapter 45. Time-Share Regulations

18VAC48-45-110. Prerequisites for Registration of a Time-Share Project.

The following provisions are prerequisites for registration and are supplementary to the provisions of § [55.1-2239](#) of the Code of Virginia.

1. The developer shall own or have the right to acquire an estate in the land constituting or to constitute the time-share project that is of at least as great a degree and duration as the estate to be conveyed in the time-shares.
2. The time-share instrument must be adequate to bring a time-share project into existence upon recordation. This subdivision does not apply to a time-share instrument that may be recorded after the time-share project has been created.
3. The time-share instrument must include a statement detailing that the developer reserves or does not reserve the right to add or delete any alternative purchase.
4. The current and planned time-share advertising activities of the developer shall comply with § [18.2-216](#) of the Code of Virginia and this chapter.
5. If the developer is a firm, it shall be organized as a business entity under the laws of the Commonwealth of Virginia or otherwise authorized to transact business in Virginia. Firms shall register any trade or fictitious names with the State Corporation Commission or the clerk of court in the jurisdiction where the business is to be conducted in accordance with §§ [59.1-69](#) through [59.1-76](#) of the Code of Virginia before submitting an application to the board.

Statutory Authority

§§ [54.1-2349](#) and [55.1-2247](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016; amended, Virginia Register [Volume 36, Issue 06](#), eff. December 30, 2019.

18VAC48-45-670. Requirements for Registration As a Time-Share Reseller.

A. Individuals or firms that provide any time-share resale services shall submit an application on a form prescribed by the board and shall meet the requirements of this section, including:

1. The information contained in § [55.1-2244](#) of the Code of Virginia.
2. The application fee specified in [18VAC48-45-70](#).
3. All contact information applicable to the time-share reseller and the lead dealer.

B. Any individual or firm offering resale services as defined in § [55.1-2200](#) of the Code of

Virginia shall be registered with the board. All names under which the time-share reseller conducts business shall be disclosed on the application. The name under which the firm conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Firms shall be organized as business entities under the laws of the Commonwealth of Virginia or otherwise authorized to transact business in Virginia. Firms shall register any trade or fictitious names with the State Corporation Commission or the clerk of court in the jurisdiction where the business is to be conducted in accordance with §§ [59.1-69](#) through [59.1-76](#) of the Code of Virginia before submitting an application to the board.

C. The applicant for a time-share reseller registration shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant for a time-share reseller registration shall disclose the following information about the firm, the lead dealer, and any of the principals of the firm, if applicable:

1. All felony convictions.
2. All misdemeanor convictions in any jurisdiction that occurred within three years before the date of application.
3. Any plea of nolo contendere or finding of guilt regardless of adjudication or deferred adjudication shall be considered a conviction for the purposes of this section. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt.

E. The applicant for time-share reseller registration shall be in compliance with the standards of conduct set forth in Part X ([18VAC48-45-720](#) et seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the registration is in effect.

F. The applicant for time-share reseller registration, the lead dealer, and all principals of the firm shall be in good standing in Virginia and in every jurisdiction and with every board or administrative body where licensed, certified, or registered, and the board, in its discretion, may deny registration to any applicant who has been subject to, or whose lead dealer or principals have been subject to, any form of adverse disciplinary action, including reprimand, revocation, suspension or denial, imposition of a monetary penalty, required to complete remedial education, or any other corrective action, in any jurisdiction or by any board or administrative body or surrendered a license, certificate, or registration in connection with any disciplinary action in any jurisdiction prior to obtaining registration in Virginia.

G. The applicant for time-share reseller registration shall provide all relevant information about the firm, the lead dealer, and of the principals of the firm for the seven years prior to application on outstanding judgments, past-due tax assessments, defaults on bonds, or pending or past bankruptcies and specifically shall provide all relevant financial information

related to providing resale services as defined in § [55.1-2200](#) of the Code of Virginia.

H. The application for time-share reseller registration shall include the exhibits required pursuant to [18VAC48-45-680](#) .

Statutory Authority

§§ [54.1-2349](#) and [55.1-2247](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#) , eff. March 1, 2016; amended, Virginia Register [Volume 35, Issue 06](#) , eff. December 14, 2018; [Volume 36, Issue 06](#) , eff. December 30, 2019.

DRAFT AGENDA
Materials compiled in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

1 **COMMON INTEREST COMMUNITY BOARD**

2 **CIC Manager Licensure - Amend Trade or Fictitious Name Requirements**

3
4 Part I

5 General

6 **18VAC48-50-10. Definitions.**

7 Section 54.1-2345 of the Code of Virginia provides definitions of the following terms and
8 phrases as used in this chapter:

9 "Association"

10 "Board"

11 "Common interest community"

12 "Common interest community manager"

13 "Declaration"

14 "Governing board"

15 "Lot"

16 "Management services"

17 The following words, terms, and phrases when used in this chapter shall have the following
18 meanings unless the context clearly indicates otherwise:

19 "Active status" means the status of a certificated person in the employ of a common interest
20 community manager.

21 "Address of record" means the mailing address designated by the regulant to receive
22 notices and correspondence from the board. Notice mailed to the address of record by certified
23 mail, return receipt requested, shall be deemed valid notice.

24 "Applicant" means a common interest community manager who has submitted an
25 application for licensure or an individual who has submitted an application for certification.

26 "Application" means a completed, board-prescribed form submitted with the appropriate fee
27 and other required documentation.

28 "Certified principal or supervisory employee" refers to any individual who has principal
29 responsibility for management services provided to a common interest community or who has
30 supervisory responsibility for employees who participate directly in the provision of management
31 services to a common interest community, and who holds a certificate issued by the board.

32 "Contact hour" means 50 minutes of instruction.

33 "Department" means the Virginia Department of Professional and Occupational Regulation.

34 "Direct supervision" means exercising oversight and direction of, and control over, the work
35 of another.

36 "Firm" means a sole proprietorship, association, partnership, corporation, limited liability
37 company, limited liability partnership, or any other form of business organization recognized
38 under the laws of the Commonwealth of Virginia and properly registered, as may be required,
39 with the Virginia State Corporation Commission.

40 "Principal responsibility" means having the primary obligation for the direct provision of
41 management services provided to a common interest community.

42 "Regulant" means a common interest community manager as defined in § 54.1-2345 of the
43 Code of Virginia who holds a license issued by the board or an individual who holds a certificate
44 issued by the board.

45 "Reinstatement" means the process and requirements through which an expired license or
46 certificate can be made valid without the regulant having to apply as a new applicant.

47 "Renewal" means the process and requirements for periodically approving the continuance
48 of a license or certificate.

49 "Responsible person" means the employee, officer, manager, owner, or principal of the firm
50 who shall be designated by each firm to ensure compliance with Chapter 23.3 (§ 54.1-2345 et
51 seq.) of Title 54.1 of the Code of Virginia, and all regulations of the board, and to receive
52 communications and notices from the board that may affect the firm. In the case of a sole
53 proprietorship, the sole proprietor shall have the responsibilities of the responsible person.

54 "Sole proprietor" means any individual, not a corporation or other registered business entity,
55 who is trading under his own name, or under an assumed or fictitious name pursuant to the
56 provisions of ~~§§ 59.1-69 through 59.1-76~~ Chapter 5 of Title 59.1 (§ 59.1-69 et seq.) of the Code
57 of Virginia.

58 "Supervisory responsibility" means providing formal supervision of the work of at least one
59 other person. The individual who has supervisory responsibility directs the work of another
60 employee or other employees, has control over the work performed, exercises examination and
61 evaluation of the employee's performance, or has the authority to make decisions personally
62 that affect the management services provided.

63 Statutory Authority

64 § 54.1-2349 of the Code of Virginia.

65 Historical Notes

66 Derived from Virginia Register Volume 26, Issue 11, eff. April 1, 2010; amended, Virginia

67 Register Volume 28, Issue 11, eff. March 1, 2012; Volume 35, Issue 19, eff. July 1, 2019.

68

69 **18VAC48-50-30. Qualifications for licensure as a common interest community manager.**

70 A. Firms that provide common interest community management services shall submit an
71 application on a form prescribed by the board and shall meet the requirements set forth in §
72 54.1-2346 of the Code of Virginia, as well as the additional qualifications of this section.

73 B. Any firm offering management services as defined in § 54.1-2345 of the Code of Virginia
74 shall hold a license as a common interest community manager. All names under which the
75 common interest community manager conducts business shall be disclosed on the application.
76 The name under which the firm conducts business and holds itself out to the public (i.e., the
77 trade or fictitious name) shall also be disclosed on the application. Firms shall be organized as
78 business entities under the laws of the Commonwealth of Virginia or otherwise authorized to
79 transact business in Virginia. Firms shall register any trade or fictitious names with the State
80 Corporation Commission or the clerk of court in the county or jurisdiction where the business is
81 to be conducted in accordance with ~~§§ 59.1-69 through 59.1-76~~ Chapter 5 of Title 59.1 (§ 59.1-
82 69 et seq.) of the Code of Virginia before submitting an application to the board.

83 C. The applicant for a common interest community manager license shall disclose the firm's
84 mailing address, the firm's physical address, and the address of the office from which the firm
85 provides management services to Virginia common interest communities. A post office box is
86 only acceptable as a mailing address when a physical address is also provided.

87 D. In accordance with § 54.1-204 of the Code of Virginia, each applicant for a common
88 interest community manager license shall disclose the following information about the firm, the
89 responsible person, and any of the principals of the firm:

90 1. All felony convictions.

91 2. All misdemeanor convictions in any jurisdiction that occurred within three years of the
92 date of application.

93 3. Any plea of nolo contendere or finding of guilt regardless of adjudication or deferred
94 adjudication shall be considered a conviction for the purposes of this section. The record
95 of conviction certified or authenticated in such form as to be admissible in evidence

96 under the laws of the jurisdiction where convicted shall be admissible as prima facie
97 evidence of such guilt.

98 E. The applicant for a common interest community manager license shall submit evidence of
99 a blanket fidelity bond or employee dishonesty insurance policy in accordance with § 54.1-2346
100 of the Code of Virginia. Proof of current bond or insurance policy with the firm as the named
101 bondholder or insured must be submitted in order to obtain or renew the license. The bond or
102 insurance policy must be in force no later than the effective date of the license and shall remain
103 in effect through the date of expiration of the license.

104 F. The applicant for a common interest community manager license shall be in compliance
105 with the standards of conduct and practice set forth in Part V (18VAC48-50-140 et. seq.) of this
106 chapter at the time of application, while the application is under review by the board, and at all
107 times when the license is in effect.

108 G. The applicant for a common interest community manager license, the responsible
109 person, and any principals of the firm shall be in good standing in Virginia and in every
110 jurisdiction and with every board or administrative body where licensed, certified, or registered
111 and the board, in its discretion, may deny licensure to any applicant who has been subject to, or
112 whose principals have been subject to, or any firm in which the principals of the applicant for a
113 common interest community manager license hold a 10% or greater interest have been subject
114 to, any form of adverse disciplinary action, including but not limited to, reprimand, revocation,
115 suspension or denial, imposition of a monetary penalty, required to complete remedial
116 education, or any other corrective action, in any jurisdiction or by any board or administrative
117 body or surrendered a license, certificate, or registration in connection with any disciplinary
118 action in any jurisdiction prior to obtaining licensure in Virginia.

119 H. The applicant for a common interest community manager license shall provide all
120 relevant information about the firm, the responsible person, and any of the principals of the firm
121 for the seven years prior to application on any outstanding judgments, past-due tax
122 assessments, defaults on bonds, or pending or past bankruptcies, and specifically shall provide
123 all relevant financial information related to providing management services as defined in § 54.1-
124 2345 of the Code of Virginia. The applicant for a common interest community manager license
125 shall further disclose whether or not one or more of the principals who individually or collectively
126 own more than a 50% equity interest in the firm are or were equity owners holding, individually
127 or collectively, a 10% or greater interest in any other entity licensed by any agency of the
128 Commonwealth of Virginia that was the subject of any adverse disciplinary action, including

129 revocation of a license, within the seven-year period immediately preceding the date of
130 application.

131 I. An applicant for a common interest community manager license shall hold an active
132 designation as an Accredited Association Management Company by the Community
133 Associations Institute.

134 J. Prior to July 1, 2012, in lieu of the provisions of subsection I of this section, an application
135 for a common interest community manager license may be approved provided the applicant
136 certifies to the board that the applicant has:

137 1. At least one supervisory employee, officer, manager, owner, or principal of the firm
138 who is involved in all aspects of the management services offered and provided by the
139 firm and who has satisfied one of the following criteria:

140 a. Holds an active designation as a Professional Community Association Manager by
141 Community Associations Institute;

142 b. Has successfully completed a comprehensive training program as described in
143 18VAC48-50-250 B, as approved by the board, and has at least three years of
144 experience in providing management services, the quality of which demonstrates to
145 the board that the individual is competent to have supervisory responsibility or
146 principal responsibility for management services;

147 c. Has successfully completed an introductory training program as described in
148 18VAC48-50-250 A, as approved by the board, and has at least five years of
149 experience in providing management services, the quality of which demonstrates to
150 the board that the individual is competent to have supervisory responsibility or
151 principal responsibility for management services; or

152 d. Has not completed a board-approved training program but who, in the judgment of
153 the board, has obtained the equivalent of such training program by documented
154 course work that meets the requirements of a board-approved comprehensive
155 training program as described in Part VI (18VAC48-50-230 et seq.) of this chapter,
156 and has at least 10 years of experience in providing management services, the
157 quality of which demonstrates to the board that the individual is competent to have
158 supervisory responsibility or principal responsibility for management services.

159 2. At least 50% of persons in the firm with principal responsibility for management
160 services to a common interest community in the Commonwealth of Virginia have
161 satisfied one of the following criteria:

162 a. Hold an active designation as a Professional Community Association Manager
163 and certify having provided management services for a period of 12 months
164 immediately preceding application;

165 b. Hold an active designation as a Certified Manager of Community Associations by
166 the National Board of Certification for Community Association Managers and certify
167 having two years of experience in providing management services. Of the required
168 two years experience, a minimum of 12 months of experience must have been
169 gained immediately preceding application;

170 c. Hold an active designation as an Association Management Specialist and certify
171 having two years of experience in providing management services. Of the required
172 two years experience, a minimum of 12 months of experience must have been
173 gained immediately preceding application; or

174 d. Have completed a comprehensive or introductory training program, as set forth in
175 18VAC48-50-250 A or B, and passed a certifying examination approved by the board
176 and certify having two years experience in providing management services. Of the
177 required two years experience, a minimum of 12 months of experience must have
178 been gained immediately preceding application.

179 K. Effective July 1, 2012, the applicant for a common interest community manager license
180 shall attest that all employees of the firm who have principal responsibility for management
181 services provided to a common interest community or who have supervisory responsibility for
182 employees who participate directly in the provision of management services to a common
183 interest community shall, within two years after employment with the common interest
184 community manager, hold a certificate as a certified principal or supervisory employee issued by
185 the board or shall be under the direct supervision of a certified principal or supervisory
186 employee.

187 L. Effective July 1, 2012, in lieu of the provisions of subsection I of this section, an
188 application for a common interest community manager license may be approved provided the
189 applicant certifies to the board that the applicant has at least one supervisory employee, officer,
190 manager, owner, or principal of the firm who is involved in all aspects of the management
191 services offered and provided by the firm and who has satisfied one of the following criteria:

192 1. Holds an active designation as a Professional Community Association Manager by
193 Community Associations Institute;

194 2. Has successfully completed a comprehensive training program as described in
195 18VAC48-50-250 B, as approved by the board, and has at least three years of
196 experience in providing management services, the quality of which demonstrates to the
197 board that the individual is competent to have supervisory responsibility or principal
198 responsibility for management services;

199 3. Has successfully completed an introductory training program as described in
200 18VAC48-50-250 A, as approved by the board, and has at least five years of experience
201 in providing management services, the quality of which demonstrates to the board that
202 the individual is competent to have supervisory responsibility or principal responsibility
203 for management services; or

204 4. Has not completed a board-approved training program but who, in the judgment of the
205 board, has obtained the equivalent of such training program by documented course work
206 that meets the requirements of a board-approved comprehensive training program as
207 described in Part VI (18VAC48-50-230 et seq.) of this chapter, and has at least 10 years
208 of experience in providing management services, the quality of which demonstrates to
209 the board that the individual is competent to have supervisory responsibility or principal
210 responsibility for management services.

211 M. The firm shall designate a responsible person.

212 Statutory Authority

213 § 54.1-2349 of the Code of Virginia.

214 Historical Notes

215 Derived from Virginia Register Volume 26, Issue 11, eff. April 1, 2010; amended, Virginia

216 Register Volume 28, Issue 11, eff. March 1, 2012.

Virginia Administrative Code
Title 18. Professional and Occupational Licensing
Agency 48. Common Interest Community Board
Chapter 50. Common Interest Community Manager Regulations

18VAC48-50-10. Definitions.

Part I. General

Section [54.1-2345](#) of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

"Association"

"Board"

"Common interest community"

"Common interest community manager"

"Declaration"

"Governing board"

"Lot"

"Management services"

The following words, terms, and phrases when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active status" means the status of a certificated person in the employ of a common interest community manager.

"Address of record" means the mailing address designated by the regulant to receive notices and correspondence from the board. Notice mailed to the address of record by certified mail, return receipt requested, shall be deemed valid notice.

"Applicant" means a common interest community manager who has submitted an application for licensure or an individual who has submitted an application for certification.

"Application" means a completed, board-prescribed form submitted with the appropriate fee and other required documentation.

"Certified principal or supervisory employee" refers to any individual who has principal responsibility for management services provided to a common interest community or who has supervisory responsibility for employees who participate directly in the provision of management services to a common interest community, and who holds a certificate issued by the board.

"Contact hour" means 50 minutes of instruction.

"Department" means the Virginia Department of Professional and Occupational Regulation.

"Direct supervision" means exercising oversight and direction of, and control over, the work of another.

"Firm" means a sole proprietorship, association, partnership, corporation, limited liability company, limited liability partnership, or any other form of business organization recognized under the laws of the Commonwealth of Virginia and properly registered, as may be required, with the Virginia State Corporation Commission.

"Principal responsibility" means having the primary obligation for the direct provision of management services provided to a common interest community.

"Regulant" means a common interest community manager as defined in § [54.1-2345](#) of the Code of Virginia who holds a license issued by the board or an individual who holds a certificate issued by the board.

"Reinstatement" means the process and requirements through which an expired license or certificate can be made valid without the regulant having to apply as a new applicant.

"Renewal" means the process and requirements for periodically approving the continuance of a license or certificate.

"Responsible person" means the employee, officer, manager, owner, or principal of the firm who shall be designated by each firm to ensure compliance with Chapter 23.3 (§ [54.1-2345](#) et seq.) of Title 54.1 of the Code of Virginia, and all regulations of the board, and to receive communications and notices from the board that may affect the firm. In the case of a sole proprietorship, the sole proprietor shall have the responsibilities of the responsible person.

"Sole proprietor" means any individual, not a corporation or other registered business entity, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of §§ [59.1-69](#) through [59.1-76](#) of the Code of Virginia.

"Supervisory responsibility" means providing formal supervision of the work of at least one other person. The individual who has supervisory responsibility directs the work of another employee or other employees, has control over the work performed, exercises examination and evaluation of the employee's performance, or has the authority to make decisions personally that affect the management services provided.

Statutory Authority

§ [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 26, Issue 11](#), eff. April 1, 2010; amended, Virginia Register [Volume 28, Issue 11](#), eff. March 1, 2012; [Volume 35, Issue 19](#), eff. July 1, 2019.

18VAC48-50-30. Qualifications for Licensure As a Common Interest Community Manager.

A. Firms that provide common interest community management services shall submit an

application on a form prescribed by the board and shall meet the requirements set forth in § [54.1-2346](#) of the Code of Virginia, as well as the additional qualifications of this section.

B. Any firm offering management services as defined in § [54.1-2345](#) of the Code of Virginia shall hold a license as a common interest community manager. All names under which the common interest community manager conducts business shall be disclosed on the application. The name under which the firm conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Firms shall be organized as business entities under the laws of the Commonwealth of Virginia or otherwise authorized to transact business in Virginia. Firms shall register any trade or fictitious names with the State Corporation Commission or the clerk of court in the county or jurisdiction where the business is to be conducted in accordance with §§ [59.1-69](#) through [59.1-76](#) of the Code of Virginia before submitting an application to the board.

C. The applicant for a common interest community manager license shall disclose the firm's mailing address, the firm's physical address, and the address of the office from which the firm provides management services to Virginia common interest communities. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant for a common interest community manager license shall disclose the following information about the firm, the responsible person, and any of the principals of the firm:

1. All felony convictions.
2. All misdemeanor convictions in any jurisdiction that occurred within three years of the date of application.
3. Any plea of nolo contendere or finding of guilt regardless of adjudication or deferred adjudication shall be considered a conviction for the purposes of this section. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt.

E. The applicant for a common interest community manager license shall submit evidence of a blanket fidelity bond or employee dishonesty insurance policy in accordance with § [54.1-2346](#) D of the Code of Virginia. Proof of current bond or insurance policy with the firm as the named bondholder or insured must be submitted in order to obtain or renew the license. The bond or insurance policy must be in force no later than the effective date of the license and shall remain in effect through the date of expiration of the license.

F. The applicant for a common interest community manager license shall be in compliance with the standards of conduct and practice set forth in Part V ([18VAC48-50-140](#) et. seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the license is in effect.

G. The applicant for a common interest community manager license, the responsible person, and any principals of the firm shall be in good standing in Virginia and in every jurisdiction

and with every board or administrative body where licensed, certified, or registered and the board, in its discretion, may deny licensure to any applicant who has been subject to, or whose principals have been subject to, or any firm in which the principals of the applicant for a common interest community manager license hold a 10% or greater interest have been subject to, any form of adverse disciplinary action, including but not limited to, reprimand, revocation, suspension or denial, imposition of a monetary penalty, required to complete remedial education, or any other corrective action, in any jurisdiction or by any board or administrative body or surrendered a license, certificate, or registration in connection with any disciplinary action in any jurisdiction prior to obtaining licensure in Virginia.

H. The applicant for a common interest community manager license shall provide all relevant information about the firm, the responsible person, and any of the principals of the firm for the seven years prior to application on any outstanding judgments, past-due tax assessments, defaults on bonds, or pending or past bankruptcies, and specifically shall provide all relevant financial information related to providing management services as defined in § [54.1-2345](#) of the Code of Virginia. The applicant for a common interest community manager license shall further disclose whether or not one or more of the principals who individually or collectively own more than a 50% equity interest in the firm are or were equity owners holding, individually or collectively, a 10% or greater interest in any other entity licensed by any agency of the Commonwealth of Virginia that was the subject of any adverse disciplinary action, including revocation of a license, within the seven-year period immediately preceding the date of application.

I. An applicant for a common interest community manager license shall hold an active designation as an Accredited Association Management Company by the Community Associations Institute.

J. Prior to July 1, 2012, in lieu of the provisions of subsection I of this section, an application for a common interest community manager license may be approved provided the applicant certifies to the board that the applicant has:

1. At least one supervisory employee, officer, manager, owner, or principal of the firm who is involved in all aspects of the management services offered and provided by the firm and who has satisfied one of the following criteria:

a. Holds an active designation as a Professional Community Association Manager by Community Associations Institute;

b. Has successfully completed a comprehensive training program as described in [18VAC48-50-250](#) B, as approved by the board, and has at least three years of experience in providing management services, the quality of which demonstrates to the board that the individual is competent to have supervisory responsibility or principal responsibility for management services;

c. Has successfully completed an introductory training program as described in [18VAC48-50-250](#) A, as approved by the board, and has at least five years of experience in providing management services, the quality of which demonstrates to the board that the individual is competent to have supervisory responsibility or principal

responsibility for management services; or

d. Has not completed a board-approved training program but who, in the judgment of the board, has obtained the equivalent of such training program by documented course work that meets the requirements of a board-approved comprehensive training program as described in Part VI ([18VAC48-50-230](#) et seq.) of this chapter, and has at least 10 years of experience in providing management services, the quality of which demonstrates to the board that the individual is competent to have supervisory responsibility or principal responsibility for management services.

2. At least 50% of persons in the firm with principal responsibility for management services to a common interest community in the Commonwealth of Virginia have satisfied one of the following criteria:

a. Hold an active designation as a Professional Community Association Manager and certify having provided management services for a period of 12 months immediately preceding application;

b. Hold an active designation as a Certified Manager of Community Associations by the National Board of Certification for Community Association Managers and certify having two years of experience in providing management services. Of the required two years experience, a minimum of 12 months of experience must have been gained immediately preceding application;

c. Hold an active designation as an Association Management Specialist and certify having two years of experience in providing management services. Of the required two years experience, a minimum of 12 months of experience must have been gained immediately preceding application; or

d. Have completed a comprehensive or introductory training program, as set forth in [18VAC48-50-250](#) A or B, and passed a certifying examination approved by the board and certify having two years experience in providing management services. Of the required two years experience, a minimum of 12 months of experience must have been gained immediately preceding application.

K. Effective July 1, 2012, the applicant for a common interest community manager license shall attest that all employees of the firm 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 shall, within two years after employment with the common interest community manager, hold a certificate as a certified principal or supervisory employee issued by the board or shall be under the direct supervision of a certified principal or supervisory employee.

L. Effective July 1, 2012, in lieu of the provisions of subsection I of this section, an application for a common interest community manager license may be approved provided the applicant certifies to the board that the applicant has at least one supervisory employee, officer, manager, owner, or principal of the firm who is involved in all aspects of the management

services offered and provided by the firm and who has satisfied one of the following criteria:

1. Holds an active designation as a Professional Community Association Manager by Community Associations Institute;
2. Has successfully completed a comprehensive training program as described in [18VAC48-50-250 B](#), as approved by the board, and has at least three years of experience in providing management services, the quality of which demonstrates to the board that the individual is competent to have supervisory responsibility or principal responsibility for management services;
3. Has successfully completed an introductory training program as described in [18VAC48-50-250 A](#), as approved by the board, and has at least five years of experience in providing management services, the quality of which demonstrates to the board that the individual is competent to have supervisory responsibility or principal responsibility for management services; or
4. Has not completed a board-approved training program but who, in the judgment of the board, has obtained the equivalent of such training program by documented course work that meets the requirements of a board-approved comprehensive training program as described in Part VI ([18VAC48-50-230](#) et seq.) of this chapter, and has at least 10 years of experience in providing management services, the quality of which demonstrates to the board that the individual is competent to have supervisory responsibility or principal responsibility for management services.

M. The firm shall designate a responsible person.

Statutory Authority

§ [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 26, Issue 11](#) , eff. April 1, 2010; amended, Virginia Register [Volume 28, Issue 11](#) , eff. March 1, 2012.

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COMMON INTEREST COMMUNITY BOARD

General Review 2018

CHAPTER 60

~~COMMON INTEREST COMMUNITY BOARD MANAGEMENT INFORMATION FUND~~

ASSOCIATION REGISTRATION REGULATIONS

18VAC48-60-13. Definitions.

"Annual report" means the proper filing with the board of a completed, board-prescribed form submitted with the appropriate fee, and other required documentation for registration or renewal of an association.

"Association" shall be as have the meaning defined in § ~~55-528~~ § 54.1-2345 of the Code of Virginia.

"Board" shall have the meaning defined in § 54.1-2345 of the Code of Virginia.

"Common interest community" shall have the meaning defined in § 54.1-2345 of the Code of Virginia.

"Contact person" means the individual designated by an association to receive communications and notices from the board on behalf of the association.

"Governing board" shall be as have the meaning defined in § 54.1-2345 of the Code of Virginia.

"Property owners' association" shall have the meaning defined in § 55.1-1800 of the Code of Virginia.

"Registration" means the proper filing of an annual report with the board by an association and issuance of a certificate of filing by the board to an association in accordance with § 54.1-2349 A 8 of the Code of Virginia.

"Renew" means the process of filing an annual report with the board for continuance of a registration.

Statutory Authority

§§ 54.1-201, 54.1-2349 and 55-530 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 15, eff. May 15, 2009.

32 **18VAC48-60-14. Association registration, generally.**

33 A. Within the meaning and intent of § 54.1-2349 A 8 of the Code of Virginia, an association
34 is registered upon acceptance by the board of an annual report and issuance of a certificate of
35 filing by the board in accordance with 18VAC48-60-15 and 18VAC48-60-17.

36 B. In accordance with §§ 55.1-1808 and 55.1-1990 of the Code of Virginia, for any
37 condominium unit owners' association or property owners' association that does not have a
38 current registration with the board in accordance with §§ 55.1-1835 and 55.1-1980 of the Code
39 of Virginia, the disclosure packet or resale certificate, as applicable, is deemed not available.

40 C. A property owners' association that is not (i) registered with the board, (ii) current in filing
41 the most recent annual report with the board, and (iii) current in paying any assessment made
42 by the board pursuant to § 54.1-2354.5 of the Code of Virginia is prohibited from collecting fees
43 for disclosure packets authorized by §§ 55.1-1810 and 55.1-1811 of the Code of Virginia.

44 D. In accordance with §§ 54.1-2351 and 54.1-2352 of the Code of Virginia, the board may
45 take action against the governing board of an association that fails to register in accordance
46 with this chapter, which action may include issuance of a cease and desist order and an
47 affirmative order to file an annual report or assessment of a monetary penalty of not more than
48 \$1,000.

49 Statutory Authority

50 § 54.1-2349 of the Code of Virginia.

51 Historical Notes

52 Derived from Virginia Register Volume , Issue , eff. Month dd, yyyy.

53 **18VAC48-60-15. Timeframe for association registration and annual report.**

54 A. Within 30 days after the date of termination of the declarant control period, a
55 condominium unit owners' association shall register with the board by filing the annual report
56 required by § 55.1-1980 of the Code of Virginia and shall file an annual report every year
57 thereafter.

58 B. Within 30 days after the date of termination of the declarant control period, a proprietary
59 lessees' association shall register with the board by filing the annual report required by § 55.1-
60 2182 of the Code of Virginia and shall file an annual report every year thereafter.

61 C. Within the meaning and intent of § 55.1-1835 of the Code of Virginia, a property owners'
62 association shall register with the board by filing an annual report within 30 days of recordation
63 of the declaration and shall file an annual report every year thereafter.

64 Statutory Authority

65 § 54.1-2349 of the Code of Virginia.

66 Historical Notes

67 Derived from Virginia Register Volume , Issue , eff. Month dd, yyyy.

68 **18VAC48-60-17. Association registration expiration and renewal.**

69 A. An association registration shall expire one year from the last day of the month in which it
70 was issued or renewed.

71 B. Prior to the expiration date on the registration, the board shall mail a renewal notice to the
72 registered association's contact person named in the board's records. Failure to receive a
73 renewal notice from the board does not relieve the association of the obligation to renew by
74 filing the annual report with the applicable fee.

75 C. Each association shall renew its registration by filing an annual report with the board. A
76 registration shall be renewed and considered current upon submittal to receipt and processing
77 by the board office of the completed annual report and applicable fees along with the renewal
78 fee pursuant to 18VAC48-60-60. An association shall notify the board office, in writing, within 30
79 days of any of the following:

80 1. Change of address;

81 2. Change of members of the governing board; and

82 3. Any other changes in information that was reported on the association's previous
83 annual report filing.

84 D. An association that does not renew registration within 12 months after expiration of the
85 registration may not renew and must submit a new common interest community association
86 registration application by filing the annual report and applicable registration fee.

87 E. The governing board of an association that fails to comply with registration requirements
88 in this chapter may be subject to action by the board in accordance with 18VAC48-60-14 D.

89 Statutory Authority

90 §§ 54.1-201, 54.1-2349 and 55-530 of the Code of Virginia.

91 Historical Notes

92 Derived from Virginia Register Volume 25, Issue 15, eff. May 15, 2009.

93 **18VAC48-60-20. Annual report by association. (Repealed.)**

94 Each association annual report shall be on the form designated by the board or shall be a
95 copy of the annual report filed with the State Corporation Commission. Such report shall be
96 accompanied by the fee established by this chapter.

97 Statutory Authority

98 §§ 54.1-201, 54.1-2349 and 55-530 of the Code of Virginia.

99 Historical Notes

100 Derived from Virginia Register Volume 25, Issue 4, eff. November 27, 2008; amended, Virginia
101 Register Volume 25, Issue 15, eff. May 15, 2009; Volume 35, Issue 19, eff. July 1, 2019.

102 **18VAC48-60-25. Maintenance of registration.**

103 An association shall notify the board office, in writing, within 30 days of any of the following:

- 104 1. Change of address of contact person;
105 2. Change of members of the governing board; and
106 3. Any other changes in information reported on the association's annual report.

107 Statutory Authority

108 § 54.1-2349 of the Code of Virginia.

109 Historical Notes

110 Derived from Virginia Register Volume , Issue , eff. Month dd, yyyy.

111 **18VAC48-60-30. Annual report by condominium association. (Repealed.)**

112 Within 30 days after the date of termination of the declarant control period, and every year
113 thereafter, an association shall file an annual report with the board.

114 Statutory Authority

115 § 54.1-2349 of the Code of Virginia.

116 Historical Notes

117 Derived from Virginia Register Volume 25, Issue 4, eff. November 27, 2008.

118 **18VAC48-60-40. Annual report by cooperative association. (Repealed.)**

119 Within 30 days after the date of termination of the declarant control period, and every year
120 thereafter, an association shall file an annual report with the board.

121 Statutory Authority

122 § 54.1-2349 of the Code of Virginia.

123 Historical Notes

124 Derived from Virginia Register Volume 25, Issue 4, eff. November 27, 2008.

125 **18VAC48-60-50. Annual report by property owners' association. (Repealed.)**

126 ~~Within the meaning and intent of § 55-516.1 of the Code of Virginia, within 30 days of the~~
127 ~~creation of the association, and every year thereafter, the association shall file an annual report~~
128 ~~with the board.~~

129 Statutory Authority

130 § 54.1-2349 of the Code of Virginia.

131 Historical Notes

132 Derived from Virginia Register Volume 25, Issue 4, eff. November 27, 2008.

133 **18VAC48-60-55. Fees, generally.**

134 All fees are nonrefundable and shall not be prorated. The date on which the fee is received
135 by the board or its agent will determine whether the fee is on time. Checks or money orders
136 shall be made payable to the Treasurer of Virginia.

137 Statutory Authority

138 § 54.1-2349 of the Code of Virginia.

139 Historical Notes

140 Derived from Virginia Register Volume , Issue , eff. Month dd, yyyy.

141 **18VAC48-60-60. Registration fee and renewal fees.**

142 A. The following fee schedule is based upon the size of number of lots or units subject to the
143 declaration for each residential common interest community association. The application fee is
144 different than the annual renewal fee. All fees are nonrefundable.

Number of Lots/Units	Application	Renewal Fee
<u>Lots or Units</u>	<u>Registration Fee</u>	
1 - 50	\$45	\$30
51 - 100	\$65	\$50
101 - 200	\$100	\$80
201 - 500	\$135	\$115
501 - 1000	\$145	\$130

1001 - 5000	\$165	\$150
5001+	\$180	\$170

145 ~~The application fee for registration~~ B. Notwithstanding subsection A of this section, the
146 registration and renewal fee of a residential common interest community an association
147 received on or before June 30, 2020, shall be \$10 regardless of size the number of lots or units
148 subject to the declaration. For annual renewal of a residential common interest community
149 registration received on or before June 30, 2020, the fee shall be \$10 regardless of size.

150 Statutory Authority

151 § 54.1-2349 of the Code of Virginia.

152 Historical Notes

153 Derived from Virginia Register Volume 25, Issue 4, eff. November 27, 2008; amended, Virginia
154 Register Volume 25, Issue 15, eff. May 15, 2009; Volume 31, Issue 10, eff. March 1, 2015;
155 Volume 32, Issue 11, eff. March 1, 2016; Volume 33, Issue 17, eff. May 17, 2017; Volume 34,
156 Issue 17, eff. June 1, 2018; Volume 35, Issue 19, eff. July 1, 2019.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

Amendment #1: Changes to 18 VAC 48-60-13

Add the following:

“Proprietary lessees’ association” shall have the meaning defined in § 55.1-2100 of the Code of Virginia.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Amendment #1: Changes to 18 VAC 48-60-60

Revise to reflect the following:

18VAC48-60-60. Registration fee and renewal fees.

A. The following fee schedule is based upon the ~~size of~~ number of lots or units subject to the declaration for each residential common interest community association. The application fee is different than the annual renewal fee. All fees are nonrefundable. [Each association filing its first annual report shall also pay the assessment required by § 54.1-2354.5(B) of the Code of Virginia.]

<u>Number of Lots/Units</u> <u>Lots or Units</u>	<u>Application</u> <u>Registration Fee</u>	<u>Renewal Fee</u>
1 - 50	\$45	\$30
51 - 100	\$65	\$50
101 - 200	\$100	\$80
201 - 500	\$135	\$115
501 - 1000	\$145	\$130
1001 - 5000	\$165	\$150
5001+	\$180	\$170

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Virginia Administrative Code
Title 18. Professional and Occupational Licensing
Agency 48. Common Interest Community Board
Chapter 60. Common Interest Community Board Management Information Fund Regulations

18VAC48-60-10. Purpose.

These regulations govern the exercise of powers granted to and the performance of duties imposed upon the Common Interest Community Board by §§ [54.1-2350](#) , [54.1-2354.2](#) , [55.1-1835](#) , [55.1-1980](#) , and [55.1-2182](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-201](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 04](#) , eff. November 27, 2008; amended, Virginia Register [Volume 36, Issue 03](#) , eff. November 1, 2019.

18VAC48-60-13. Definitions.

"Association" means the same as the term is defined in § [54.1-2345](#) of the Code of Virginia.

"Governing board" means the same as the term is defined in § [54.1-2345](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-201](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 15](#) , eff. May 15, 2009; amended, Virginia Register [Volume 36, Issue 03](#) , eff. November 1, 2019.

18VAC48-60-17. Association Registration and Renewal.

An association registration shall expire one year from the last day of the month in which it was issued or renewed. A registration shall be renewed upon submittal to the board office of the completed annual report and applicable fees. An association shall notify the board office, in writing, within 30 days of any of the following:

1. Change of address;
2. Change of members of the governing board; and
3. Any other changes in information that was reported on the association's previous annual report filing.

Statutory Authority

§§ [54.1-201](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 15](#) , eff. May 15, 2009.

18VAC48-60-20. Annual Report by Association.

Each association annual report shall be on the form designated by the board or shall be a copy of the annual report filed with the State Corporation Commission. Such report shall be accompanied by the fee established by this chapter.

Statutory Authority

§54.1-2349 of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 04](#) , eff. November 27, 2008; amended, Virginia Register [Volume 25, Issue 15](#) , eff. May 15, 2009; [Volume 35, Issue 19](#) , eff. July 1, 2019.

18VAC48-60-30. Annual Report by Condominium Association.

Within 30 days after the date of termination of the declarant control period, and every year thereafter, an association shall file an annual report with the board.

Statutory Authority

§ [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 04](#) , eff. November 27, 2008.

18VAC48-60-40. Annual Report by Cooperative Association.

Within 30 days after the date of termination of the declarant control period, and every year thereafter, an association shall file an annual report with the board.

Statutory Authority

§ [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 04](#) , eff. November 27, 2008.

18VAC48-60-50. Annual Report by Property Owners' Association.

Within the meaning and intent of § [55.1-1835](#) of the Code of Virginia, within 30 days of the creation of the association, and every year thereafter, the association shall file an annual report with the board.

Statutory Authority

§§ [54.1-201](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 04](#) , eff. November 27, 2008; amended, Virginia Register [Volume 36, Issue 03](#) , eff. November 1, 2019.

18VAC48-60-60. Registration Fee.

The following fee schedule is based upon the size of each residential common interest community. The application fee is different than the annual renewal fee. All fees are nonrefundable.

Number of Lots/Units	Application Fee	Renewal Fee
1 - 50	\$45	\$30
51 - 100	\$65	\$50
101 - 200	\$100	\$80
201 - 500	\$135	\$115
501 - 1000	\$145	\$130
1001 - 5000	\$165	\$150
5001+	\$180	\$170

The application fee for registration of a residential common interest community received on or before June 30, 2020, shall be \$10 regardless of size. For annual renewal of a residential common interest community registration received on or before June 30, 2020, the fee shall be \$10 regardless of size.

Statutory Authority

§ [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 04](#) , eff. November 27, 2008; amended, Virginia Register [Volume 25, Issue 15](#) , eff. May 15, 2009; [Volume 31, Issue 10](#) , eff. March 1, 2015; [Volume 32, Issue 11](#) , eff. March 1, 2016; [Volume 33, Issue 17](#) , eff. May 17, 2017; [Volume 34, Issue 17](#) , eff. June 1, 2018; [Volume 35, Issue 19](#) , eff. July 1, 2019.

Forms (18VAC48-60)

[Common Interest Community Association Registration Application, A492-0550REG-v7 \(rev. 11/2019\)](#)

[Common Interest Community Association Annual Report Form, A492-0550ANRPT-v9 \(rev. 11/2019\)](#)

[Common Interest Community Association Contact Person/Management Change Form, A492-0550POCCHG-v3 \(eff. 11/2019\)](#)

[Common Interest Community Association Governing Board Change Form, A492-](#)

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

COMMON INTEREST COMMUNITY BOARD

Summary of Comments for Amendments to Common Interest Community Management Information Fund Regulations

Following is the summary of comments received during the public comment period (October 28, 2019, to December 27, 2019) regarding the Board’s regulatory action for amending the Common Interest Community Management Information Fund Regulations (18VAC48-60). The comments below represent comments received on the proposed revisions to the regulation. During the public comment period, the Board received comments from one commenter.

	Regulation *#	Summary of Comment(s)	Draft Board Response
	Commenter		
1	48-60	The commenter noted that 48-60-13 provides a definition for property owners’ association, but does not provide definitions for condominium unit owners’ association and proprietary lessees’ association.	The Board thanks the commenter.
	Cynthia Gale (Public Hearing)		<p>The revisions to 48-60-13 incorporate by reference into the regulation the definition of “property owners’ association” provided in the Property Owners’ Association Act (§ 55.1-1800 et seq. of the Code of Virginia). The Virginia Condominium Act (§ 55.1-1900 et seq. of the Code of Virginia) does not provide a definition for the term condominium unit owners’ association. An attempt by the Board to define the term in this regulation may have unanticipated ramifications. Defining the term in regulation is not necessary to carry out the purposes of the chapter.</p> <p>Section 55.1-2100 of the Code of Virginia provides a definition for “proprietary lessees’ association.” Section 48-60-13 will be revised to incorporate this definition by reference.</p>

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

2	48-60	<p>The commenter noted that 48-60-14.C does not cite all reasons a property owners' association may not collect fees for preparation of an association disclosure packet authorized by the Property Owners' Association Act. The statute lists four items as to why a disclosure packet may not be paid for by a recipient.</p>	<p>The Board thanks the commenter.</p> <p>Section 55.1-1810(N) of the Property Owners' Association Act states:</p> <p>No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board, (ii) is current in filing the most recent annual report and fee with the Common Interest Community Board pursuant to § 55.1-1835, (iii) is current in paying any assessment made by the Common Interest Community Board pursuant to § 54.1-2354.5, and (iv) provides the disclosure packet electronically if so requested by the requester.</p> <p>Section 55.1-1811(J) of the Property Owners' Association Act states:</p> <p>No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board, (ii) is current in filing the most recent annual report and fee with the Common Interest Community Board pursuant to § 55.1-1835, and (iii) is current in paying any assessment made by the Common Interest Community Board pursuant to § 54.1-2354.5.</p> <p>Subsection C of 48-60-14 references the requirements of § 55.1-1810(N)(i) through § 55.1-1810(N)(iii), and § 55.1-1811(J) because these provisions are tied to the</p>
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DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

			<p>requirement for the association to register with the Board. Subsection C of 48-60-14 does not reference § 55.1-1810(N)(iv) as it pertains to providing the disclosure packet electronically if requested because the requirement is not related to registration of the association.</p>
3	48-60	<p>The commenter proposed 48-60-15.A reference §§ 55.1-1972(A)(4) and 55.1-1972(B) of the Virginia Condominium Act, as these provisions exempt associations from following certain requirements of the Act.</p>	<p>The Board thanks the commenter.</p> <p>Section 48-60-15 outlines the timeframe for associations to register with the Board by filing an annual report.</p> <p>Section 55.1-1980 of the Virginia Condominium Act establishes the requirement for a condominium unit owners' association to file an annual report (i.e. register) with the Common Interest Community Board following the termination of the declarant control period.</p> <p>Section 55.1-1972 of the Virginia Condominium Act states, in part:</p> <p style="margin-left: 40px;">A. Unless the method of offer or disposition is adopted for the purpose of evasion of this chapter, the provisions of §§ 55.1-1974 through 55.1-1979, subsections B and D of § 55.1-1982, and §§ 55.1-1990 and 55.1-1991 do not apply to:</p> <p style="margin-left: 40px;">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;</p>

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

			<p>Section 55.1-1972(A)(4) exempts the offering and disposition of units in a residential condominium containing three or fewer units from certain requirements of the Act, including that outlined in § 55.1-1974 for the declarant to register the condominium with the Common Interest Community Board. However, the unit owners' association annual report requirement in § 55.1-1980 is not included within the scope of § 55.1-1972(A). Therefore, 48-60-15.A would be applicable to these types of condominiums.</p> <p>Section 55.1-1972(B) exempts condominiums in which all units are restricted to non-residential use from certain requirements of the Act, including the unit owners' association annual report requirement in § 55.1-1980. A condominium unit owners' association in this type of condominium is exempt from the requirement to register with the Board. The regulation, including Section 48-60-15, would not be applicable to these types of condominiums. Therefore, reference to § 55.1-1972(B) would not be necessary.</p>
4	48-60	The commenter proposed 48-60-60.A reference § 54.1-2354.5 of the Code of Virginia regarding the requirement for associations to pay an assessment to the Common Interest Community Management Recovery Fund upon initial registration.	The Board thanks the commenter.
			Section 48-60-60.A will be revised to reference the requirement for an association filing its first annual report to pay the assessment required by § 54.1-2354.5.
5	48-60	The commenter suggested the Board consider revising the registration fee so that associations are charged a fixed fee for each lot or unit in the community instead of a tiered fee structure based on a range of lots/units. The commenter indicated	<p>The Board thanks the commenter.</p> <p>The Board elects not to change the current fee structure in the regulation at this time. However, the Board may elect to review this section of the regulation in the future to</p>

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

		that under the current fee structure associations with smaller numbers of lots may be paying more per lot than associations with larger numbers of lots. The commenter noted that the State of Nevada charges \$4.25 per lot to register an association in that state; though was not suggesting the Board impose this level of fee.	ensure that fees are appropriate.
6	48-60	The commenter suggested the Board clarify the meaning of the term “lots or units subject to the declaration” in 48-60-60. Does this mean what the number of lots or units in the association will be when the declaration is recorded, or the number of lots or units that have been conveyed or issued a certificate of occupancy? The commenter explained by way of example that a community under development may have numerous lots planned (e.g. 5,700); however, at the time the declarant is required to register the association, within 30 days of recording the declaration, the developer may not have yet even cleared the land for that number of properties.	<p>The Board thanks the commenter.</p> <p>The term “subject to the declaration” would refer to lots or units that have been incorporated into the community by way of the recorded governing documents for the community, or any recorded amendments to such governing documents. This is reflective of the approach the Board has generally taken with respect to the size of the community for purposes of the registration or renewal fee.</p>
7	48-60	The commenter explained that association governing board members are volunteers who have either been appointed or elected to serve, and have trouble with, among other things, proper notice of board meetings, when to enter or exit executive sessions, the purpose of executive sessions, adoption of reserve studies, and obtaining proper insurance. It may not be entirely fair to hold the association responsible for registration requirements, when often the board	<p>The Board thanks the commenter.</p> <p>The Property Owners’ Association Act (§ 55.1-1800 et seq.), the Virginia Condominium Act (§ 55.1-1900 et seq.), and the Virginia Real Estate Cooperative Act (§ 55.1-2100) each impose the obligation on the association to file an annual report with the Board. These obligations imposed on associations were established by the General Assembly. Section 54.1-2351 of the Code of Virginia outlines the Board’s enforcement authority with respect to</p>

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

		<p>members are unaware of the requirement, and many boards rely on licensed community managers to handle these responsibilities.</p>	<p>associations, and authorizes that the Board take action against the governing board of an association in the event of non-compliance. It is ultimately the responsibility of the governing board of an association to ensure it complies with applicable common interest community laws and regulations.</p> <p>To the extent the governing board of an association has contracted with a licensed common interest community manager and delegated to it as agent the authority and responsibility to perform certain duties in order to meet its obligations under the law or regulation, the governing board may have cause for complaint to the Board in the event its managing agent fails to provide management services according to the terms of its contract with the governing board.</p>
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

COMMON INTEREST COMMUNITY BOARD

IN RE: PUBLIC HEARING

HEARD BEFORE: JOSEPH HAUGHWOUT

NOVEMBER 12, 2019
SECOND FLOOR CONFERENCE ROOM
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233
10:00 A.M.

Reported by: Cherryl J. Maddox

CHERRYL MADDOX REPORTING
Registered Professional Reporter
10119 Indiantown Road
King George, Virginia 22485
(540) 372-6874

CHERRYL MADDOX REPORTING

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BOARD DESIGNEE:

Joseph Haughwout, Presiding Officer

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1 MR. HAUGHWOUT: Please listen to the
2 following instructions about exiting the premises in
3 the event of an emergency: In the event of a fire or
4 other emergency requiring the evacuation of the
5 building, alarms will sound. When the alarms sound,
6 leave the room immediately. Follow any instructions
7 given by security staff.

8 We are in Board Room One, so exit the room
9 using one of the doors at the back of the room. Upon
10 exiting the room, turn right. Follow the corridor to
11 the emergency exit at the end of the hall.

12 Upon exiting the building, proceed straight
13 through the parking lot to the fence at the end of the
14 lot. Wait there for further instructions.

15 This is the public hearing on the General
16 Review of Common Interest Community Management
17 Information Fund regulations.

18 So, good morning ladies and gentlemen, I am
19 Joe Haughwout, and I am a member of the staff for the
20 Common Interest Community Board. This is a public
21 hearing held at the Department of Professional and
22 Occupational Regulation, 9960 Mayland Drive, Richmond,
23 Virginia.

24 This hearing is being held pursuant to
25 Section 2.2-4007.01 of the Administrative Process Act,

1 the Code of Virginia, for the purpose of receiving
2 public comments for the proposed regulations published
3 in the Virginia Register on October 28, 2019.

4 The list of interested parties and
5 organizations, which were notified of this process and
6 invited to comment, is available upon written request.

7 The staff of the Department of Professional
8 and Occupational Regulation will prepare a report of
9 all public comments received, which will be presented
10 to the Board for consideration of any revisions to the
11 proposed regulations.

12 Now, I would like to present the rules for
13 this public hearing: Comments will be received from
14 any member of the public and initial comments will be
15 limited to a maximum of five minutes, depending on the
16 number of individuals who wish to speak. If you have
17 not signed up to speak and you wish to give testimony
18 today, please sign your name on the sign up sheet at
19 this time.

20 Staff members may ask speakers questions or
21 to clarify statements, however this is not the proper
22 form for questions to the Board. If you have a
23 question for the Board, please forward them in writing
24 to the Board. Any speaker who wishes to provide a
25 written statement in addition to his oral testimony or

1 in lieu of the testimony, may do so until December 27,
2 2019.

3 All right, ma'am, if you will pop on up, if
4 you are looking to give a public comment.

5 MS. GALE: Yes.

6 MR. HAUGHWOUT: I'm sure you are
7 probably familiar with the process. You have five
8 minutes. Green means go, yellow means you have a
9 minute left and red means stop. And if you can begin
10 by telling us your name and where you are from.

11 MS. GALE: My name is Cynthia Gale,
12 G-A-L-E, and I am an interested citizen.

13 MR. HAUGHWOUT: Please proceed.

14 MS. GALE: I would like to just begin by
15 saying I have reviewed the regulations, and I have a
16 few comments. Specifically with, I will read out the
17 entire reg to begin with. 18VAC48-60-13, under
18 definitions. I noticed that the POA, Property Owner
19 Association, was defined, however the Condominium Unit
20 Owner Association and the Proprietary Lessee
21 Association were not defined.

22 In regulation 18VAC48-60-14 C, as in Charlie,
23 cites the reasons why a POA may not be able to charge.
24 The statute actually lists four items as to why a
25 disclosure package may not be paid for by a recipient.

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1 18VAC48-60-15 A, speaks to the registration
2 of a Condominium Unit Owner Association. I would
3 propose that the statute 55.1-1972 A.4, and B, be
4 included, as these are exemptions of associations to
5 follow certain portions of the Condominium Act.

6 18VAC48-60-15, I'm sorry, 60 A, I would
7 recommend adding a reference to 54.1-2354.5, speaking
8 to the Recovery Fund for the registration fee.

9 I would also suggest for the Board's
10 consideration to look to when establishing the fee for
11 the registration, look to charging for the actual
12 number of units, lots, or lessee holders instead of
13 having a range, so that every lot, unit, or lessee is
14 appropriately contributing towards the registration.

15 I would also suggest the Board look at the
16 statement of the number of lots or units subject to the
17 declaration, to broaden that. Does it mean that the
18 declaration that is recorded, what the association is
19 going to be, or what number of lots, units, lessees
20 that have been conveyed or issued a Certificate of
21 Occupancy for a developing community that could have
22 5,700 units, when it's doing the registration in
23 accordance to the Code, where the declaration is
24 recorded within 30 days by the declarant to register.
25 They probably haven't even cleared the land at that

1 point, for that number of properties to be conveyed.

2 Also, I would also like to bring to the
3 Board's attention that associations are governed by a
4 volunteer board, who have either been appointed or
5 elected to serve, and they have trouble with just
6 proper notice of Board meetings, when to enter or how
7 to enter and exit, and the purpose of executive
8 sessions, adoption of reserve studies, proper insurance
9 coverage; and holding the associations responsible,
10 while granted it's in the statute, seems to be a little
11 broad when the majority of the associations are managed
12 by professional licensed management companies and
13 certified principal or supervisory employees, who are
14 the recipients of these reports. And the Board, 95
15 percent of the time, doesn't even know that this
16 registration is a requirement, and they refer on their
17 managing agent to take care of it, especially when
18 there is a change to the contact or the Board members,
19 or making payments.

20 Thank you for your time.

21 MR. HAUGHWOUT: Thank you. Let me ask
22 you a clarifying question.

23 MS. GALE: Yes.

24 MR. HAUGHWOUT: You mentioned earlier
25 with reference to the fee structure, that you recommend

1 that the Board go away from tiered structure as it is
2 currently set in the regulation, to a, I guess, a set
3 fee per lot?

4 MS. GALE: Correct.

5 MR. HAUGHWOUT: So, hypothetically like
6 just one dollar per each lot?

7 MS. GALE: Something like that.

8 MR. HAUGHWOUT: Okay.

9 MS. GALE: For example, in Nevada, now
10 charges \$4.25 for the registration of associations with
11 their government. I am certainly not suggesting \$4.25,
12 but I do recall Board member David Watts finding it
13 problematic that smaller associations, by lot, may not
14 be paying the equivalent. So, I thought that would be
15 one way to address his concern.

16 MR. HAUGHWOUT: Okay. Thank you.

17 MS. GALE: You are welcome.

18 MR. HAUGHWOUT: Thank you for your
19 comments today.

20 The record of the public hearing will be kept
21 open until December 27, 2019, and written comments will
22 be accepted through 5:00 p.m. that day.

23 This hearing is now closed.

24 -----

25 HEARING CONCLUDED AT 10:31 A.M.

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CERTIFICATE OF COURT REPORTER

I, Cherryl J. Maddox, hereby certify that I was the Court Reporter in the Public Hearing of the Common Interest Community Board, regarding proposed regulations, at the offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, on November 12, 2019, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the hearing herein.

Given under my hand this 21st day of November, 2019.

Cherryl J. Maddox, RPR

CHERRYL J. MADDOX Court Reporter

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Virginia Administrative Code
Title 18. Professional and Occupational Licensing
Agency 48. Common Interest Community Board
Chapter 60. Common Interest Community Board Management Information Fund Regulations

18VAC48-60-60. Registration Fee.

The following fee schedule is based upon the size of each residential common interest community. The application fee is different than the annual renewal fee. All fees are nonrefundable.

Number of Lots/Units	Application Fee	Renewal Fee
1 - 50	\$45	\$30
51 - 100	\$65	\$50
101 - 200	\$100	\$80
201 - 500	\$135	\$115
501 - 1000	\$145	\$130
1001 - 5000	\$165	\$150
5001+	\$180	\$170

The application fee for registration of a residential common interest community received on or before June 30, 2020, shall be \$10 regardless of size. For annual renewal of a residential common interest community registration received on or before June 30, 2020, the fee shall be \$10 regardless of size.

Statutory Authority

§ 54.1-2349 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 4, eff. November 27, 2008; amended, Virginia Register Volume 25, Issue 15, eff. May 15, 2009; Volume 31, Issue 10, eff. March 1, 2015; Volume 32, Issue 11, eff. March 1, 2016; Volume 33, Issue 17, eff. May 17, 2017; Volume 34, Issue 17, eff. June 1, 2018; Volume 35, Issue 19, eff. July 1, 2019.

DISCUSSION ON DETERMINING
SANCTIONS FOR ASSOCIATIONS
BROUGHT BEFORE THE BOARD FOR
DISCIPLINARY MATTERS

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LEGISLATIVE UPDATE

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OMBUDSMAN REPORT

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**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Common Interest Community Board
954520**

2018-2020 Biennium

January 2020

	January 2020 Activity	Biennium-to-Date Comparison	
		July 2016 - January 2018	July 2018 - January 2020
Cash/Revenue Balance Brought Forward			3,380,114
Revenues	33,172	1,498,452	1,202,887
Cumulative Revenues			4,583,001
Cost Categories:			
Board Expenditures	35,928	610,945	699,280
Board Administration	0	0	0
Administration of Exams	0	0	0
Enforcement	12,846	208,049	218,340
Legal Services	462	1,577	2,158
Information Systems	10,479	105,893	137,638
Facilities and Support Services	6,347	113,459	120,914
Agency Administration	4,346	95,351	82,748
Other / Transfers	0	24,589	8,513
Total Expenses	70,407	1,159,863	1,269,591
Transfer To/(From) Cash Reserves	(37,235)	0	3,313,410
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	3,350,646	0	0
Change in Cash Reserve	(37,235)	0	3,313,410
Ending Cash Reserve Balance	3,313,410	0	3,313,410

Number of Regulators

Current Month	7,552
Previous Biennium-to-Date	6,627

**VIRGINIA COMMON INTEREST
COMMUNITY MANAGEMENT
RECOVERY FUND**

Financial Statements

Cash Basis

For the Month Ended
November 30, 2019

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**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
 VIRGINIA COMMON INTEREST COMMUNITY MANAGEMENT
 RECOVERY FUND
 BALANCE SHEET
 GOVERNMENTAL FUNDS
 November 30, 2019**

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ASSETS

CASH AND CASH EQUIVALENTS

TOTAL ASSETS

FUND BALANCES

RESERVED FOR PAYMENT OF FUTURE CLAIMS

RESERVED FOR ADMINISTRATION OF RECOVERY ACT

TOTAL FUND BALANCES

	Special Revenue Funds		
	Principal	Interest	Totals
CASH AND CASH EQUIVALENTS	\$ 210,299	\$ 9,982	\$ 220,281
TOTAL ASSETS	\$ 210,299	\$ 9,982	\$ 220,281
FUND BALANCES			
RESERVED FOR PAYMENT OF FUTURE CLAIMS	\$ 210,299	\$ -	\$ 210,299
RESERVED FOR ADMINISTRATION OF RECOVERY ACT	-	9,982	9,982
TOTAL FUND BALANCES	\$ 210,299	\$ 9,982	\$ 220,281

The accompanying notes are an integral part of this statement.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
 VIRGINIA COMMON INTEREST COMMUNITY MANAGEMENT RECOVERY FUND
 SUPPLEMENTAL SCHEDULE OF CLAIMS PAID
 November 30, 2019

CLAIMS PAID:	Number of Payments	Dollar Amount of Claims Paid	Related Recoveries	Net Payments
July 1, 2019 - June 30, 2020	0	\$0.00	\$0.00	\$0.00
July 1, 2018 - June 30, 2019	0	\$0.00	\$0.00	\$0.00
July 1, 2017 - June 30, 2018	0	\$0.00	\$0.00	\$0.00
July 1, 2016 - June 30, 2017	0	\$0.00	\$0.00	\$0.00
July 1, 2015 - June 30, 2016	0	\$0.00	\$0.00	\$0.00
July 1, 2014 - June 30, 2015	0	\$0.00	\$0.00	\$0.00
July 1, 2013 - June 30, 2014	0	\$0.00	\$0.00	\$0.00
July 1, 2012 - June 30, 2013	0	\$0.00	\$0.00	\$0.00
July 1, 2011 - June 30, 2012	0	\$0.00	\$0.00	\$0.00
July 1, 2010 - June 30, 2011	0	\$0.00	\$0.00	\$0.00
July 1, 2009 - June 30, 2010	0	\$0.00	\$0.00	\$0.00
July 1, 2008 - June 30, 2009	0	\$0.00	\$0.00	\$0.00
Total	<u>0</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>

This schedule is presented on a cash basis and represents aggregate claims paid and related recoveries. Recoveries are often received and reported in a different year from when the claim was paid.

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DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
VIRGINIA COMMON INTEREST COMMUNITY MANAGEMENT RECOVERY FUND
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE MONTH ENDED
November 30, 2019

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	MONTH OF NOVEMBER			YEAR TO DATE		
	Principal Fund	Interest Fund	Totals	Principal Fund	Interest Fund	Totals
REVENUES:						
Assessments:	\$ 550	\$ -	\$ 550	\$ 2,816	\$ -	\$ 2,816
Investment Income	-	237	237	-	1,425	1,425
Total Revenues:	550	237	787	2,816	1,425	4,241
EXPENDITURES:						
Administrative Expense	-	-	-	-	-	-
Total Expenses:	-	-	-	-	-	-
Net Change in Fund Balances	550	237	787	2,816	1,425	4,241
Beginning Fund Balance	209,749	9,745	219,494	207,482	8,558	216,040
Ending Fund Balance	\$ 210,299	\$ 9,982	\$ 220,281	\$ 210,299	\$ 9,982	\$ 220,281

The accompanying notes are an integral part of this statement.

DEPARTMENT OF PROFESSIONAL AND OCCUPATION REGULATION
VIRGINIA COMMON INTEREST COMMUNITY MANAGEMENT RECOVERY FUNDS
NOTES TO FINANCIAL STATEMENTS
November 30, 2019

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The following is a summary of certain significant accounting policies employed by the Department of Professional and Occupational Regulation in administering the Virginia Common Interest Community Management Recovery Fund .

A. Basis of Presentation

The accompanying financial statements have been prepared using governmental fund accounting as prescribed by the Governmental Accounting Standards Board (GASB). The financial statements are prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

B. Reporting Entity

These financial statements report the financial activity of the Virginia Common Interest Community Management Recovery Fund, which is administered by the Department of Professional and Occupational Regulation. The Department exercises oversight authority over other funds which are not included in these financial statements.

C. Financial Statement Presentation

Special Revenue Funds account for transactions related to resources received and used for restricted or specific purposes. The Virginia Common Interest Community Management Recovery Fund, which is reported as a special revenue fund, is established under Section 55-530.1 of the *Code of Virginia* to reimburse associations for losses that occur when their community manager fails to perform his or her fiduciary responsibilities.

D. Measurement Focus and Basis of Accounting

The governmental fund financial statements are reported using the current financial resources measurement focus and the cash basis of accounting. Revenues are recognized when cash is received and expenditures are recorded when paid. The Department uses the cash basis of accounting during the year and prepares financial statements in accordance with generally accepted accounting principles at year end.

E. Cash and Cash Equivalents

Cash and cash equivalents consist of cash on hand, demand deposits, and investments in the Local Government Investment Pool (LGIP). Investments in the Local Government Investment Pool are reported as cash equivalents since they are readily convertible to cash.

2. RESTRICTED FUND BALANCES

Assets held in the Virginia Common Interest Community Management Recovery Funds are restricted to the payment of claims in accordance with Section 55.530.1H of the *Code of Virginia*. Interest earned on the deposits is used to pay the expenses of administering the fund, to pay claims, or may be transferred to the Common Interest Community Management Information Fund.

3. ASSESSMENTS

The Common Interest Community Management Recovery Fund is financed through assessments. Each new common interest community manager pays a \$25 assessment into the Recovery Fund at the time of application. Each association pays \$25 into the Recovery Fund at the time of filing its first annual report. After July 1, 2011, the *Code of Virginia* requires the Board to transfer funds from the Common Interest Community Management Information Fund and/or assess each association and each common interest community manager additional fees whenever the principal balance of the Recovery Fund is less than \$150,000. If the principal balance of the fund exceeds \$5,000,000 on June 30 of any year, the Board must transfer the excess to the Virginia Housing Partnership Revolving Fund.

* These financial statements are prepared by Jordan Perryman, Fund Accountant. Please call 804-367-4003 if you have questions.

STAFF EVENT CALENDAR

February 22, 2020	WMCCAI Expo	Trisha, Heather, Joe
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are proposed topics for discussion and are not to be construed as regulation or official Board position.

Commonwealth of Virginia



Department of Professional and Occupational Regulation Common Interest Community Board

Resolution for

Paul L. Orlando

WHEREAS, **Paul Orlando**, did faithfully and diligently serve as a member of the Common Interest Community Board from 2015 to 2019;

WHEREAS, **Paul Orlando**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Paul Orlando**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Common Interest Community Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Common Interest Community Board this twelfth day of March 2020, that **Paul Orlando** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Drew Mulhare, Chair

Mary Broz-Vaughan, Secretary

Commonwealth of Virginia



Department of Professional and Occupational Regulation Common Interest Community Board

Resolution for

Lucia Anna Trigiani

WHEREAS, **Pia Trigiani**, did faithfully and diligently serve as a member of the Common Interest Community Board from 2008 to 2019;

WHEREAS, **Pia Trigiani**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Pia Trigiani**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Common Interest Community Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Common Interest Community Board this twelfth day of March 2020, that **Pia Trigiani** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Drew Mulhare, Chair

Mary Broz-Vaughan, Secretary

DISCUSS TRAINING PROGRAM
REVIEW COMMITTEE MEMBERSHIP

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DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL REGULATION

Training Program Review Committee

Paul Orlando

Chair

Maureen Baker

Eugenia Lockett Reese

Lucia Anna Trigiani

Ex Officio Member

Katie Waddell

Trisha L. Henshaw, Executive Director

(804) 367-0362

September 7, 2018

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OTHER BUSINESS

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Department of Professional and Occupational Regulation

NOTICE OF UPCOMING HEARINGS ON CERTIFICATION REQUIREMENT FOR PRINCIPAL OR SUPERVISORY EMPLOYEES OF CIC MANAGERS

The Board for Professional and Occupational Regulation is seeking public comment on the continued regulation of several professions or occupations.

As a result of recommendations in the 2018 Joint Legislative Audit and Review Commission (JLARC) report and legislation during the 2019 General Assembly Session, the Board for Professional and Occupational Regulation is evaluating several licensure or certification programs to determine whether continued regulation is needed. One of the programs being studied is the certification of principal or supervisory employees of common interest community managers. A series of public hearings have been scheduled to receive public comment as part of the evaluation process. Here are the dates, times, and locations of the public hearings:

Date and Time	Location	Address
March 20, 2020 @ 10:00 a.m.	Department of Professional and Occupational Regulation – Conference Center, Board Room #2	9960 Mayland Drive Richmond, VA 23233
March 23, 2020 @ 10:00 a.m.	James Madison University Festival Conference & Student Center – Alleghany Room	1303 Carrier Drive. MSC 4201 Harrisonburg, VA 22807
April 17, 2020 @ 9:00 a.m.	Virginia Highlands Community College – Instruction & Student Center, Room 130	130 VHCC Drive Abingdon, VA 24212
May 21, 2020 @ 10:00 a.m.	Chesapeake City Hall – Council Chambers, 1 st Floor	306 Cedar Road Chesapeake, VA 23322
May 27, 2020 @ 10:00 a.m.	Fairfax City Hall – Council Chambers, City Hall Annex Room 100	10455 Armstrong Street Fairfax, VA 22030

The public hearings will also receive comment on six other regulated professions - Soil Scientists, Wetland Delineators, Landscape Architects, Interior Designers, Waste Management Facility Operators, and Backflow Prevention Device Workers. It is possible there may be high attendance at some of the hearings.

For additional information on these hearings and the evaluation process, you may contact the Board for Professional and Occupational Regulation at (804) 367-8514 or BPOR@dpor.virginia.gov.

COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

Please return your document folders to Tanya Pettus.

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