



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES
RICHMOND

BRENDA L. POGGE

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COMMITTEE ASSIGNMENTS:
FINANCE (VICE CHAIRMAN)
EDUCATION
HEALTH, WELFARE AND INSTITUTIONS

March 5, 2018

In less than one week, the 2018 session of the Virginia General Assembly will draw to a close. Looking toward the end of this year's legislative session, I write to share updates on bills that may be of interest to you. As a former realtor, I understand the challenges of the profession and recognize the impact of alterations to state policies. I am pleased to provide the enclosed listing of industry-related bills.

On January 10, 2018, members of the General Assembly convened in Richmond to begin a sixty-day legislative session. In addition to reviewing thousands of pieces of legislation, General Assembly members are tasked this year with developing and adopting a biennial budget. With the General Assembly scheduled to adjourn on March 10, budget discussions are ongoing. Because of significant differences between the House and Senate versions of the budget, it remains to be seen whether we will adjourn on time. To research legislation or the budget online, please visit <http://lis.virginia.gov/>.

At the beginning of this year's General Assembly session, I was named Vice Chairman of the House Finance Committee, the committee tasked with hearing bills related to the Commonwealth's revenues. Additionally, I remain a member of the House Education Committee and the House Committee on Health, Welfare and Institutions. During this year's session, I also chaired an Education Subcommittee and a Finance Subcommittee. As I review legislation in committee and on the floor of the House, I remain focused on the goals identified by residents of the 96th District. In response to my session survey, which was posted on my website and sent via mail, constituents prioritized jobs and economic development as well as K-12 and higher education. Full results of the survey are currently posted online at www.brendapogge.com.

Throughout the legislative session, I remain in touch with constituents by providing a weekly newsletter and posting updates on my Facebook page, www.facebook.com/DelegateBrendaPogge. If you would like to read or subscribe to my newsletters, please visit my website, www.brendapogge.com. Although Virginia maintains a part-time legislature, our work continues throughout the year. Following adjournment, I will return to my Williamsburg office, located at 7405 Richmond Road. My district office is open by appointment and can handle a variety of constituent issues. I sincerely hope that you will not hesitate to contact me if I may ever be of assistance with any state-related matter or agency.

Sincerely,

Brenda L. Pogge

Enclosure

General Assembly Report - Realtors

Status Current as of 03/05/18

HB 862 Professions and occupations; real estate licenses; real estate teams. (Patron: Peace - R - 97)

Requires real estate teams as defined in the bill to obtain a business entity license, meaning a real estate firm license or a business entity salesperson's license, from the Real Estate Board (the Board). The bill also expands the responsibilities of supervising brokers and requires that as a condition of the renewal of the license of a supervising broker of a branch office, such broker shall provide to the Board the name and license number of each real estate licensee affiliated with the branch office at the time of the renewal. The bill has a delayed effective date of January 1, 2019. **Status:** Passed House 100-Y 0-N; Passed Senate 40-Y 0-N

HB 864 Real Estate Board; powers and duties; escrow funds; education. (Patron: Ingram - R - 62)

Establishes notice provisions and required procedures to be followed in the case of escrow funds held by a real estate broker in the event of termination of a real estate purchase contract. In addition, the bill requires that the curricula for new licensees of the Real Estate Board include real estate-related finance as one of the topics and requires the Board to establish guidelines for a post-license educational curriculum for real estate salespersons consisting of at least 30 hours of instruction to be completed within one year from the last day of the month in which the initial license was issued. **Status:** Passed House 98-Y 0-N; Passed Senate 40-Y 0-N

HB 855 Landlord and tenant law; notice requirements; landlord's acceptance of rent with reservation.

(Patron: Peace - R - 97) Changes the landlord and tenant law notice requirements for landlords to accept full or partial rent while continuing to proceed with a court action to obtain an order of possession and subsequent eviction by creating a single notice and removing the requirement for second notice for the time period between entry of an order of possession and prior to eviction. **Status:** Passed House 96-Y 3-N 1-A; Passed Senate 40-Y 0-N

HB 923 Common Interest Community Board; information on covenants; association disclosure packets.

(Patron: Bulova - D - 37) Requires the Common Interest Community Board (Board) to reconfigure its current one-page form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act as a cover form to accompany both association disclosure packets and resale certificates that are required to be provided to all prospective purchasers of units located within a condominium that is subject to the Condominium Act. The bill also requires the Board to expand the breadth of information that is included on the form to provide potential purchasers with additional information regarding restrictive covenants that the potential purchaser may be subject to as a member of a property owners' association or a unit owners' association and which may affect the potential purchaser's decision to purchase a lot or unit located within a common interest community. **Status:** Passed House 98-Y 0-N; Passed Senate 40-Y 0-N

HB 321 Real estate brokers & salespersons; cease & desist orders for unlicensed activity. (Patron: Bourne - D - 71) Expands the enforcement options of the Real Estate Board (Board) by giving the Board direct authority to institute proceedings in equity to enjoin any person, partnership, corporation, or any other entity from engaging in unlicensed activity and certain other specifically enumerated unlawful acts. The bill provides that the Board may recover a civil penalty from such person, partnership, corporation, or any other entity of at least \$200 but not more than \$25,000 per violation, with each unlawful act constituting a separate violation. **Status:** Failed in House Committee on General Laws

HB 570 Real estate settlement agents; presumption of competency, etc. (Patron: Gooditis - D - 10) Establishes a presumption that any person who is authorized to act as a settlement agent is competent to handle settlements of federally backed mortgages secured by real estate in the Commonwealth. Lenders are prohibited from imposing any additional requirement as a condition of closing such mortgages. The measure also (i) provides that if a lender maintains a list of approved settlement agents, the list shall include any person qualified to act as a settlement agent and (ii) prohibits a lender from removing a person from such a list unless it has given the person notice of the reasons for the proposed removal and an opportunity to request a hearing. If a hearing is requested, it shall be conducted by the State Corporation Commission (SCC), and the lender shall not remove the person from its list unless the SCC finds that the removal is permitted. **Status:** Failed in House Committee on General Laws

HB 1227 Virginia Residential Landlord and Tenant Act; transient lodging as primary residence. (Patron: Hayes - D - 77) Provides that in the case of transient lodging used as a primary residence for fewer than 90 consecutive days, the availability to the landlord of self-help eviction does not preclude arrest or prosecution for any violation of any criminal law of the state, including trespass. **Status:** Passed House 98-Y 0-N; Passed Senate 40-Y 0-N

HB 311 Unlawful detainer, summons for; legal title to real property foreclosed upon. (Simon: D - 53) Provides that, in the case of a summons for an unlawful detainer filed by a successor landlord following the foreclosure of a dwelling unit, the general district court shall determine whether there may be a valid issue as to the legal title to the real property if (i) such an issue is raised by a defendant to the case and (ii) the court determines such issue raised is a bona fide claim. The bill provides that, if the court finds that such an issue exists, the court shall dismiss the case without prejudice. **Status:** Passed House 99-Y 1-N; Passed Senate 40-Y 0-N