

[HB 311](#) Unlawful detainer, summons for; foreclosure.

Chief patron: Simon

A BILL to amend and reenact §§ 8.01-126 and 8.01-130 of the Code of Virginia, relating to unlawful detainer; foreclosure.

18107048D

Summary as introduced:

Unlawful detainer; foreclosure; legal title to real property foreclosed upon. 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. The bill further provides that the general district court shall proceed with the unlawful detainer case if it finds that no such valid issue exists. The bill specifies that the general district court is not granted subject matter jurisdiction to determine legal title to real property pursuant to the contents of the bill. The bill adds unlawful detainer actions to the list of actions wherein another judgment between the same parties does not bar another such action from being brought.

02/19/18 Senate: Engrossed by Senate - committee substitute HB311S1

02/19/18 Senate: Passed Senate with substitute (40-Y 0-N)

02/21/18 House: Placed on Calendar

02/21/18 House: Senate substitute agreed to by House 18107048D-S1 (99-Y 1-N)

02/21/18 House: VOTE: ADOPTION (99-Y 1-N)

[HB 321](#) Real estate brokers & salespersons; cease & desist orders for unlicensed activity.

Chief patron: Bourne

A BILL to amend and reenact § 54.1-2105.2 of the Code of Virginia, relating to professions and occupations; real estate brokers and salespersons; cease and desist orders for unlicensed activity; civil penalty.

18102077D

Summary as introduced:

Professions and occupations; real estate brokers and salespersons; cease and desist orders for unlicensed activity; civil penalty.

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. Current law provides that the Board may impose a civil penalty against any person engaging in unlicensed activity not to exceed \$1,000 for any real estate transaction or the compensation received from any such real estate transaction, whichever is higher.

01/04/18 House: Prefiled and ordered printed; offered 01/10/18 18102077D

01/04/18 House: Referred to Committee on General Laws

01/17/18 House: Assigned GL sub: Subcommittee #2

01/18/18 House: Subcommittee recommends striking from docket (8-Y 0-N)

02/13/18 House: Left in General Laws

[HB 439](#) Real Estate Board; licensees may assist in translation of real estate documents.

Chief patron: Bulova

An Act to amend and reenact § 54.1-2101.1 of the Code of Virginia, relating to professions and occupations; Real Estate Board; licensees; translation of real estate documents.

Summary as passed House:

Professions and occupations; Real Estate Board; licensees; translation of real estate documents. Provides that if a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a real estate licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service and that, in doing so, the licensee shall not be deemed to have breached any of his obligations as a real estate licensee or otherwise become liable for any inaccuracies in the translation. The bill provides that a licensee shall not charge a fee for such assistance or referral.

02/19/18 House: Impact statement from DPB (HB439ER)

02/19/18 House: Signed by Speaker

02/21/18 Senate: Signed by President

02/22/18 House: Enrolled Bill communicated to Governor on 2/22/18

02/22/18 Governor: Governor's Action Deadline Midnight, March 1, 2018

[HB 570](#) Real estate settlement agents; presumption of competency, etc.

Chief patron: Gooditis

A BILL to amend and reenact § 55-525.19 of the Code of Virginia, relating to persons acting as settlement agents; list of approved settlement agents; presumption of competency; notice prior to removal from list.

18102618D

Summary as introduced:

Real estate settlement agents. 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.

01/08/18 House: Referred to Committee on General Laws

01/19/18 House: Assigned GL sub: Subcommittee #2

01/22/18 House: Impact statement from SCC (HB570)

01/25/18 House: Subcommittee recommends striking from docket (8-Y 0-N)

02/13/18 House: Left in General Laws

HB 642 Legal notices; online publications.

Chief patron: Hope

A BILL to amend and reenact § 8.01-324 of the Code of Virginia, relating to legal notices; online publications.

18100184D

Summary as introduced:

Legal notices; online publications. Provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18100184D

01/09/18 House: Referred to Committee for Courts of Justice

01/16/18 House: Assigned Courts sub: Subcommittee #3

01/29/18 House: Subcommittee recommends passing by indefinitely (5-Y 3-N)

02/15/18 House: Left in Courts of Justice

HB 728 Newspapers; alters requirements that may be used for legal notices and publications.

Chief patron: Head

A BILL to amend and reenact § 8.01-324 of the Code of Virginia, relating to newspapers; legal notices and publications; requirements.

18104372D

Summary as introduced:

Newspapers; legal notices and publications; requirements. Alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks; (ii) requiring that such a newspaper have both a general circulation in, as newly defined in the bill, and news coverage of the area in which such notice is required to be published; and (iii) requiring that such newspaper publish the United States Postal Service Statement of Ownership in such newspaper at least once per calendar year and maintain a copy of such form for inspection. The bill makes additional changes to the options available for allowing a newspaper to qualify as a newspaper that may be used for publishing such legal notices and publications.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18104372D

01/09/18 House: Referred to Committee for Courts of Justice

01/16/18 House: Assigned Courts sub: Subcommittee #3

02/15/18 House: Left in Courts of Justice

HB 755 Foreclosure; notice of sale when owner is deceased.

Chief patron: Leftwich

An Act to amend and reenact §§ 55-59.1 and 55-64 of the Code of Virginia, relating to foreclosure; notice of sale when owner is deceased; payment of surplus to personal representative.

Summary as passed House:

Foreclosure; notice of sale when owner is deceased. Provides that when the owner of a property to be sold by a trustee pursuant to a deed of trust is deceased, the notice of the sale shall be delivered to the last known address of the deceased owner, any personal representative of the deceased's estate, and any heirs of the deceased as recorded in the land records where the property is located. The bill further provides that the trustee of a deed of trust for property that is sold after the death of the owner shall include (i) any remaining subsequent debts and obligations secured by the deed and (ii) any liens of record inferior to the deed of trust under which the sale is

made, with lawful interest, in the list of debts to be paid off using any surplus from the sale prior to paying the remainder of the surplus to the decedent's personal representative. This bill is identical to SB 422.

02/16/18 House: Enrolled
02/16/18 House: Bill text as passed House and Senate (HB755ER)
02/16/18 House: Signed by Speaker
02/19/18 House: Impact statement from DPB (HB755ER)
02/19/18 Senate: Signed by President

HB 862 Real estate teams; required to obtain a business entity license.

Chief patron: Peace

A BILL to amend and reenact §§ 54.1-2100, 54.1-2101, 54.1-2106.1, and 54.1-2110.1 of the Code of Virginia, relating to professions and occupations; real estate licenses; real estate teams.

18106546D

Summary as passed House:

Professions and occupations; real estate licenses; real estate teams. Requires real estate teams as defined in the bill to obtain a business entity salesperson's license from the Real Estate Board (the Board). The bill requires a principal broker to obtain a branch office license from the Board for each place of business maintained by such principal broker within the Commonwealth. The bill also expands the responsibilities of supervising brokers as defined in the bill and requires that as a condition of the renewal of a branch office license, the supervising 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.

02/13/18 Senate: Referred to Committee on General Laws and Technology
02/19/18 Senate: Reported from General Laws and Technology (13-Y 0-N)
02/21/18 Senate: Constitutional reading dispensed (40-Y 0-N)
02/22/18 Senate: Read third time
02/22/18 Senate: Passed Senate (40-Y 0-N)

HB 864 Real Estate Board; powers and duties, escrow funds.

Chief patron: Ingram

An Act to amend and reenact §§ 54.1-2105.01, 54.1-2105.03, 54-2105.1, 54.1-2137, 55-519, 55-520, and 55-525 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2108.2, relating to the Real Estate Board; powers and duties; escrow funds; education.

Summary as passed House:

Real Estate Board; powers and duties; escrow funds; education. 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. The bill (i) adds to the curriculum for broker continuing education courses the requirement that at least two hours of instruction include an overview of broker supervision requirements under Virginia law and Board regulations and (ii) provides for the Board to develop a form for signature by the parties to a real estate transaction that advises the purchaser to review the residential property disclosure statement on the Board's website. The bill also clarifies that the Board is required to make the disclosure form mandated by the Virginia Residential Property Disclosure Act (§ 55-517 et seq.) available on the Board's website. Provisions of the bill amending the curriculum and instruction requirements have a delayed effective date of January 1, 2019. This bill is identical to SB 514.

02/19/18 House: Impact statement from DPB (HB864ER)
02/19/18 House: Signed by Speaker
02/21/18 Senate: Signed by President
02/22/18 House: Enrolled Bill communicated to Governor on 2/22/18
02/22/18 Governor: Governor's Action Deadline Midnight, March 1, 2018

HB 1028 Real estate settlement; choice of settlement service provider.

Chief patron: Convirs-Fowler

A BILL to amend and reenact § 55-525.22 of the Code of Virginia, relating to real estate settlement; choice of settlement agent, mortgage lender or broker, and other vendors associated with a real estate closing.

18102638D

Summary as introduced:

Real estate settlement; choice of settlement service provider. Provides that a purchaser or borrower in a transaction related to real estate in the Commonwealth shall have the right to select the settlement agent, mortgage lender or broker, and any other vendor associated with the financing or settlement of such real estate. Currently, such right is limited to the choice of settlement agent. The bill also prohibits the seller or any other party associated with a real estate transaction from requiring the use of, or offering anything of value for the use of, a particular mortgage lender or broker or any other vendor as a condition of the sale.

01/09/18 House: Referred to Committee on General Laws
01/25/18 House: Impact statement from SCC (HB1028)
01/26/18 House: Assigned GL sub: Subcommittee #2
02/08/18 House: Subcommittee recommends continuing to 2019
02/13/18 House: Left in General Laws

HB 1032 Real estate settlements; prohibition against kickbacks, rebates, or other things of value.

Chief patron: Convirs-Fowler

A BILL to amend and reenact § 55-525.12 of the Code of Virginia and to repeal § 55-525.13 of the Code of Virginia, relating to real estate settlements, prohibition against kickbacks, rebates, or other things of value.

18102640D

Summary as introduced:

Real estate settlements, prohibition against kickbacks, rebates, or other things of value. Subjects any affiliated settlement service provider of any person selling real property or performing services as a real estate agent, attorney, lay settlement agent, or lender to the prohibition against paying or receiving kickbacks, rebates, or other things of value pursuant to any agreement or understanding, oral or otherwise, that business incident to services required to complete a real estate settlement be referred to any person.

01/09/18 House: Referred to Committee on General Laws
01/22/18 House: Impact statement from DPB (HB1032)
01/26/18 House: Assigned GL sub: Subcommittee #2
02/01/18 House: Subcommittee recommends striking from docket (8-Y 0-N)
02/13/18 House: Left in General Laws

HB 1408 Virginia Fair Housing Law; unlawful discriminatory housing practices.

Chief patron: Bourne

A BILL to amend and reenact §§ 36-96.1, 36-96.1:1, and 36-96.3 of the Code of Virginia, relating to the Virginia Fair Housing Law; unlawful discriminatory housing practices.

18104447D

Summary as introduced:

Virginia Fair Housing Law; unlawful discriminatory housing practices. Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

01/15/18 House: Presented and ordered printed 18104447D
01/15/18 House: Referred to Committee on General Laws
01/25/18 House: Impact statement from DPB (HB1408)
02/13/18 House: Left in General Laws

HB 1453 Real estate appraisers; changes definition of evaluations.

Chief patron: Ware

A BILL to amend and reenact § 54.1-2009 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2101.2, relating to real estate appraisers; evaluations.

18104245D

Summary as introduced:

Real estate appraisers; evaluations. Changes the definition of "evaluation" from an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property to an opinion of the market value of real property or real estate that may be utilized in connection with a real estate-related financial transaction where an appraisal by a state-certified or state-licensed appraiser is not required by the state or federal financial institution's regulatory agency engaging in, contracting for, or regulating such real estate-related financial transaction or regulating the financial institution or lender engaged in or about to engage in such real estate-related financial transaction. The bill requires that an evaluation meet the format requirements of the federal Interagency Appraisal and Evaluation Guidelines, include sufficient information in clear and understandable language to allow a person to understand the opinion of the market value of real property or real estate, and contain the statement: "This is not an appraisal performed in accordance with the Uniform Standards of Professional Appraisal Practice."

02/02/18 House: Read second time and engrossed
02/05/18 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)
02/05/18 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)
02/06/18 Senate: Constitutional reading dispensed
02/06/18 Senate: Referred to Committee on General Laws and Technology

HB 1506 Appraisal management companies; clarifies definition, state-licensed appraisers.

Chief patron: Bell, Richard P.

A BILL to amend and reenact §§ 54.1-2020 and 54.1-2021.1 of the Code of Virginia, relating to professions and occupations; appraisal management companies.

18106175D

Summary as passed House:

Professions and occupations; appraisal management companies. Amends the definition of appraisal management company and adds definitions for appraisal management services and appraiser panel. The bill also requires applicants for an appraisal management company license to certify to the Virginia Real Estate Appraiser Board that any person or entity that owns any part of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, surrendered in lieu of revocation, or revoked by the Commonwealth or any other state. Current law only requires such applicants to provide such certification regarding any person or entity that owns 10 percent or more of the appraisal management company.

02/14/18 Senate: Referred to Committee on General Laws and Technology

02/19/18 Senate: Reported from General Laws and Technology (13-Y 0-N)

02/21/18 Senate: Constitutional reading dispensed (40-Y 0-N)

02/22/18 Senate: Read third time

02/22/18 Senate: Passed Senate (40-Y 0-N)

SB 11 State Corporation Commission; increases number of members.

Chief patron: Petersen

A BILL to amend and reenact §§ 12.1-6 and 12.1-9 of the Code of Virginia, relating to membership of the State Corporation Commission; qualifications.

18100026D

Summary as introduced:

State Corporation Commission; members. Increases the number of members of the State Corporation Commission from three to five. The measure requires that one of the new members be initially elected during the 2019 Session of the General Assembly and the other new member be initially elected during the 2021 Session. The measure also requires that persons elected to fill these two new positions be found, based on previous vocation, employment, or affiliation, to be qualified as a representative of the interests of the consumers of the Commonwealth.

11/20/17 Senate: Prefiled and ordered printed; offered 01/10/18 18100026D

11/20/17 Senate: Referred to Committee on Commerce and Labor

01/15/18 Senate: Continued to 2019 in Commerce and Labor (14-Y 0-N)

02/04/18 Senate: Impact statement from SCC (SB11)

SB 195 Virginia Residential Rent-to-Own Real Estate Contracts Act; created.

Chief patron: Locke

A BILL to amend the Code of Virginia by adding in Title 55 a chapter numbered 14.1, consisting of sections numbered 55-252.1 through 55-252.7, relating to the Virginia Residential Rent-to-Own Real Estate Contracts Act; civil penalties..

18101656D

Summary as introduced:

Virginia Residential Rent-to-Own Real Estate Contracts Act; civil penalties. Creates the Virginia Residential Rent-to-Own Real Estate Contracts Act that establishes contract requirements and prohibitions for installment land contracts and lease-option contracts as defined in the bill. Under the bill, a violation by a person who sells, or proposes to sell, real property under an installment land contract or lease-option contract constitutes a fraudulent act or practice for purposes of applying the Virginia Consumer Protection Act.

01/01/18 Senate: Prefiled and ordered printed; offered 01/10/18 18101656D

01/01/18 Senate: Referred to Committee on General Laws and Technology

01/18/18 Senate: Impact statement from DPB (SB195)

01/22/18 Senate: Committee amendments

01/22/18 Senate: Passed by indefinitely in General Laws and Technology with letter (15-Y 0-N)

SB 280 Lease-option real estate contracts; requirements of the owner, default.

Chief patron: Petersen

A BILL to amend the Code of Virginia by adding in Title 55 a chapter numbered 14.1, consisting of sections numbered 55-252.1, 55-252.2, and 55-252.3, relating to lease-option real estate contracts; requirements of the owner; default.

18101647D

Summary as introduced:

Lease-option real estate contracts; requirements of the owner; default. Establishes contract provisions for when an owner of real property enters into a contract with a purchaser to lease the real property and the contract includes an option to purchase the same property. The bill directs that whenever an owner enters into such contract, he shall (i) ensure that the contract is in writing and recorded,

(ii) disclose in the contract all liens on the property at the time of the signing of the contract, and (iii) satisfy any outstanding tax obligations on the property prior to the signing of the contract. If the purchaser defaults, including by nonpayment, the owner shall give written notice of the grounds for default to the purchaser, and the purchaser shall have 30 days to cure the default in order to maintain his right to purchase.

01/05/18 Senate: Prefiled and ordered printed; offered 01/10/18 18101647D
01/05/18 Senate: Referred to Committee for Courts of Justice
01/22/18 Senate: Impact statement from DPB (SB280)
01/24/18 Senate: Passed by indefinitely in Courts of Justice with letter (15-Y 0-N)

SB 422 Foreclosure; notice of sale when owner is deceased.

Chief patron: Chafin

An Act to amend and reenact §§ 55-59.1 and 55-64 of the Code of Virginia, relating to foreclosure; notice of sale when owner is deceased; payment of surplus to personal representative.

Summary as passed Senate:

Foreclosure; notice of sale when owner is deceased. Provides that when the owner of a property to be sold by a trustee pursuant to a deed of trust is deceased, the notice of the sale shall be delivered to the last known address of the deceased owner, any personal representative of the deceased's estate, and any heirs of the deceased as recorded in the land records where the property is located. The bill further provides that the trustee of a deed of trust for property that is sold after the death of the owner shall include (i) any remaining subsequent debts and obligations secured by the deed and (ii) any liens of record inferior to the deed of trust under which the sale is made, with lawful interest, in the list of debts to be paid off using any surplus from the sale prior to paying the remainder of the surplus to the decedent's personal representative. This bill is identical to HB 755.

02/19/18 House: Read third time
02/19/18 House: Passed House BLOCK VOTE (100-Y 0-N)
02/19/18 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)
02/21/18 Senate: Enrolled
02/21/18 Senate: Bill text as passed Senate and House (SB422ER)

SB 655 Appraisal management companies; cap on fees, disclosure.

Chief patron: McPike

A BILL to amend the Code of Virginia by adding a section numbered 54.1-2022.2, relating to appraisal management companies; cap on fees; disclosure.

18103586D

Summary as introduced:

Appraisal management companies; cap on fees; disclosure. Caps the markup that an appraisal management company adds to the cost of an appraisal conducted by an independent appraiser at 20 percent. The bill also requires the appraisal management company to fully disclose to the client the actual fee that is charged for the services provided by the appraisal management company.

01/10/18 Senate: Prefiled and ordered printed; offered 01/10/18 18103586D
01/10/18 Senate: Referred to Committee on General Laws and Technology
01/25/18 Senate: Impact statement from DPB (SB655)
02/05/18 Senate: Stricken at request of Patron in General Laws and Technology (11-Y 1-N)

SB 758 Real estate teams; definitions, obtaining real estate licenses.

Chief patron: Sturtevant

A BILL to amend and reenact §§ 54.1-2100, 54.1-2101, 54.1-2106.1, and 54.1-2110.1 of the Code of Virginia, relating to professions and occupations; real estate licenses; real estate teams.

18106215D

Summary as passed Senate:

Professions and occupations; real estate licenses; real estate teams. Requires real estate teams as defined in the bill to obtain a business entity salesperson's license from the Real Estate Board (the Board). The bill requires a principal broker to obtain a branch office license from the Board for each place of business maintained by such principal broker within the Commonwealth. The bill also expands the responsibilities of supervising brokers as defined in the bill and requires that as a condition of the renewal of a branch office license, the supervising 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.

02/20/18 House: Engrossed by House - committee substitute SB758H1
02/20/18 House: Passed House with substitute BLOCK VOTE (100-Y 0-N)
02/20/18 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)
02/21/18 Senate: Impact statement from DPB (SB758H1)
02/22/18 Senate: House substitute agreed to by Senate (40-Y 0-N)

