



THE LEGISLATIVE LINE

The Legislative Update from VPAR

Number 2

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As the General Assembly approaches “Crossover” next week, when the bulk of legislation from each chamber of the General Assembly “crosses over” to the other for review, the REALTOR® Legislative Agenda is receiving widespread support and positive action. A detailed report is below, showing the most current status.

In addition to our REALTOR®-specific legislation, we also are working on a variety of other issues, including association health plans. Did you know that out of the nearly 35,000 members of the Virginia REALTORS®, almost 8,000 of your fellow REALTORS® ***do not*** have health insurance? Whether it is not making enough to afford private health insurance or making too much to go into the health insurance exchange, the issue of health insurance hits close to home for the REALTOR® family.

Senate Bill 1475 (Deeds) <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+SB1475+pdf> and **House Bill 2719 (Pillion)** <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB2719+pdf> expand the definition of “small employer” for the purposes of accessing health insurance plans in the small group market. Both bills enhance that definition to include multi-member LLC’s, thereby affording multi-member LLC’s the ability to participate in the small group health insurance pool. This approach seeks to offer some relief for some of our smallest and most vulnerable small businesses and entrepreneurs, particularly those LLC’s that are made up of 1099 independent contractors. Both bills reported unanimously from Committee late this week and are headed to the floor for consideration early next week.

In addition, we also are carefully watching **SB 1689 (Dunnivant....a practicing physician, by the way)** <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+SB1689S1+pdf> and **HB 2443 (Wilt)** <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB2443H1+pdf>, which would allow for organizations to create a multiple employer welfare arrangement (MEWA). MEWA's are innovative, self-funded benefit groups of small employers that pool together to offer their employees comprehensive, affordable health care coverage on terms similar to those available to large employers. These bills will be considered on the House of Delegates and Senate floors towards the beginning of next week.

And while we are not directly involved in the details of intense negotiations, we are paying close attention to the legislation regarding tax conformity and tax policy, where both the House of Delegates and the Senate are working towards agreement. The decisions made on tax conformity and policy will impact the Commonwealth's budget.

Finally, for the entire VR Public Policy Team, VPAR’s Legislative Consultant takes the lead in paying close attention to the state budget. From funding for the Virginia Housing Trust Fund, to the funding for the Evictions Diversion Pilot Program that impacts the City of Hampton, to the Water Quality Improvement Fund, and DPOR electronic credentials....the budget impacts each of you, and poring over each page is an important exercise in knowing how the Commonwealth raises and spends its revenues.

Each body will release their budgets TODAY for consideration, with the House Appropriations Committee releasing its proposed budget just moments ago; the Senate Finance Committee meets at 5:30

PM to release its version of the budget bill. The budget bills respectively are patroned by the chairmen of the money committees: Sen. Tommy Norment and Sen. Emmett Hanger in the Senate, and Del. Chris Jones in the House of Delegates.

Look for details on the budget language in the next edition of The Legislative Line.

VR LEGISLATIVE AGENDA

POA/COA Packets

HB 2385 – Delegate David Bulova

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb2385>

01/24/19 Reported 22-0 from the House Committee on General Laws; passed the House 99-0 on 01/30/19. Headed to the Senate for consideration.

SB 1580 – Senator David Suetterlein

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=sb1580>

01/28/19 Reported 14-0 from the Senate General Laws and Technology Committee; engrossed and passed to its third and final reading on the Senate floor that will take place either Monday or Tuesday.

A recent court ruling raised the question of whether the delivery of an “incomplete” disclosure packet in a Property Owners Association (POA) or resale certificate in a Condo Owners Association (COA) begins a buyer’s ability to cancel the contract within the three-day right of rescission.

The Virginia REALTORS® is seeking legislation to clarify that the delivery of an “incomplete” packet begins the three-day right of rescission. This standard will provide more certainty to both buyers and sellers by given both parties a firm deadline.

Mineral Rights

SB 1292 – Senator Jill Holtzman Vogel

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+sum+SB1292>

Reported 13-0 from the Senate Committee on Courts of Justice on 01/23/19; passed the Senate 40-0 on 01/29/19. Headed to the House for consideration.

In certain real estate transactions, mineral rights may be associated with property that do not necessarily transfer with the purchase of the land, but rather are held as separate owner interests.

The Virginia REALTORS® is seeking legislation to add “mineral rights” to the Residential Property Disclosure Statement buyer beware form that each potential buyer receives in a real estate transaction.

This notice will encourage buyers to perform due diligence regarding mineral rights associated with the property.

Consumer Protection Act

HB 2218 – Delegate Jeff Bourne

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb2218>

01/29/19 reported from House Commerce and Labor Subcommittee #2 6-0; reported on 01/31/19 from the full House Commerce and Labor Committee 19-0; headed to the House floor for passage.

Currently only local Commonwealth Attorneys have the authority to prosecute unlicensed real estate activity. Enforcement of unlicensed activity is often secondary to more serious criminal prosecutions.

The Virginia REALTORS® is seeking legislation to add unlicensed real estate activity to Virginia Consumer Protect Act to allow for greater consumer protection against this illegal activity.

Under the Consumer Protection Act, entities such as local government attorneys or individual citizens could bring civil action against people participating in unlicensed activity.

Ensuring individuals can be hired as both independent contractors or employees

HB 2352 – Delegate Jason Miyares

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB2352E+pdf>

01/24/19 reported 22-0 from the full House General Laws Committee; passed the House 99-0 on 01/30/19 and heads to the Senate.

SB 1061 – Senator Monty Mason

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=sb1061>

01/18/19: Passed the Senate 40-0; on to the House!

The Virginia REALTORS® is seeking legislation that will clarify that a real estate licensee can hire an unlicensed assistant as an employee or as an independent contractor.

This legislation also allows the Virginia Real Estate Board to define what duties an unlicensed assistant can legally undertake, regardless of whether they are an independent contractor or an employee.

EVICCTIONS

After a report issued in April by the Princeton Evictions Lab that characterized Virginia as a high eviction state, with Hampton and Newport News having two of the five highest eviction rates in the nation, all eyes in the housing community have been placed on how best to address eviction policies in the Code of Virginia. Months of work, and hundreds of hours later, landlord and property owner advocates, including the Virginia REALTORS®, and pro-tenant groups agreed on a series of legislative changes that have been vetted and endorsed by the Virginia Housing Commission. The Commission is a legislative body comprised of bi-partisan members of the House and Senate, from both the urban and rural areas of the Commonwealth, chaired by Hampton Senator Mamie Locke.

Below is a comprehensive list of the legislative package that has received the support of all stakeholders involved in the Virginia Housing Commission work agenda.

HOUSE

HB 1898 Virginia Residential Landlord & Tenant Act; lease terms & conditions, acceptance of rent with reservation. Introduced by: Jennifer Carroll Foy

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB1898H1+pdf>

PASSED THE HOUSE 96-0 on JANUARY 01/23/19.

HB 1922 Summons for unlawful detainer; initial hearing, subsequent filings, termination notice.

Introduced by: Jeffrey M. Bourne

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB1922H1+pdf>

PASSED THE HOUSE 99-0 on JANUARY 01/29/19.

HB 2007 Eviction; writs of possession and eviction.

Introduced by: Lashrecse D. Aird

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB2007E+pdf>

PASSED THE HOUSE 96-0 on JANUARY 01/23/19.

HB 2054 Virginia Residential Landlord and Tenant Act; rental agreement, provisions made applicable by law.

Introduced by: Betsy B. Carr

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=HB2054>

PASSED THE HOUSE 96-0 on JANUARY 01/23/19.

HB 2655 Eviction Diversion Pilot Program; established, report.

Introduced by: Christopher E. Collins

<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB2655H1+pdf>

REPORTED FROM THE HOUSE GENERAL LAWS COMMITTEE 22-0 ON 01/31/19 and HEADS TO THE HOUSE FLOOR FOR FULL CONSIDERATION.

SENATE

SB 1445 Virginia Residential Landlord and Tenant Act; tenant's right of redemption.

Introduced by: Mamie E. Locke

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=SB1445>

PASSED THE SENATE 40-0 on 01/25/19.

SB 1448 Eviction; writs of possession and eviction. Introduced by: Mamie E. Locke

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=SB1448>

PASSED THE SENATE 40-0 on 01/25/19.

SB 1449 Virginia Residential Executory Real Estate Contracts Act. Introduced by: Mamie E. Locke

<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=SB1449>

PASSED THE SENATE 40-0 on 01/25/19.

SB 1450 Eviction Diversion Pilot Program; established, report. Introduced by: Mamie E. Locke
<http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+SB1450S1+pdf>
PASSED THE SENATE 40-0 on 02/01/19.

SB 1626 Unlawful detainer; appeal bond. Introduced by: George L. Barker
<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=SB1626>
***REPORTED FROM THE SENATE COMMITTEE ON COURTS OF JUSTICE 15-0 on 02/01/19.
HEADS TO THE FULL SENATE FOR CONSIDERATION.***

SB 1627 Summons for unlawful detainer; initial hearing; subsequent filings; termination notice.
Introduced by: George L. Barker
<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=SB1627>
***REPORTED FROM THE SENATE COMMITTEE ON COURTS OF JUSTICE 15-0 on 02/01/19.
HEADS TO THE FULL SENATE FOR CONSIDERATION.***

SB 1676 Virginia Residential Landlord and Tenant Act; rental agreement, provisions made applicable by law. Introduced by: William M. Stanley, Jr.
<http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=SB1676>
PASSED THE SENATE 40-0 on 01/25/19.

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