

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

COMMON INTEREST COMMUNITY BOARD

*Tentative* AGENDA

THURSDAY, DECEMBER 5, 2019, 9:30 A.M.  
2<sup>nd</sup> FLOOR, BOARD ROOM 3

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. APPROVAL OF AGENDA**  
a. Board Agenda, December 5, 2019
- IV. APPROVAL OF MINUTES**  
a. Board Meeting, September 5, 2019
- V. PUBLIC COMMENT PERIOD\***
- VI. BOARD BUSINESS**  
a. Update on Regulatory Actions  
b. Periodic Review  
    1. Public Participation Guidelines  
    2. Common Interest Community Manager Regulations  
    3. Common Interest Community Management Information Fund Regulations  
    4. Common Interest Community Ombudsman Regulations  
    5. Time-Share Regulations
- VII. OTHER BUSINESS**  
a. Legislative Update  
b. Ombudsman Report  
c. Board Financial Statements  
d. Election of Officers  
e. Other Board Business  
    1. Report from Board Member Training Conference
- VIII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**
- IX. ADJOURN**

**NEXT MEETING SCHEDULED FOR MARCH 12, 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.

**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.

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board (Board) met on September 5, 2019, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia 23233.

The following members were present:

Lucia Anna Trigiani, Chair  
Maureen A. Baker  
Amanda Jonas  
Drew R. Mulhare  
Paul Orlando, Vice-Chair  
Lori Overholt  
Scott Sterling

Board members Tom Burrell, 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, Ms. Trigiani, Chair, called the meeting to order at 10:04 a.m. **Call to Order**

Ms. Jonas moved to approve the agenda as presented. Mr. Sterling seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani. **Approval of Agenda**

Ms. Trigiani advised the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Ms. Jonas moved to approve the June 6, 2019, Board meeting minutes as presented. Ms. Baker seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and **Approval of Minutes**

Trigiani.

Mr. Mulhare moved to approve the June 20, 2019, Reserve Study Guidelines Committee Minutes as presented. Ms. Jonas seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

Michael Blivess, a member of the Potomac Green Community Association, was present to address the Board with his personal thoughts. Mr. Blivess stated he worked as an actuary for many years, and expressed disappointment that the Reserve Study Guidelines Committee did not consider the comments he made at the Reserve Study Guidelines Committee meeting on June 20, 2019, when drafting the Reserve Study Guidelines. Mr. Blivess advised the Board that he has submitted comments in writing on the draft Reserve Study Guidelines that were published for public review, and asked that the Board consider rejecting the draft Reserve Study Guidelines as they are currently written.

**Public Comment**  
**Period**

Cathy Merendino submitted comments in writing expressing her concern over the rising costs for associations and their members. Specifically, Ms. Merendino addressed the cost of service contracts with professional management companies as well as costs associated with disclosure packages.

Terri Hillaert of POA Management Associates LLC submitted comments in writing regarding §§ 55-509.6 D. and 55-509.6 E. of the Property Owners' Association Act. Ms. Hillaert expressed concern that the statute does not allow fees for disclosure packages to be collected in advance of a real estate settlement. Ms. Hillaert stated there is often confusion and lack of communication among real estate agents and title companies regarding the fees for disclosure packages, therefore professional management companies are not being compensated correctly at settlement for providing the disclosure packages. After discussion, the Board agreed by consensus that the topic will be revisited at a future Board meeting for possible inclusion on the list of legislative items to be considered during the 2021 General Assembly session.

Ms. Henshaw presented the Board with an email from Mark Bailey of FirstService Residential requesting interpretive guidance on the disclosure of reserve information required as part of the budget document. After several minutes of discussion, the Board agreed by consensus that they are unable to provide legal advice. The Board thanks Mr. Bailey for his comments and invites him to attend a Board

meeting and make a public comment if he so chooses.

Ms. Baker and Mr. Orlando recused themselves from the meeting for discussion and deliberation of File Number 2019-00817.

**Recusal of Board Members**

Ms. Jonas, Mr. Sterling, and Ms. Trigiani advised that they have worked with various branches of FirstService Residential, but that they had no personal interest in the company and could be fair and impartial when considering the matter before the Board.

In the matter of **File Number 2019-00817, FirstService Residential DC Metro LLC.**, the Board members reviewed the Consent Order.

**File Number 2019-00817, FirstService Residential DC Metro LLC**

Alan Trachtenberg, counsel for FirstService Residential, was present to address the Board. Mr. Trachtenberg stated he believes that investigator Robert Franchok conducted a fair investigation and agrees with the terms of the Consent Order.

FirstService Residential DC Metro LLC admits to violations of 18 VAC 48-50-190.7 as outlined in Count 1, and agrees to the imposition of monetary penalties in the amount of \$3,750.00, and Board costs of \$150.00. In addition, FirstService Residential DC Metro LLC agrees to a sixty (60) day probation of its license beginning the effective date of the Consent Order. During the probation period, FirstService Residential DC Metro LLC shall provide the Board with written certification to the Board that it has (i) performed a review of all contracts, (ii) performed a review of transition protocol with its staff, and (iii) that it will perform a review of all contracts and review of transition protocol with its staff every year thereafter.

Mr. Sterling moved to accept the Consent Order as presented. Ms. Overholt seconded the motion which was unanimously approved by: Jonas, Mulhare, Overholt, Sterling, and Trigiani.

Ms. Baker and Mr. Orlando returned to the meeting.

**Return of Board Members**

Ms. Henshaw asked the Board to vacate the order in **File Number 2018-02143, Dominion Properties Virginia LLC**, adopted at the June 6, 2019, Board meeting, and remand the file back to Compliance and Investigations as a Real Estate Board matter pursuant to § 54.1-2349.B.2 of the Code of Virginia. Ms. Jonas moved to vacate the order and remand the file back to Compliance and Investigations. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

**Motion to Vacate Order in File Number 2018-02143, Dominion Properties Virginia LLC**

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

Mr. Haughwout advised the Board that there are no new temporary cease and desist order actions to be considered at this time.

Mr. Haughwout provided the Board with an update of the cease and desist action from June 6, 2019.

The Board recessed from 10:30 a.m. to 10:58 a.m.

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

An exempt action to amend the CIC Manager Regulations to eliminate annual assessments was published in the Virginia Register on May 13, 2019, and became effective on July 1, 2019.

Exempt actions to amend the CIC Management Information Fund Regulations to eliminate annual assessments and to extend the current temporary application fee reduction were published in the Virginia Register on May 13, 2019, and became effective on July 1, 2019.

Submission of exempt actions to amend chapters 30, 45, 50, 60, and 70 of the Board's regulations in connection with the recodification of Title 55 of the Code of Virginia as outlined in SB 1080, are pending. The amendments will be published in the Virginia Register, and will become effective 30 days after the date of publication.

The Board's general review of the CIC Management Information Fund Regulations is at the proposed stage and is currently undergoing Executive Branch review.

A Periodic Review Notice was filed on May 17, 2019 for the periodic review of the Condominium Regulations. A public comment period was held from June 10, 2019, to July 1, 2019. Ms. Henshaw advised the periodic review of Condominium Regulations will be discussed later in the meeting.

A Periodic Review Notice will be filed by September 11, 2019, 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. A public comment period will be held from September 30, 2019, to October 21, 2019. Public comments received during the public comment period will be presented to the Board at its December 5, 2019, meeting.

**Update on  
Temporary Cease  
and Desist Order  
Actions from June  
6, 2019**

**Recess**

**Update on  
Regulatory Actions**

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

Ms. Henshaw advised that a periodic review was conducted on the Condominium Regulations in accordance with Executive Order 14, and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia. A public comment period was held and no public comments were received.

**Periodic Review**

Ms. Jonas moved to retain the current Condominium Regulations as is. Ms. Overholt seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

Mr. Haughwout asked the Board to consider a replacement assessment letter of credit from The Bank of Nova Scotia submitted by Avalon Columbia Pike, LLC as part of the registration for Columbia Center Condominium. In accordance with a guidance document adopted by the Board on June 27, 2013, the Board must review for approval any assessment letter of credit that is not from an FDIC insured institution. After discussion, Mr. Orlando moved the Board not accept the assessment letter of credit from The Bank of Nova Scotia, as it was not issued by an FDIC insured financial institution as required by the Board's policy. Ms. Jonas seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

**Review of Nova Scotia Letter of Credit**

The Board recessed from 11:25 a.m. to 11:41 a.m.

**Recess**

At 11:42 a.m., Mr. Orlando moved that the Board meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members were in attendance to reasonably aid the consideration of the topic: Joshua Laws, Trisha Henshaw, Heather Gillespie, Joseph Haughwout, and Mary Broz-Vaughan. The motion to convene in closed meeting was with respect to the matter identified as agenda item VII.e. Closed Meeting for the Purpose of Consultation of Legal Counsel Pursuant to 2.2-3711.A.7 of the Code of Virginia. Ms. Baker seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

**Closed Meeting for the Purpose of Consultation of Legal Counsel Pursuant to 2.2-3711.A.7 of the Code of Virginia**

At 12:19 p.m., Mr. Orlando moved that the Board adjourn the closed meeting and immediately reconvene in open session. Ms. Jonas seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Common Interest Community Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this Common Interest Community Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Common Interest Community Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Common Interest Community Board.

VOTE

AYES: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Burrell, Locket Reese, and Waddell

Ms. Jonas moved to request that the Attorney General provide written advice on the Virginia Real Estate Time-Share Act as it pertains to points-based trust backed program offers to consumers, and direct Board staff to review active time-share registrations to identify those exclusively offering points-based trust backed options. Ms. Baker seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, Sterling, and Trigiani.

Mr. Mulhare, Chair of the Reserve Study Guidelines Committee, expressed his gratitude for the time and work put in by those who served on the Committee.

The Board reviewed for approval draft Reserve Study Guidelines required by legislation passed during the 2019 General Assembly Session directing the Board to develop guidelines for the development

**Consideration and  
Approval of Draft  
Reserve Study  
Guidelines**

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



of reserve studies of capital components.

The Board discussed preliminary reserve studies for developments in progress and the timeframe in which an initial reserve study must be completed by a developer, declarant, or association.

Mr. Sterling departed the meeting at 1:00 p.m.

**Departure of Board Member**

The Board reviewed comments on the draft Reserve Study Guidelines received from eight public commenters. Mark Blivess, who addressed the Board during the public comment period was also present and available to answer questions regarding his written comments submitted to the Board prior to the meeting.

**Consideration and Approval of Draft Reserve Study Guidelines Continued**

Discussion was held on the following topics:

- Terminology used in the guidelines, including the terms replacement cost, effective age, and remaining useful life;
- inflation;
- types of funding models; and,
- the readability of the Reserve Study Guidelines.

The Board also agreed by consensus that staff will further review Mr. Bleviss' comments to determine whether technical or mathematical corrections are needed.

After discussion, Ms. Jonas moved to approve as final the draft Reserve Study Guidelines as amended by the Board and to incorporate final edits provided by the Chair. Mr. Mulhare seconded the motion which was unanimously approved by: Baker, Jonas, Mulhare, Orlando, Overholt, and Trigiani.

The Board recessed from 2:18 p.m. to 2:26 p.m.

**Recess**

Ms. Gillespie provided the Board with a summary of current complaint and file statistics as of August 30, 2019.

**Ombudsman Report**

Ms. Gillespie also advised that a new staff member will be assisting the Ombudsman's office in fielding inquiries and phone calls.

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 provided an overview of recent events attended by Board

**Staff Event**

staff and the Ombudsman.

**Calendar**

Ms. Henshaw advised the Board of the upcoming Board Member Training Conference scheduled for October 3-4, 2019.

**Other Business**

There being no further business, the meeting was adjourned at 2:30 p.m.

**Adjourn**

---

Lucia Anna Trigiani, Chair

---

Mary Broz-Vaughan, Acting Secretary

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

**DRAFT**

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

# PUBLIC COMMENT PERIOD

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

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

# Common Interest Community Board

## Update on Regulatory Actions

(as of November 22, 2019)

### 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.

#### Next Step: Final

- Amended regulation will become effective on 12/31/19.

### 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.

#### Next Step: Final

- Amended regulation will become effective on 12/30/19.

### Action: Title 55 Recodification – Common Interest Community Manager Regulations

#### Current Stage: Adopted (Exempt)

- Final amendments adopted by Board on 6/6/19.
- Submitted to Registrar on 9/10/19.
- Published in Virginia Register on 9/30/19.
- Amended regulation became effective on 11/1/19.

#### Next Step: N/A

### Action: Title 55 Recodification – Common Interest Community Management Information Fund Regulations

#### Current Stage: Adopted (Exempt)

- Final amendments adopted by Board on 6/6/19.
- Submitted to Registrar on 9/10/19.

# Common Interest Community Board

- Published in Virginia Register on 9/30/19.
- Amended regulation became effective on 11/1/19.

**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.

**Next Step: Final**

- Amended regulation will become effective on 12/11/19.

For discussion and are not to be construed as regulation or official Board position.

# 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 in progress; ends on 12/27/19.
- Public hearing held on 11/12/19. One commenter appeared.

### Next Step: Public Comment/Board Review

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

## Action: Condominium Regulations – Periodic Review

- Periodic Review Notice filed on 5/17/19.
- Notice published in Register on 6/10/19.
- Public comment period held from 6/10/19 to 7/1/19. No comments received.
- Board voted to retain regulation as is with no changes on 9/5/19.

## 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.

## 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.

## 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.

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.

## **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.

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



**Agency** Department of Professional and Occupational Regulation

**Board** Common Interest Community Board

**Chapter** Public Participation Guidelines [18 VAC 48 – 10]

Review 1873

## Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 9/6/2019

### Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Common Interest Community Board is conducting a periodic review and small business impact review of VAC citation: 18 VAC 48-10, title of regulation: Public Participation Guidelines.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins September 30, 2019, and ends on October 21, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8510, FAX: (866)490-2723, email address: [CIC@dpor.virginia.gov](mailto:CIC@dpor.virginia.gov).

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

### Contact Information

<b>Name / Title:</b>	Trisha Henshaw / Executive Director
<b>Address:</b>	DPOR 9960 Mayland Drive, Suite 400 Richmond, VA 23233
<b>Email Address:</b>	<a href="mailto:CIC@dpor.virginia.gov">CIC@dpor.virginia.gov</a>
<b>Telephone:</b>	(804)367-8510 FAX: (866)490-2723 TDD: (-)

### Publication Information and Public Comment Period

Published in the Virginia Register on 9/30/2019 [Volume: 36 Issue: 3]

Comment Period begins on the publication date and ends on 10/21/2019

Comments Received: 0

### Review Result

Pending



**Attorney General Certification**

Pending

Virginia Administrative Code  
Title 18. Professional and Occupational Licensing  
Agency 48. Common Interest Community Board  
Chapter 10. Public Participation Guidelines

18VAC48-10-10. Purpose.

Part I. Purpose and Definitions

The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the Common Interest Community Board. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq. of the Code of Virginia).

**Statutory Authority**

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 25, Issue 03](#), eff. November 13, 2008.

18VAC48-10-20. Definitions.

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

"Administrative Process Act" means Chapter 40 (§ [2.2-4000](#) et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Common Interest Community Board, which is the unit of state government empowered by the agency's basic law to make regulations or decide cases. Actions specified in this chapter may be fulfilled by state employees as delegated by the agency.

"Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency.

"Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by § [2.2-3707](#) C of the Freedom of Information Act.

"Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action.

"Notification list" means a list used to notify persons pursuant to this chapter. Such a list may include an electronic list maintained through the Virginia Regulatory Town Hall or other list maintained by the agency.

"Open meeting" means any scheduled gathering of a unit of state government empowered by

an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

"Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action.

"Regulation" means any statement of general application having the force of law, affecting the rights or conduct of any person, adopted by the agency in accordance with the authority conferred on it by applicable laws.

"Regulatory action" means the promulgation, amendment, or repeal of a regulation by the agency.

"Regulatory advisory panel" or "RAP" means a standing or ad hoc advisory panel of interested parties established by the agency for the purpose of assisting in regulatory actions.

"Town Hall" means the Virginia Regulatory Town Hall, the website operated by the Virginia Department of Planning and Budget at [www.townhall.virginia.gov](http://www.townhall.virginia.gov), which has online public comment forums and displays information about regulatory meetings and regulatory actions under consideration in Virginia and sends this information to registered public users.

"Virginia Register" means the Virginia Register of Regulations, the publication that provides official legal notice of new, amended and repealed regulations of state agencies, which is published under the provisions of Article 6 (§ [2.2-4031](#) et seq.) of the Administrative Process Act.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#) , eff. November 13, 2008.

## 18VAC48-10-30. Notification List.

### Part II. Notification of Interested Persons

A. The agency shall maintain a list of persons who have requested to be notified of regulatory actions being pursued by the agency.

B. Any person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. Any person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier.

C. The agency may maintain additional lists for persons who have requested to be informed

of specific regulatory issues, proposals, or actions.

D. When electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, that person may be deleted from the list. A single undeliverable message is insufficient cause to delete the person from the list.

E. When mail delivered by a postal carrier is returned as undeliverable on multiple occasions, that person may be deleted from the list.

F. The agency may periodically request those persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#), eff. November 13, 2008.

## 18VAC48-10-40. Information to Be Sent to Persons on the Notification List.

A. To persons electing to receive electronic notification or notification through a postal carrier as described in [18VAC48-10-30](#), the agency shall send the following information:

1. A notice of intended regulatory action (NOIRA).
2. A notice of the comment period on a proposed, a repropoed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents.
3. A notice soliciting comment on a final regulation when the regulatory process has been extended pursuant to § [2.2-4007.06](#) or [2.2-4013](#) C of the Code of Virginia.

B. The failure of any person to receive any notice or copies of any documents shall not affect the validity of any regulation or regulatory action.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#), eff. November 13, 2008.

## 18VAC48-10-50. Public Comment.

### Part III. Public Participation Procedures

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other

representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.

2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).

2. For a minimum of 60 calendar days following the publication of a proposed regulation.

3. For a minimum of 30 calendar days following the publication of a repropoed regulation.

4. For a minimum of 30 calendar days following the publication of a final adopted regulation.

5. For a minimum of 30 calendar days following the publication of a fast-track regulation.

6. For a minimum of 21 calendar days following the publication of a notice of periodic review.

7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § [2.2-4013](#) C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § [2.2-4012](#) E of the Code of Virginia.

Statutory Authority

§§ [2.2-4007.02](#) , [54.1-201](#) , and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#) , eff. November 13, 2008; amended, Virginia Register [Volume 33, Issue 11](#) , eff. March 13, 2017.

18VAC48-10-60. Petition for Rulemaking.

A. As provided in § [2.2-4007](#) of the Code of Virginia, any person may petition the agency to consider a regulatory action.

B. A petition shall include but is not limited to the following information:

1. The petitioner's name and contact information;

2. The substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections; and

3. Reference to the legal authority of the agency to take the action requested.

C. The agency shall receive, consider and respond to a petition pursuant to § [2.2-4007](#) and shall have the sole authority to dispose of the petition.

D. The petition shall be posted on the Town Hall and published in the Virginia Register.

E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#), eff. November 13, 2008.

## 18VAC48-10-70. Appointment of Regulatory Advisory Panel.

A. The agency may appoint a regulatory advisory panel (RAP) to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action.

B. Any person may request the appointment of a RAP and request to participate in its activities. The agency shall determine when a RAP shall be appointed and the composition of the RAP.

C. A RAP may be dissolved by the agency if:

1. The proposed text of the regulation is posted on the Town Hall, published in the Virginia Register, or such other time as the agency determines is appropriate; or

2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#), eff. November 13, 2008.

## 18VAC48-10-80. Appointment of Negotiated Rulemaking Panel.

A. The agency may appoint a negotiated rulemaking panel (NRP) if a regulatory action is expected to be controversial.

B. An NRP that has been appointed by the agency may be dissolved by the agency when:

1. There is no longer controversy associated with the development of the regulation;
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act; or
3. The agency determines that resolution of a controversy is unlikely.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#), eff. November 13, 2008.

## 18VAC48-10-90. Meetings.

Notice of any open meeting, including meetings of a RAP or NRP, shall be posted on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with § [2.2-3707](#) D of the Code of Virginia allowing for contemporaneous notice to be provided to participants and the public.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#), eff. November 13, 2008.

## 18VAC48-10-100. Public Hearings on Regulations.

A. The agency shall indicate in its notice of intended regulatory action whether it plans to hold a public hearing following the publication of the proposed stage of the regulatory action.

B. The agency may conduct one or more public hearings during the comment period following the publication of a proposed regulatory action.

C. The agency is required to hold a public hearing following the publication of the proposed regulatory action when:

1. The agency's basic law requires the agency to hold a public hearing;
2. The Governor directs the agency to hold a public hearing; or
3. The agency receives requests for a public hearing from at least 25 persons during the

public comment period following the publication of the notice of intended regulatory action.

D. Notice of any public hearing shall be posted on the Town Hall and Commonwealth Calendar at least seven working days prior to the date of the hearing. The agency shall also notify those persons who requested a hearing under subdivision C 3 of this section.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#) , eff. November 13, 2008.

### 18VAC48-10-110. Periodic Review of Regulations.

A. The agency shall conduct a periodic review of its regulations consistent with:

1. An executive order issued by the Governor pursuant to § [2.2-4017](#) of the Administrative Process Act to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance; and
2. The requirements in § [2.2-4007.1](#) of the Administrative Process Act regarding regulatory flexibility for small businesses.

B. A periodic review may be conducted separately or in conjunction with other regulatory actions.

C. Notice of a periodic review shall be posted on the Town Hall and published in the Virginia Register.

Statutory Authority

§§ [2.2-4007.02](#) and [54.1-2349](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 25, Issue 03](#) , eff. November 13, 2008.

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





**Agency** Department of Professional and Occupational Regulation

**Board** Common Interest Community Board

**Chapter** Common Interest Community Manager Regulations [18 VAC 48 – 50]

Review 1875

## Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 9/6/2019

### Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Common Interest Community Board is conducting a periodic review and small business impact review of VAC citation: 18 VAC 48-50, title of regulation: Common Interest Community Manager Regulations.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins September 30, 2019, and ends on October 21, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8510, FAX: (866)490-2723, email address: [CIC@dpor.virginia.gov](mailto:CIC@dpor.virginia.gov).

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

### Contact Information

<b>Name / Title:</b>	Trisha Henshaw / Executive Director
<b>Address:</b>	DPOR 9960 Mayland Drive, Suite 400 Richmond, VA 23233
<b>Email Address:</b>	<a href="mailto:CIC@dpor.virginia.gov">CIC@dpor.virginia.gov</a>
<b>Telephone:</b>	(804)367-8510 FAX: (866)490-2723 TDD: (-)

### Publication Information and Public Comment Period

Published in the Virginia Register on 9/30/2019 [Volume: 36 Issue: 3]

Comment Period begins on the publication date and ends on 10/21/2019

Comments Received: 0

### Review Result

Pending

**Attorney General Certification**

Pending

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.

## **18VAC48-50-20. Application Procedures.**

### **Part II. Entry**

All applicants seeking licensure or certification shall submit an application with the

appropriate fee specified in [18VAC48-50-60](#) . Application shall be made on forms provided by the board or its agent.

By submitting the application to the department, the applicant certifies that the applicant has read and understands the applicable statutes and the board's regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied. All applications shall be completed in accordance with the instructions contained herein and on the application. Applications will not be considered complete until all required documents are received by the board.

An individual or firm will be notified within 30 days of the board's receipt of an initial application if the application is incomplete. An individual or firm that fails to complete the process within 12 months of receipt of the application in the board's office must submit a new application and fee.

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.

## 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.

### 18VAC48-50-35. Qualifications for Certification As a Certified Principal or Supervisory Employee Effective July 1, 2012.

A. Principal or supervisory employees requiring certification pursuant to § [54.1-2346](#) of the Code of Virginia shall meet the requirements of this section and submit an application for certification on or after July 1, 2012.

B. The applicant for certification shall be at least 18 years of age.

C. The applicant for certification shall have a high school diploma or its equivalent.

D. The applicant for certification shall provide a mailing address. A post office box is only acceptable as a mailing address when a physical address is also provided. The mailing address provided shall serve as the address of record.

E. In accordance with § [54.1-204](#) of the Code of Virginia, each applicant for certification shall disclose the following information:

1. All felony convictions.
2. All misdemeanor convictions that occurred in any jurisdiction 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.

F. The applicant for certification 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 certificate is in effect.

G. The applicant for certification shall be in good standing in Virginia and in every

jurisdiction and with every board or administrative body where licensed, certified, or registered to provide management or related services; and the board, in its discretion, may deny certification to any applicant for certification who has been subject to any form of adverse disciplinary action, including but not limited to reprimand, revocation, suspension or denial, imposition of a monetary penalty, requirement 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 certification in Virginia.

H. The applicant for certification shall provide all relevant information for the seven years prior to application on any outstanding judgments, past-due tax assessments, defaults on bonds, or pending or past bankruptcies, all as related to providing management services as defined in § [54.1-2345](#) of the Code of Virginia. The applicant for certification shall further disclose whether or not he was the subject of any adverse disciplinary action, including revocation of a license, certificate, or registration within the seven-year period immediately preceding the date of application.

I. An applicant for certification may be certified provided the applicant provides proof to the board that the applicant meets one of the following:

1. Holds an active designation as a Professional Community Association Manager by Community Associations Institute and certifies having provided management services for a period of three months immediately preceding application;
2. Holds an active designation as a Certified Manager of Community Associations by the National Board of Certification for Community Association Managers and certifies having two years of experience in providing management services. Of the required two years experience, a minimum of six months of experience must have been gained immediately preceding application;
3. Holds an active designation as an Association Management Specialist by Community Associations Institute and certifies having two years of experience in providing management services. Of the required two years experience, a minimum of three months of experience must have been gained immediately preceding application; or
4. Has completed an introductory or comprehensive training program as set forth in [18VAC48-50-250](#) A or B and passed a certifying examination approved by the board and certifies having two years experience in providing management services. Of the required two years experience, a minimum of six months of experience must have been gained immediately preceding application.

J. The applicant for certification shall provide the name of his employing common interest community manager, if applicable.

Statutory Authority

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

Historical Notes

Derived from [Volume 28, Issue 11](#) , eff. March 1, 2012.

## 18VAC48-50-37. Licensure and Certification by Reciprocity.

A. The board may waive the requirements of [18VAC48-50-30](#) I, J, and L and issue a license as a common interest community manager to an applicant who holds an active, current license, certificate, or registration in another state, the District of Columbia, or any other territory or possession of the United States provided the requirements and standards under which the license, certificate, or registration was issued are substantially equivalent to those established in this chapter and related statutes.

B. Effective July 1, 2012, the board may waive the requirements of [18VAC48-50-35](#) I and issue a certificate as a certified employee to an applicant who holds an active, current license, certificate, or registration in another state, the District of Columbia, or any other territory or possession of the United States provided the requirements and standards under which the license, certificate, or registration was issued are substantially equivalent to those established in this chapter and related statutes.

Statutory Authority

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

Historical Notes

Derived from [Volume 28, Issue 11](#) , eff. March 1, 2012.

## 18VAC48-50-40. Application Denial.

The board may refuse initial licensure or certification due to an applicant's failure to comply with entry requirements or for any of the reasons for which the board may discipline a regulant.

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.

## 18VAC48-50-50. General Fee Requirements.

### Part III. Fees

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

Statutory Authority

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

18VAC48-50-60. Fee Schedule.

Fee Type	Fee Amount	Recovery Fund Fee* (if applicable)	Total Amount Due	When Due
Initial Common Interest Community Manager Application	\$100	+ 25	\$125	With application
Common Interest Community Manager Renewal	\$100		\$100	With renewal application
Common Interest Community Manager Reinstatement (includes a \$200 reinstatement fee in addition to the regular \$100 renewal fee)	\$300		\$300	With renewal application
Certified Principal or Supervisory Employee Initial Application	\$75		\$75	With application
Certified Principal or Supervisory Employee Renewal	\$75		\$75	With renewal application
Certified Principal or Supervisory Employee Reinstatement (includes a \$75 reinstatement fee in addition to the regular \$75 renewal fee)	\$150		\$150	With renewal application
Training Program Provider Initial	\$100		\$100	With application

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

Application					
Training Program Provider Additional Program	\$50			\$50	With application
*In accordance with § <a href="#">54.1-2354.5</a> of the Code of Virginia.					

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; [Volume 36, Issue 03](#) , eff. November 1, 2019.

### 18VAC48-50-70. (Repealed.)

Historical Notes

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

### 18VAC48-50-80. (Repealed.)

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; repealed, Virginia Register [Volume 36, Issue 03](#) , eff. November 1, 2019.

### 18VAC48-50-90. Renewal Required.

#### Part IV. Renewal and Reinstatement

A license issued under this chapter shall expire one year from the last day of the month in which it was issued. A certificate issued under this chapter shall expire two years from the last day of the month in which it was issued. A fee shall be required for renewal.

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 36, Issue 03](#) , eff. November 1, 2019.

### 18VAC48-50-100. Expiration and Renewal.

A. Prior to the expiration date shown on the license, licenses shall be renewed upon (i) completion of the renewal application, (ii) submittal of proof of current bond or insurance

policy as detailed in [18VAC48-50-30](#) E, and (iii) payment of the fees specified in [18VAC48-50-60](#) .

B. Prior to the expiration date shown on the certificate, certificates shall be renewed upon (i) completion of the renewal application; (ii) submittal of proof of completion of two hours of fair housing training as it relates to the management of common interest communities and two hours of Virginia common interest community law and regulation training, both as approved by the board and completed within the two-year certificate period immediately prior to the expiration date of the certificate; and (iii) payment of the fees specified in [18VAC48-50-60](#) .

C. The board will mail a renewal notice to the regulant at the last known mailing address of record. Failure to receive this notice shall not relieve the regulant of the obligation to renew. If the regulant fails to receive the renewal notice, a copy of the license or certificate may be submitted with the required fees as an application for renewal. By submitting an application for renewal, the regulant is certifying continued compliance with the Standards of Conduct and Practice in Part V ([18VAC48-50-140](#) et seq.) of this chapter.

D. Applicants for renewal shall continue to meet all of the qualifications for licensure and certification set forth in Part II ([18VAC48-50-20](#) et seq.) of this chapter.

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.

### **18VAC48-50-110. Reinstatement of Common Interest Community Manager License and Certified Principal or Supervisory Employee Certificate Required.**

A. If all of the requirements for renewal of a license as specified in [18VAC48-50-100](#) A are not completed within 30 days of the license expiration date, the licensee shall be required to reinstate the license by meeting all renewal requirements and by paying the reinstatement fee specified in [18VAC48-50-60](#) .

B. If all of the requirements for renewal of a certificate as specified in [18VAC48-50-100](#) B are not completed within 30 days of the certificate expiration date, the certificateholder shall be required to reinstate the certificate by meeting all renewal requirements and by paying the reinstatement fee specified in [18VAC48-50-60](#) .

C. A license or certificate may be reinstated for up to six months following the expiration date. After six months, the license or certificate may not be reinstated under any circumstances and the firm or individual must meet all current entry requirements and apply as a new applicant.

D. Any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 (§ [54.1-100](#) et seq.) of Title

## 54.1 of the Code of Virginia.

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.

### 18VAC48-50-120. Status of License or Certificate During the Period Prior to Reinstatement.

A regulant who applies for reinstatement of a license or certificate shall be subject to all laws and regulations as if the regulant had been continuously licensed or certified. The regulant shall remain under and be subject to the disciplinary authority of the board during this entire period.

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.

### 18VAC48-50-130. Board Discretion to Deny Renewal or Reinstatement.

The board may deny renewal or reinstatement of a license or certificate for the same reasons as the board may refuse initial licensure or certification, or discipline a regulant.

The board may deny renewal or reinstatement of a license or certificate if the regulant has been subject to a disciplinary proceeding and has not met the terms of an agreement for licensure or certification, has not satisfied all sanctions, or has not fully paid any monetary penalties and costs imposed by the board.

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.

### 18VAC48-50-140. Grounds for Disciplinary Action.

Part V. Standards of Conduct and Practice

The board may place a regulant on probation, impose a monetary penalty in accordance with § [54.1-202](#) A of the Code of Virginia, or revoke, suspend or refuse to renew any license or

certificate when the regulant has been found to have violated or cooperated with others in violating any provisions of the regulations of the board or Chapter 23.3 (§ [54.1-2345](#) et seq.) of Title 54.1 of the Code of Virginia.

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.

### 18VAC48-50-150. Maintenance of License or Certificate.

- A. No license or certificate issued by the board shall be assigned or otherwise transferred.
- B. A regulant shall report, in writing, all changes of address to the board within 30 days of the change and shall return the license or certificate to the board. In addition to the address of record, a physical address is required for each license or certificate. If the regulant holds more than one license, certificate, or registration, the regulant shall inform the board of all licenses, certificates, and registrations affected by the address change.
- C. Any change in any of the qualifications for licensure or certification found in [18VAC48-50-30](#) or [18VAC48-50-35](#) shall be reported to the board within 30 days of the change.
- D. Notwithstanding the provisions of subsection C of this section, a licensee shall report the cancellation, amendment, expiration, or any other change of any bond or insurance policy submitted in accordance with [18VAC48-50-30](#) E within five days of the change.
- E. A licensee shall report to the board the discharge or termination of active status of an employee holding a certificate within 30 days of the discharge or termination of active status.
- F. A certified principal or supervisory employee shall report a change in employing common interest community manager within 30 days of the change.

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.

### 18VAC48-50-160. Maintenance and Management of Accounts.

Licensed firms shall maintain all funds from associations in accordance with § [54.1-2353](#) A of the Code of Virginia. Funds that belong to others that are held as a result of the fiduciary relationship shall be labeled as such to clearly distinguish funds that belong to others from those funds of the common interest community manager.

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.

### 18VAC48-50-170. Change of Business Entity Requires a New License.

A. Licenses are issued to firms as defined in this chapter and are not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the license becomes void and shall be returned to the board within 30 days of the change. Such changes include but are not limited to:

1. Cessation of the business or the voluntary termination of a sole proprietorship or general partnership;
2. Death of a sole proprietor;
3. Formation, reformation, or dissolution of a general partnership, limited partnership, corporation, limited liability company, association, or any other business entity recognized under the laws of the Commonwealth of Virginia; or
4. The suspension or termination of the corporation's existence by the State Corporation Commission.

B. When a new firm is formed, the new firm shall apply for a new license on a form provided by the board before engaging in any activity regulated by Chapter 23.3 (§ [54.1-2345](#) et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board.

Statutory Authority

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

Historical Notes

Derived from [Volume 26, Issue 11](#) , eff. April 1, 2010.

### 18VAC48-50-180. Notice of Adverse Action.

A. Licensed firms shall notify the board of the following actions against the firm, the responsible person, and any principals of the firm:

1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including but not limited to any reprimand, license or certificate revocation, suspension or denial, monetary penalty, or requirement for remedial education or other corrective action.
2. Any voluntary surrendering of a license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.
3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred

adjudication, in any jurisdiction of the United States of any misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of § [54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

B. Certified principal or supervisory employees shall notify the board, and the responsible person of the employing firm, if applicable, of the following actions against the certified principal or supervisory employee:

1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including but not limited to any reprimand, license or certificate revocation, suspension or denial, monetary penalty, requirement for remedial education, or other corrective action.
2. Any voluntary surrendering of a license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.
3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of § [54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

The notice must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction, finding, or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

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.

## 18VAC48-50-190. Prohibited Acts.

The following acts are prohibited and any violation may result in disciplinary action by the board:

1. Violating, inducing another to violate, or cooperating with others in violating any of the provisions of any of the regulations of the board; Chapter 23.3 (§ [54.1-2345](#) et seq.) of Title 54.1 of the Code of Virginia; or Chapter 18 (§ [55.1-1800](#) et seq.), Chapter 19 (§ [55.1-1900](#) et seq.), or Chapter 21 (§ [55.1-2100](#) et seq.) of Title 55.1 of the Code of Virginia or engaging in any acts enumerated in §§ [54.1-102](#) and [54.1-111](#) of the Code of Virginia.

2. Allowing a license or certificate issued by the board to be used by another.
3. Obtaining or attempting to obtain a license or certificate by false or fraudulent representation, or maintaining, renewing, or reinstating a license or certificate by false or fraudulent representation.
4. A regulant having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in [18VAC48-50-180](#).
5. Failing to inform the board in writing within 30 days that the regulant was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in [18VAC48-50-180](#).
6. Failing to report a change as required by [18VAC48-50-150](#) or [18VAC48-50-170](#).
7. The intentional and unjustified failure to comply with the terms of the management contract, operating agreement, or association governing documents.
8. Engaging in dishonest or fraudulent conduct in providing management services.
9. Failing to satisfy any judgments or restitution orders entered by a court or arbiter of competent jurisdiction.
10. Egregious or repeated violations of generally accepted standards for the provision of management services.
11. Failing to handle association funds in accordance with the provisions of § [54.1-2353 A](#) of the Code of Virginia or [18VAC48-50-160](#).
12. Failing to account in a timely manner for all money and property received by the regulant in which the association has or may have an interest.
13. Failing to disclose to the association material facts related to the association's property or concerning management services of which the regulant has actual knowledge.
14. Failing to provide complete records related to the association's management services to the association within 30 days of any written request by the association or within 30 days of the termination of the contract unless otherwise agreed to in writing by both the association and the common interest community manager.
15. Failing upon written request of the association to provide books and records such that the association can perform pursuant to §§ [55.1-1815](#) (Property Owners' Association Act), [55.1-1945](#) (Virginia Condominium Act), and [55.1-2151](#) (Virginia Real Estate Cooperative Act) of the Code of Virginia.
16. Commingling the funds of any association by a principal, his employees, or his associates with the principal's own funds or those of his firm.
17. Failing to act in providing management services in a manner that safeguards the interests of the public.
18. Advertising in any name other than the name in which licensed.

19. Failing to make use of a legible, written contract clearly specifying the terms and conditions of the management services to be performed by the common interest community manager. The contract shall include the following:

- a. Beginning and ending dates of the contract;
- b. Cancellation rights of the parties;
- c. Record retention and distribution policy;
- d. A general description of the records to be kept and the bookkeeping system to be used; and
- e. The common interest community manager's license number.

20. Performing management services or accepting payments prior to the signing of the contract by an authorized official of the licensed firm and the client or the client's authorized agent.

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 36, Issue 03](#), eff. November 1, 2019.

### 18VAC48-50-200. Establishment of Code of Conduct.

The firm shall establish and distribute to the firm's employees, principals, and agents a written code of conduct to address business practices including the appropriateness of giving and accepting gifts, bonuses, or other remuneration to and from common interest communities or providers of services to common interest communities. In accordance with clause (ii) of § [54.1-2346](#) E of the Code of Virginia, the code of conduct for officers, directors, and employees shall also address disclosure of relationships with other firms that provide services to common interest communities and that may give rise to a conflict of interest.

Statutory Authority

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

Historical Notes

Derived from [Volume 26, Issue 11](#), eff. April 1, 2010.

### 18VAC48-50-210. Establishment of Internal Accounting Controls.

The firm shall establish written internal accounting controls to provide adequate checks and balances over the financial activities and to manage the risk of fraud and illegal acts. The internal accounting controls shall be in accordance with generally accepted accounting practices.

Statutory Authority

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

Historical Notes

Derived from [Volume 26, Issue 11](#) , eff. April 1, 2010.

## 18VAC48-50-220. Response to Inquiry and Provision of Records.

A. A regulant must respond within 10 days to a request by the board or any of its agents regarding any complaint filed with the department.

B. Unless otherwise specified by the board, a regulant of the board shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any transaction pertaining to a complaint filed in which the regulant was involved, or for which the regulant is required to maintain records for inspection and copying by the board or its agents. The board may extend such time frame upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. A regulant shall not provide a false, misleading, or incomplete response to the board or any of its agents seeking information in the investigation of a complaint filed with the board.

D. With the exception of the requirements of subsections A and B of this section, a regulant must respond to an inquiry by the board or its agent within 21 days.

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.

## 18VAC48-50-230. Training Programs Generally.

### Part VI. Training Programs and Examination

All training programs proposed for the purposes of meeting the requirements of this chapter must be approved by the board. Any or all of the approved training programs can be met using distance or online education technology. Training programs may be approved retroactively; however, no applicant will receive credit for the training program until such approval is granted by the board.

Statutory Authority

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

Historical Notes

Derived from [Volume 26, Issue 11](#) , eff. April 1, 2010.

## 18VAC48-50-240. Approval of Common Interest Community Manager Training Programs.

Each provider of a training program shall submit an application for program approval on a form provided by the board. In addition to the appropriate fee provided in [18VAC48-50-60](#), the application shall include but is not limited to:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Program contact hours;
4. Schedule of training program, if established, including dates, times, and locations;
5. Instructor information, including name, license or certificate number(s), if applicable, and a list of trade-appropriate designations, as well as a professional resume with a summary of teaching experience and subject-matter knowledge and qualifications acceptable to the board;
6. A summary of qualifications and experience in providing training under this chapter;
7. Training program and material fees; and
8. Training program syllabus.

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.

## 18VAC48-50-250. Introductory and Comprehensive Training Program Requirements.

- A. In order to qualify as an introductory training program under [18VAC48-50-30](#) or [18VAC48-50-35](#), the introductory training program must include a minimum of 16 contact hours and the syllabus shall encompass all of the subject areas set forth in subsection C of this section.
- B. In order to qualify as a comprehensive training program under [18VAC48-50-30](#) or [18VAC48-50-35](#), the comprehensive training program must include a minimum of 80 contact hours and the syllabus shall include at least 40 contact hours encompassing all of the subject areas set forth in subsection C of this section and may also include up to 40 contact hours in other subject areas approved by the board.
- C. The following subject areas as they relate to common interest communities and associations shall be included in all comprehensive and introductory training programs. The time allocated to each subject area must be sufficient to ensure adequate coverage of the

subject as determined by the board.

1. Governance, legal matters, and communications;
2. Financial matters, including budgets, reserves, investments, internal controls, and assessments;
3. Contracting;
4. Risk management and insurance;
5. Management ethics for common interest community managers;
6. Facilities maintenance; and
7. Human resources.

D. All training programs are required to have a final, written examination.

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.

### 18VAC48-50-253. Virginia Common Interest Community Law and Regulation Training Program Requirements.

In order to qualify as a Virginia common interest community law and regulation training program for renewal of certificates issued by the board, the common interest community law and regulation program must include a minimum of two contact hours and the syllabus shall encompass updates to Virginia laws and regulations directly related to common interest communities.

Statutory Authority

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

Historical Notes

Derived from [Volume 28, Issue 11](#), eff. March 1, 2012; amended, Virginia Register [Volume 33, Issue 20](#), eff. July 1, 2017.

### 18VAC48-50-255. Fair Housing Training Program Requirements.

In order to qualify as a fair housing training program for renewal of certificates issued by the board, the fair housing training program must include a minimum of two contact hours and the syllabus shall encompass Virginia fair housing laws and any updates, all as related to common interest communities.

Statutory Authority

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

Historical Notes

Derived from [Volume 28, Issue 11](#) , eff. March 1, 2012; amended, Virginia Register [Volume 33, Issue 20](#) , eff. July 1, 2017.

### **18VAC48-50-257. Documentation of Training Program Completion Required.**

All training program providers must provide each student with a certificate of training program completion or other documentation that the student may use as proof of training program completion. Such documentation shall contain the contact hours completed.

Statutory Authority

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

Historical Notes

Derived from [Volume 28, Issue 11](#) , eff. March 1, 2012.

### **18VAC48-50-260. Maintenance of Records.**

All providers must establish and maintain a record for each student. The record shall include the student's name and address, the training program name and hours attended, the training program syllabus or outline, the name or names of the instructors, the date of successful completion, and the board's approved training program code. Records shall be available for inspection during normal business hours by authorized representatives of the board. Providers must maintain these records for a minimum of five years.

Statutory Authority

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

Historical Notes

Derived from [Volume 26, Issue 11](#) , eff. April 1, 2010.

### **18VAC48-50-270. Reporting of Changes.**

Any change in the information provided in [18VAC48-50-240](#) must be reported to the board within 30 days of the change with the exception of changes in the schedule of training program offerings, which must be reported within 10 days of the change. Any change in information submitted will be reviewed to ensure compliance with the provisions of this chapter.

Statutory Authority

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

Historical Notes

Derived from [Volume 26, Issue 11](#) , eff. April 1, 2010.



## 18VAC48-50-280. Withdrawal of Approval.

The board may withdraw approval of any training program for the following reasons:

1. The training program being offered no longer meets the standards established by the board.
2. The provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive way.
3. The provider, instructor, or designee of the provider falsifies any information relating to the application for approval, training program information, or student records or fails to produce records required by [18VAC48-50-260](#) .
4. A change in the information provided that results in noncompliance with [18VAC48-50-240](#) , except for subdivision 4 of [18VAC48-50-240](#) .
5. Failure to comply with [18VAC48-50-270](#) .

Statutory Authority

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

Historical Notes

Derived from [Volume 26, Issue 11](#) , eff. April 1, 2010.

## 18VAC48-50-290. Examinations.

All examinations required for licensure or certification shall be approved by the board and administered by the board, a testing service acting on behalf of the board, or another governmental agency or organization.

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.

## Forms (18VAC48-50)

[Common Interest Community Manager Change of Personnel Form, A492-0501MGTCHG-v2 \(rev. 10/2018\)](#)

[Common Interest Community Manager License Renewal Application, A492-0501REN-v4 \(rev. 11/2019\)](#)

[Common Interest Community Manager Training Program Approval Application, A492-05TRAPRV-v3 \(rev. 10/2018\)](#)

[Experience Verification Form, A492-0501\\_10EXPv2 \(rev. 10/2018\)](#)

[Common Interest Community Manager License Application, A492-0501LIC-v4 \(rev. 11/2019\)](#)

[Common Interest Community Manager Principal or Supervisory Employee Certificate Application, A492-0510CERT-v2 \(rev. 10/2018\)](#)

[Principal or Supervisory Employee Certificate Renewal Form, A492-0510REN-v2 \(rev. 10/2018\)](#)

[Common Interest Community Manager Application Supplement Comprehensive Training Program Equivalency Form, A492-0501TREQ-v2 \(rev. 10/2018\)](#)

DRAFT AGENDA  
Material contained in this agenda  
DRAFT AGENDA

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



---

## CIC - Comments on Regulation

1 message

---

**Judy English** [REDACTED]

Mon, Oct 21, 2019 at 4:50 PM

To: CIC@dpor.virginia.gov

Cc: Joseph.Haughwout@dpor.virginia.gov

Hi Trisha,

I would like to submit comments regarding the CIC regulation (referenced below) which I understand is up for review. I understand the comment period closes today. I previously submitted a letter to Joseph Haughwout and the Board that was considered at a meeting in early June. I hope that letter along with the following comments will be considered.

Thank you for your consideration,

Judy English  
[REDACTED]

### I. HISTORY - LICENSING

In an effort to protect HOAs, the legislature voted to license CIC managers. As part of that legislation, legislators gave DPOR (Department of Professional and Occupational Regulation) the authority to create regulations governing issuance of CIC manager licenses ("Regulations").

To begin the licensing process, every person or company who applied for a CIC license by the end of 2009, was awarded a license. That's how the initial group of CIC managers was licensed - they applied. (As set out below, based on DPOR's reading of the Regulations, only that initial group - licensed in 2009 - was authorized to train all subsequently licensed managers.)

After 2009, the licensing Regulations adopted by DPOR applied to all applicants. The DPOR Regulation (18VAC48-50-30) includes two requirements and to obtain a CIC management license - in sum, an applicant must:

- 1) complete an educational component; and
- 2) have *"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 . . . ."*

### II. DPOR AND THE LICENSING REGULATION

The problem arises with the way DPOR reads the Regulation. DPOR reads the above language **as if it stated** that to qualify for a license, a manager “*must have managed a CIC property for at least three years.*” According to DPOR, a license will issue only if an applicant:

- 1) satisfies the educational component; and
- 2) has three years experience managing a CIC *under an already licensed CIC management company.*

The practical effect of DPOR’s reading is that other qualified businesses are foreclosed from obtaining a CIC license, unless the company’s principal (or supervisory employee) leaves the company and spends three years managing a CIC, under the supervision of an already licensed (and competing) company. In short, highly qualified companies are essentially foreclosed from obtaining licenses and existing HOA management companies have what is in essence a monopoly. (Use of non-compete provisions in employment contracts could provide even greater strength to existing CIC companies.)\*

### III. ANALYSIS - DPOR’s REGULATION

There are many issues with DPORs *reading* of the Regulation, including:

1. It is not consistent with the plain language of the Regulation;
2. Basic rules of statutory construction do not support DPOR’s reading of the Regulation;
3. The Regulation is arbitrary and capricious because there is nothing to support the conclusion that simply managing a CIC for three years qualifies a licensee, and, on the flip side, there is nothing to suggest that other types of experience do not qualify licensees;
4. DPOR’s reading essentially turns over licensing authority to existing CIC management companies because those companies alone control who passes the three year threshold;
5. DPOR’s reading violates its own policies of being permissive and allowing licensing based on minimum qualifications;
6. The licensing requirements do not protect the very group they are designed to protect because HOAs are forced to contract with HOA management companies whose managers do not necessarily have the qualifications, business expertise, and ability to deliver the service that other companies offer; and
7. The Regulation adversely affects small businesses. (Under the law, if a Regulation adversely affects small business (a defined term), DPOR is encouraged to carve out exceptions so as not to hurt small business.)

#### **IV. COMMISSION RECOMMENDATION: REMOVE CIC LICENSING REQUIREMENT**

In 2017, the Joint Legislative Audit and Review Commission directed staff to review DPOR. The study lasted a year. A report was issued on October 9, 2018, The Commission's first recommendation is to eliminate DPOR's regulation of CIC managers.

The report states in part:

*There are 11 occupations regulated by DPOR that do not appear to meet the criteria for regulation that are established in the Code of Virginia. **These occupations include community managers, . . .***

*The state statute clearly indicates that the state should not restrict access to any occupation unless it is "necessary for the protection or preservation of the health, safety, and welfare of the public" (§ 54.1-100). **These occupations do not meet the criteria, and regulation of these occupations could be reduced or eliminated through legislation.***

The report further states:

#### **RECOMMENDATION 1**

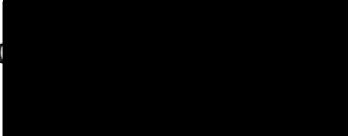
***The General Assembly may wish to consider amending the Code of Virginia to eliminate the occupational regulation of common interest community managers . . .***

The report goes on to find that left **unregulated, CIC property managers pose little or no risk to the public.**

A link to the JLARC report: <http://jlarc.virginia.gov/pdfs/reports/Rpt509.pdf>

\* Hiring a 'supervisory manager that is already licensed is not the best solution for smaller businesses because based on other terms of the Regulation, that new employee would have to be given "broad supervisory powers" (in an otherwise small firm). In addition, if that new employee left during the term of an HOA management contract, the company is faced with breach of contract if it withdraws from the contract, or criminal penalties (under the statute), if it manages without a license.

Judith A. English



May 24, 2019

Common Interest Community Board  
Attn: Joseph C. Haughwout, Jr.  
Department of Professional & Occupational Regulation  
Perimeter Center, Suite 400  
9960 Maryland Drive  
Richmond, Virginia 23233-1463  
Via Email: [Joseph.Haughwout@dpor.virginia.gov](mailto:Joseph.Haughwout@dpor.virginia.gov)

**Re: Interpretive Guidance re Qualifications for CIC License 18VAC48-50-30**

Dear Board Members:

Thank you in advance for taking the time to review this request for interpretive guidance regarding Regulation 18VAC48-50-30 ("Regulation"). For ease of reference, highlighted copies of relevant laws are attached.

**I. BACKGROUND**

The neighborhood HOA is currently engaged in a management search. One of the management candidates is a local property management firm that has been managing income-producing properties for many years ("Management Candidate"). The company enjoys an excellent reputation and the principal has a strong background in business, property renovation, and other qualities the HOA search committee considers important. The Management Candidate expressed an interest in working with the HOA.

DPOR was contacted for information regarding Common Interest Community ("CIC") licensing qualifications and requirements. In response, DPOR explained that no CIC license will issue unless an applicant has at least three years' *experience managing an Association property* under the supervision of a CIC licensed manager. Under DPOR's analysis, although the Management Candidate has a strong background, it would not qualify for a CIC license unless and until the principal left the firm, became employed with a licensed management firm, and managed an Association for a period of at least three years. This onerous licensing requirement would effectively eliminate the HOA's option to choose more personalized service through this local management firm.

As set out below, based on general rules of statutory construction as well as policy considerations, I am asking the Board to review DPOR's interpretation of Regulation 18VAC48-50-30 at the Board Meeting on June 6, 2019, and to provide interpretive guidance in accordance with the requests set out in the last section of this letter.

## II. LICENSING STATUTES AND REGULATIONS

In 2009, the legislature enacted a law stating that any entity offering management services to a Common Interest Community (“CIC”) shall hold a valid license. (Virginia Code Section 54.1-2346) (There are different types of CICs, but for clarity hereinafter reference will be to Homeowner’s Association or “HOA.”) After the legislature established the licensing requirement, it referred the task of creating licensing qualifications to the Department of Professional & Occupational Regulation (“DPOR”).

DPOR enacted 18VAC48-50-30 which sets out licensing qualifications. Section L, subsections 2 and 3, are relevant to this matter and state in part:

2. Has completed a comprehensive training program as described in 18VAC48-50-250B . . . 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;

[or]

3. Has completed an introductory training program as described in 18VAC48-50-250 A . . . 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[.]

The Regulation requires both completion of a training program (online or classroom training on issues unique to operating HOA properties) and either 3 or 5 years of experience in providing management services. Subsections 2 and 3 are the same, except that the number of required classroom hours decreases as the years of experience increase.

The plain language of the Regulation does not mention *providing management services to an Association*. Rather, it anticipates DPOR will look at the quality of the experience in providing “management services” to determine whether the applicant is competent to supervise others.

DPOR explains, however, that the term “management services” is a term defined by the statute and pursuant to 18VAC48-50-10 (“Regulation’s Definition Section”), DPOR is required to incorporate the statutory definition of “management services” in reading the qualifications in Section L.

The Regulation’s Definition Section states:

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

. . .  
“Management services”

The statutory definition of the term “management services” is long because it is a list of the types of tasks a management company performs on behalf of an HOA. A complete copy of the definition is attached, but for illustration, the statutory definition states in part:

preparing budgets, financial statements, or other financial reports **for an association;** (v)  
arranging, conducting, or coordinating meetings **of an association** or the governing body **of an**

**association;** (vi) negotiating contracts or otherwise coordinating or arranging for services or the purchase of property and goods for or on **behalf of an association;**

(Va. Stat. 54.1-2345). Emphasis has been added to point out DPOR's position that the management experience must be services provided to an Association. As explained by DPOR, once an applicant provides management services to an Association for three years, a CIC license will issue.

In sum, because DPOR believes that it must read the statutory definition of "management services" into the Regulation, it interprets the text of Section L which states this:

*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**[.]*

as if the text of Section L states this:

*at least **three years of experience in providing management services to an association, which shall establish that the individual is competent to have supervisory responsibility or principal responsibility for management services to an association**[.]*

Protecting HOAs and other common interest properties by making certain that management companies are competent is the likely public interest legislators intended to protect by enacting the licensing requirement. As interpreted by DPOR, however, it appears the Regulation establishing the licensing qualifications has consequences the drafters did not intend. Applying rules of statutory construction suggests the drafters intended to give DPOR more flexibility than it currently exercises. Reading the Regulation to allow greater flexibility also allows for better outcomes. Better outcomes in turn increase the likelihood that the public interest will be served.

### III. RULES OF STATUTORY CONSTRUCTION

#### A. The Definition Sections (18VAC48-50-10 and Section 54.1-2345)

DPOR is not required to read the statutory definition of "management services" into Section L.

1. The Definition Section states: "**Section 54.1-2345 provides definitions of the following terms and phrases as used in this chapter.**" That sentence is a statement, it is not a requirement. Generally, to denote a requirement, drafters use the term "shall." In this case, if the drafters intended to make the definition mandatory, it would read, "Section 54.1-2345 *shall* provide . . . ."

2. It is clear that the drafters understood the use of "shall" because in the same definition section, just a few lines down, the drafters used the word "shall" but then also allowed for discretion: "The following words . . . shall have the following meanings **unless the context clearly indicates otherwise.**"

3. Moreover, the regulatory definition expressly incorporates the statutory definition, and the statutory definition states, "As used in this chapter, **unless the context requires a different meaning**. Even the statute anticipates that the term might be used in a way that was not intended by the definition and it allows for discretion in determining whether use of the definition is appropriate in the context.



## B. Regulation Section L, Subsections 2 and 3

The text of the Regulation does not support use of the statutory definition of “management services.”

1. The term “management services” is also used in Sections B and H of the same Regulation. In both of these Sections, “management services” is followed by “**as defined in Section 54.1-2345 of the Code of Virginia.**” Principles of statutory construction state that a drafter is presumed to act intentionally and purposefully when, as here, it includes language in one section but not in another. Since the statutory definition was expressly incorporated in Sections B and H, but not incorporated in Section L, it is presumed that the omission was intentional.

(This further supports the argument in Section A1 above – i.e., that the drafters did not intend to require use of the statutory definition. If it was the drafters’ intent that the statutory definition be used every time the term was used in the Regulation, then the language highlighted above from Sections B and H would be superfluous. There would be no need to expressly incorporate the statutory definition in Sections B and H, if the drafters already did so by virtue of the Regulation’s definition section.)

2. In addition, Section L expressly states “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[.]*” As a general principle of statutory construction, it is appropriate to avoid interpreting a provision that would render other provisions superfluous or unnecessary. DPOR requires three years of management services to an Association. If an applicant has provided three years of management services to an Association (provided other statutory requirements are met), DPOR will issue the CIC license. DROR’s interpretation of the Regulation makes the highlighted language unnecessary.

Finally, DPOR’s reading emphasizes working at an Association, above all else. If the drafters’ focus was the need for experience at an Association, presumably the drafters would have made a point of using the term “Association” in the Regulation. Section L would have expressly stated: *has at least three years of providing management services to an Association . . . .* Instead, it is reasonable to conclude that the term “management services” was used to reference the detailed list of services contained within that definition. The drafters’ intent was to make certain that the quality of the applicant’s experiences – whatever they might be – was sufficient to develop skills to provide those types of services.

Applying rules of statutory construction changes DPOR’s interpretation of the Regulation and realigns it with the intended policy. Without the benefit of statutory construction guidelines, the outcomes are inconsistent with the legislation’s policy objectives.

## C. Policy Considerations

**The licensing qualification is arbitrary.** It is arbitrary to conclude that everyone who manages an Association for three years will be competent. It is also arbitrary to conclude that no other experience, or combination of experiences, could produce a competent HOA manager. Ultimately, the onerous licensing qualification is more likely to deter competent applicants (e.g., managers who successfully operate their own firms) than encourage them, which undermines the policy behind the legislation.

**The effect of the regulation is to transfer licensing authority to licensed CICs.** Under the prevailing interpretation, licensed CIC companies essentially control the licensing process because they effectively control who passes the three-year threshold. The legislature intended that DPOR control the licensing.

**The regulation is overly burdensome.** For companies that have been operating successfully for many years, there is no incentive to abandon their firms for three years and go to work managing Associations for another company. The effect of DPOR's interpretation is that it limits competition within the HOA management field which has at least two consequences. First, it eliminates the market forces that force HOA management companies to be responsive to their clients in order to remain competitive. Second, it disadvantages HOAs searching for more personalized service. As the numbers of HOAs continue to increase, HOA management companies service more properties and HOA board members increasingly take on management duties.

**Fails to achieve policy goals.** The interpretation effectively hurts the HOAs the legislation was intended to protect by limiting an HOA's choices and creating an environment for an inferior experience and product.

DPOR's website states: "DPOR issues . . . licenses . . . in the least intrusive, least burdensome and most efficient way. Our goal is to ensure the **minimum competency** necessary to practice without harming the public, not to enhance professional stature or limit competition by keeping newcomers out. Policy boards . . . qualify applicants based on a combination of **education, experience and examination.**" (DPOR Website, Emphasis in original.) A more flexible approach is also consistent with DPOR's philosophy and objectives.

#### IV. SUMMARY

Legislators sought to protect the public interest by making certain HOA managers are competent. Based on the statutory analysis, the drafters of the licensing requirements were focused on the same goal. It is reasonable to conclude the drafters intended that an applicant demonstrate competency in their ability to provide the types of management services detailed in the definition of "management services."

Simply acting as an Association onsite manager alone – even for three years – does not ensure that an applicant will establish competency. For example, if the manager is assigned to a new HOA property, three years will not provide that manager the maintenance and renovation knowledge and experience required to manage an older HOA property. Failing to timely identify and address maintenance issues can be costly to an HOA.

Similarly, most large HOA management firms contract with a third party for financial services. The manager is no longer involved in creating the financials. In practice, without a different qualification or experience, it is sometimes apparent managers do not fully appreciate the information contained within the financials. While an HOA requires property management skills, understanding business principles is equally, if not more important to adequately and confidently advise an HOA board. Mistakes can result in increased dues and over time increased dues can affect property values.

I hope the Board will consider these issues and fashion a remedy such as that requested in the next section.

## V. REQUESTED GUIDANCE

A. It is respectfully requested that the Board re-evaluate the way Regulation 18VAC48-50-30 is being interpreted and applied, and conclude:


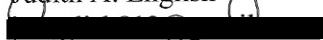
1. That Section L of the regulation does not require an applicant to manage an Association for a minimum of three years in order to qualify for CIC licensing; and
2. DPOR will rely on the plain language of the Regulation in awarding CIC licenses.

B. Alternatively, if appropriate, it is requested that:

Pursuant to Section 2.2-4007.1, DPOR consider a flexibility analysis that will accomplish the objectives of the law, while minimizing the adverse impact on small businesses by exempting small businesses from the requirement that applicants manage an Association for three years.

Thank you for your time and consideration.

Respectfully Submitted,

  
Judith A. English  


### 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.

## 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 that 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.

"Gross receipts" means all revenue derived from providing management services to common interest communities in the Commonwealth of Virginia, excluding pass-through expenses or reimbursement of expenditures by the regulant on behalf of an association.

"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.



## § 54.1-2345. Definitions.

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

"Association" means the same as that term is defined in § 55-528.

"Board" means the Common Interest Community Board.

"Common interest community" means the same as that term is defined in § 55-528; provided that for the purposes of this chapter only, a common interest community shall not include any time-share project registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.) or any additional land that is a part of such registration.

"Common interest community manager" means a person or business entity, including but not limited to a partnership, association, corporation, or limited liability company, who, for compensation or valuable consideration, provides management services to a common interest community.

"Declaration" means the same as that term is defined in § 55-528.

"Governing board" means the governing board of an association, including the executive organ of a condominium unit owners' association, the executive board of a cooperative proprietary lessees' association, and the board of directors or other governing body of a property owners' association.

"Lot" means the same as that term is defined in § 55-528.

"Management services" means (i) acting with the authority of an association in its business, legal, financial, or other transactions with association members and nonmembers; (ii) executing the resolutions and decisions of an association or, with the authority of the association, enforcing the rights of the association secured by statute, contract, covenant, rule, or bylaw; (iii) collecting, disbursing, or otherwise exercising dominion or control over money or other property belonging to an association; (iv) preparing budgets, financial statements, or other financial reports for an association; (v) arranging, conducting, or coordinating meetings of an association or the governing body of an association; (vi) negotiating contracts or otherwise coordinating or arranging for services or the purchase of property and goods for or on behalf of an association; or (vii) offering or soliciting to perform any of the aforesaid acts or services on behalf of an association.

2008, cc. 851, 871.

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.



**Agency** Department of Professional and Occupational Regulation

**Board** Common Interest Community Board

**Chapter** Common Interest Community Management Information Fund Regulations  
[18 VAC 48 – 60]

Review 1876

### Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 9/6/2019

#### Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Common Interest Community Board is conducting a periodic review and small business impact review of VAC citation: 18 VAC 48-60, title of regulation: Common Interest Community Management Information Fund Regulations.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins September 30, 2019, and ends on October 21, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8510, FAX: (866)490-2723, email address: [CIC@dpor.virginia.gov](mailto:CIC@dpor.virginia.gov).

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

#### Contact Information

<b>Name / Title:</b>	Trisha Henshaw / Executive Director
<b>Address:</b>	DPOR 9960 Mayland Drive, Suite 400 Richmond, VA 23233
<b>Email Address:</b>	<a href="mailto:CIC@dpor.virginia.gov">CIC@dpor.virginia.gov</a>
<b>Telephone:</b>	(804)367-8510 FAX: (866)490-2723 TDD: (-)

#### Publication Information and Public Comment Period

Published in the Virginia Register on 9/30/2019 [Volume: 36 Issue: 3]

Comment Period begins on the publication date and ends on 10/21/2019

Comments Received: 0

#### Review Result

Pending

**Attorney General Certification**

Pending

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-](#)



**Agency** Department of Professional and Occupational Regulation

**Board** Common Interest Community Board

**Chapter** Common Interest Community Ombudsman Regulations [18 VAC 48 – 70]

Review 1877

## Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 9/6/2019

### Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Common Interest Community Board is conducting a periodic review and small business impact review of VAC citation: 18 VAC 48-70, title of regulation: Common Interest Community Ombudsman Regulations.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins September 30, 2019, and ends on October 21, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8510, FAX: (866)490-2723, email address: [CIC@dpor.virginia.gov](mailto:CIC@dpor.virginia.gov).

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

### Contact Information

<b>Name / Title:</b>	Trisha Henshaw / Executive Director
<b>Address:</b>	DPOR 9960 Mayland Drive, Suite 400 Richmond, VA 23233
<b>Email Address:</b>	<a href="mailto:CIC@dpor.virginia.gov">CIC@dpor.virginia.gov</a>
<b>Telephone:</b>	(804)367-8510 FAX: (866)490-2723 TDD: (-)

### Publication Information and Public Comment Period

Published in the Virginia Register on 9/30/2019 [Volume: 36 Issue: 3]

Comment Period begins on the publication date and ends on 10/21/2019

[Comments Received: 1](#)

### Review Result

Pending

**Attorney General Certification**

Pending



Virginia Administrative Code  
Title 18. Professional and Occupational Licensing  
Agency 48. Common Interest Community Board  
Chapter 70. Common Interest Community Ombudsman Regulations

18VAC48-70-10. Definitions.

Part I  
General

Section [55-528](#) of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

Association

Board

Common interest community

Declaration

Director

Governing board

Lot

Section [55-79.41](#) of the Code of Virginia provides definition of the following term as used in this chapter:

Condominium instruments

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

"Adverse decision" or "final adverse decision" means the final determination issued by an association pursuant to an association complaint procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the complainant. Such decision means all avenues for internal appeal under the association complaint procedure have been exhausted. The date of the final adverse decision shall be the date of the notice issued pursuant to subdivisions 8 and 9 of [18VAC48-70-50](#).

"Association complaint" means a written complaint filed by a member of the association or citizen pursuant to an association complaint procedure. An association complaint shall concern a matter regarding the action, inaction, or decision by the governing board, managing agent, or association inconsistent with applicable laws and regulations.

"Association complaint procedure" means the written process adopted by an association to receive and consider association complaints from members and citizens. The complaint procedure shall include contact information for the Office of the Common Interest

Community Ombudsman in accordance with § [55-530](#) of the Code of Virginia. An appeal process, if applicable, shall be set out in an association complaint procedure adopted by the association, including relevant timeframes for filing the request for appeal. If no appeal process is available, the association complaint procedure shall indicate that no appeal process is available and that the rendered decision is final.

"Association governing documents" means collectively the applicable organizational documents, including but not limited to the current and effective (i) articles of incorporation, declaration, and bylaws of a property owners' association, (ii) condominium instruments of a condominium, and (iii) declaration and bylaws of a real estate cooperative, all as may be amended from time to time. Association governing documents also include, to the extent in existence, resolutions, rules and regulations, or other guidelines governing association member conduct and association governance.

"Complainant" means an association member or citizen who makes a written complaint pursuant to an association complaint procedure.

"Record of complaint" means all documents, correspondence, and other materials related to a decision made pursuant to an association complaint procedure.

**Statutory Authority**

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

**18VAC48-70-20. Submission of Documentation.**

Any documentation required to be filed with or provided to the board, director, or Office of the Common Interest Community Ombudsman pursuant to this chapter and Chapter 29 (§ [55-528](#) et seq.) of Title 55 of the Code of Virginia shall be filed with or provided to the Department of Professional and Occupational Regulation.

**Statutory Authority**

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

**Historical Notes**

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

**18VAC48-70-30. Requirement for Association to Develop an Association Complaint Procedure.**

**Part II. Association Complaint Procedure**

In accordance with § [55-530](#) E of the Code of Virginia, each association shall have a written process for resolving association complaints from members and citizens. The association complaint procedure or form shall conform with the requirements set forth in § [55-530](#) of the Code of Virginia and this chapter, as well as the association governing documents, which shall not be in conflict with § [55-530](#) of the Code of Virginia or this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

## 18VAC48-70-40. Establishment and Adoption of Written Association Complaint Procedure.

A. Associations filing an initial application for registration pursuant to § [55-79.93:1](#), [55-504.1](#), or [55-516.1](#) of the Code of Virginia must certify that an association complaint procedure has been established and adopted at the date of registering or within 90 days of registering with the board.

B. An association that has been delinquent in registering the association and filing its required annual reports is still required to have an established and adopted written association complaint procedure. At the time such an association files an application for registration, it must certify that an association complaint procedure has been established and adopted by the governing board.

C. The association shall certify with each annual report filing that the association complaint procedure has been adopted and is in effect.

Statutory Authority

§ [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012; amended, Virginia Register [Volume 33, Issue 15](#), eff. May 1, 2017.

## 18VAC48-70-50. Association Complaint Procedure Requirements.

The association complaint procedure shall be in writing and shall include the following provisions in addition to any specific requirements contained in the association's governing documents that do not conflict with § [55-530](#) of the Code of Virginia or the requirements of this chapter.

1. The association complaint must be in writing.
2. A sample of the form, if any, on which the association complaint must be filed shall be provided upon request.
3. The association complaint procedure shall include the process by which complaints shall be delivered to the association.
4. The association shall provide written acknowledgment of receipt of the association complaint to the complainant within seven days of receipt. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the

complainant at the address provided, or if consistent with established association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.

5. Any specific documentation that must be provided with the association complaint shall be clearly described in the association complaint procedure. In addition, to the extent the complainant has knowledge of the law or regulation applicable to the complaint, the complainant shall provide that reference, as well as the requested action or resolution.

6. The association shall have a reasonable, efficient, and timely method for identifying and requesting additional information that is necessary for the complainant to provide in order to continue processing the association complaint. The association shall establish a reasonable timeframe for responding to and for the disposition of the association complaint if the request for information is not received within the required timeframe.

7. Notice of the date, time, and location that the matter will be considered shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided or, if consistent with established association procedure, delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, within a reasonable time prior to consideration as established by the association complaint procedure.

8. After the final determination is made, the written notice of final determination shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided or, if consistent with established association procedure, delivered by electronic means, provided the sender retains sufficient proof of the electronic delivery, within seven days.

9. The notice of final determination shall be dated as of the date of issuance and include specific citations to applicable association governing documents, laws, or regulations that led to the final determination, as well as the registration number of the association. If applicable, the name and license number of the common interest community manager shall also be provided.

10. The notice of final determination shall include the complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman and the applicable contact information.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

## 18VAC48-70-60. Distribution of Association Complaint Procedure.

A. The association complaint procedure must be readily available upon request to all members of the association and citizens.

B. The association complaint procedure shall be included as an attachment to the resale certificate or the association disclosure packet.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-70. Maintenance of Association Record of Complaint.

A. A record of each association complaint filed with the association shall be maintained in accordance with § [55-530](#) E 1 of the Code of Virginia.

B. Unless otherwise specified by the director or his designee, the association shall provide to the director or his designee, within 14 days of receipt of the request, any document, book, or record concerning the association complaint. The director or his designee may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within 14 days of receiving the request.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-80. Failure of Association to Establish and Utilize Association Complaint Procedure.

Failure of an association to establish and utilize an association complaint procedure in accordance with this chapter may result in the board seeking any of the remedies available pursuant to Chapter 23.3 (§ [54.1-2345](#) et seq.) of Title 54.1 of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-90. Filing of Notice of Final Adverse Decision.

Part III

Final Adverse Decision

A complainant may file a notice of final adverse decision in accordance with § [55-530](#) F of the Code of Virginia concerning any final adverse decision that has been issued by an association in accordance with this chapter.

1. The notice shall be filed within 30 days of the date of the final adverse decision.
2. The notice shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman. Such forms shall request the following information:
  - a. Name and contact information of complainant;
  - b. Name, address, and contact information of association;
  - c. Applicable association governing documents; and
  - d. Date of final adverse decision.
3. The notice shall include a copy of the association complaint, the final adverse decision, reference to the laws and regulations the final adverse decision may have violated, any supporting documentation related to the final adverse decision, and a copy of the association complaint procedure.
4. The notice shall be accompanied by a \$25 filing fee or a request for waiver pursuant to [18VAC48-70-100](#).

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-100. Waiver of Filing Fee.

In accordance with § [55-530](#) F of the Code of Virginia, the board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the complainant.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-110. Review of Final Adverse Decision.

Upon receipt of the notice of final adverse decision from the complainant, along with the filing fee or a board-approved waiver of filing fee, the Office of the Common Interest Community Ombudsman shall provide written acknowledgment of receipt of the notice to the complainant and shall provide a copy of the written notice to the association that made the final adverse decision. The notice of adverse decision will not be reviewed until the filing fee has been received or a waiver of filing fee has been granted by the board.

In accordance with § [55-530](#) G of the Code of Virginia, additional information may be

requested from the association that made the final adverse decision. Upon request, the association shall provide such information to the Office of the Common Interest Community Ombudsman within a reasonable time.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-120. Decision from the Notice of Final Adverse Decision.

Upon review of the notice of final adverse decision in accordance with § [55-530](#) G of the Code of Virginia, if the director determines that the final adverse decision may be in conflict with laws or regulations governing common interest communities or interpretations thereof by the board, the director may, in his sole discretion, provide the complainant and the association with information concerning such laws or regulations governing common interest communities or interpretations thereof by the board.

The determination of whether the final adverse decision may be in conflict with laws or regulations governing common interest communities or interpretations thereof by the board shall be a matter within the sole discretion of the director. Such decision is final and not subject to further review. The determination of the director shall not be binding upon the complainant or the association that made the final adverse decision.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-125. Referral for Further Action.

In addition to the provisions of this chapter, any matter involving a violation of applicable laws or regulations of the board may be referred for further action by the board in accordance with the provisions of Chapter 23.3 (§ [54.1-2345](#) et seq.) of Title 54.1; Chapters 4.2 (§ [55-79.39](#) et seq.), 26 (§ [55-508](#) et et seq.), and 29 (§ [55-528](#) et seq.) of Title 55 of the Code of Virginia; and the board's regulations.

Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

### 18VAC48-70-130. Purpose, Responsibilities, and Limitations.

## Part IV

### Office of the Common Interest Community Ombudsman

The Office of the Common Interest Community Ombudsman shall carry out those activities as enumerated in subsection C of § [55-530](#) of the Code of Virginia.

#### Statutory Authority

§§ [54.1-2349](#) and [55-530](#) of the Code of Virginia.

#### Historical Notes

Derived from [Volume 28, Issue 19](#), eff. July 1, 2012.

#### Forms (18VAC48-70)

[Common Interest Community Complaint Form, F491-CICCOMP-v2 \(rev. 11/2012\)](#)

[Request for Waiver of Filing Fee, F491-CICFW-v1 \(eff. 10/2012\)](#)

[Notice of Final Adverse Decision, F491-CICNOTE-v1 \(eff. 10/2012\)](#)

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





Agency Department of Professional and Occupational Regulation

Board Common Interest Community Board

Chapter Common Interest Community Ombudsman Regulations [18 VAC 48 - 70]

1 comments

All good comments for this forum [Show Only Flagged](#)

[Back to List of Comments](#)

Commenter: Robert P Sledzaus, Citizen residing in a CIC

10/21/19 6:46 am

### 18VAC48-70-50 Association Complaint Procedure Requirements

Given that many owners residing in CIC's throughout the Commonwealth may be unaware that an Internal Complaint process exists that would provide a means for those owners to report alleged violations of CIC statutes and/or regulations by their board of directors or managing agents. Simply making the form and complaint process 'available' is a disservice to those owners who may not know that a process/procedure/form and potential remedy for their issue even exists.

The sample form and process associated with Internal Complaints needs to be distributed to all association members upon initial and revision adoption as well as providing annual notification to members and residents on how to request the procedure and form annually from the association or managing agent.

Additionally, if there should be any changes made to the form/procedure/process/required documents (for example, change of managing agent contact information) must require the association's board readopt the resolution in accordance with the POAA and distribute the readopted resolution to the membership.



**Agency** Department of Professional and Occupational Regulation

**Board** Common Interest Community Board

**Chapter** Time-Share Regulations [18 VAC 48 – 45]

Review 1874

## Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 9/6/2019

### Review Announcement

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Common Interest Community Board is conducting a periodic review and small business impact review of VAC citation: 18 VAC 48-45, title of regulation: Time-Share Regulations.

The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins September 30, 2019, and ends on October 21, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Trisha Henshaw, Title: Executive Director, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-8510, FAX: (866)490-2723, email address: [CIC@dpor.virginia.gov](mailto:CIC@dpor.virginia.gov).

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

### Contact Information

<b>Name / Title:</b>	Trisha Henshaw / Executive Director
<b>Address:</b>	DPOR 9960 Mayland Drive, Suite 400 Richmond, VA 23233
<b>Email Address:</b>	<a href="mailto:CIC@dpor.virginia.gov">CIC@dpor.virginia.gov</a>
<b>Telephone:</b>	(804)367-8510 FAX: (866)490-2723 TDD: (-)

### Publication Information and Public Comment Period

Published in the Virginia Register on 9/30/2019 [Volume: 36 Issue: 3]

Comment Period begins on the publication date and ends on 10/21/2019

Comments Received: 0

### Review Result

Pending

**Attorney General Certification**

Pending

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

18VAC48-45-10. (Reserved.)

Part 1. General

**Statutory Authority**

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

**Historical Notes**

Reserved, [Volume 32, Issue 10](#), eff. March 1, 2016.

18VAC48-45-20. Definitions.

A. Section [55-362](#) of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

"Affiliate"	"Offering" or "offer"
"Alternative purchase"	"Person"
"Association"	"Product"
"Board"	"Project"
"Board of directors"	"Public offering statement"
"Common elements"	"Purchaser"
"Contact information"	"Resale purchase contract"
"Contract" or "purchase contract"	"Resale time-share"
"Conversion time-share project"	"Resale service"
"Default"	"Resale transfer contract"
"Developer"	"Reseller"
"Developer control period"	"Reverter deed"
"Development right"	"Situs"
"Dispose" or "disposition"	"Time-share"
"Exchange company"	"Time-share estate"
"Exchange program"	"Time-share expense"
"Guest"	"Time-share instrument"
"Incidental benefit"	"Time-share owner" or "owner"

"Lead dealer"	"Time-share program" or "program"
"Managing agent"	"Time-share project"
"Managing entity"	"Time-share unit" or "unit"
"Material change"	"Time-share use"
	"Transfer"

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

"Alternative disclosure statement" means a disclosure statement for an out-of-state time-share program or time-share project that is properly registered in the situs.

"Annual report" means a completed, board-prescribed form and required documentation submitted in compliance with § [55-394.1](#) of the Code of Virginia.

"Application" means a completed, board-prescribed form submitted with the appropriate fee and other required documentation in compliance with the Virginia Real Estate Time-Share Act and this chapter.

"Blanket bond" means a blanket surety bond issued in accordance with the requirements of § [55-375](#) of the Code of Virginia obtained and maintained by a developer in lieu of escrowing deposits accepted by a developer in connection with the purchase or reservation of a product.

"Blanket letter of credit" means a blanket irrevocable letter of credit issued in accordance with the requirements of § [55-375](#) of the Code of Virginia obtained and maintained by a developer in lieu of escrowing deposits accepted by a developer in connection with the purchase or reservation of a product.

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

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"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.

"Full and accurate disclosure" means the degree of disclosure necessary to ensure reasonably complete and materially accurate representation of the time-share in order to protect the interests of purchasers.

"Individual bond" means an individual surety bond issued in accordance with the requirements of § [55-375](#) of the Code of Virginia obtained and maintained by a developer in lieu of escrowing a deposit accepted by a developer in connection with the purchase or reservation of a product.

"Individual letter of credit" means an individual irrevocable letter of credit issued in accordance with the requirements of § [55-375](#) of the Code of Virginia obtained and

maintained by a developer in lieu of escrowing a deposit accepted by a developer in connection with the purchase or reservation of a product.

"Registration file" means the application for registration, supporting materials, annual reports, and amendments that constitute all information submitted and reviewed pertaining to a particular time-share program, time-share project, alternative purchase, exchange company, or time-share reseller registration. A document that has not been accepted for filing by the board is not part of the registration file.

"Virginia Real Estate Time-Share Act" means Chapter 21 (§ [55-360](#) et seq.) of Title 55 of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

### 18VAC48-45-30. Explanation of Terms.

Each reference in this chapter to a "developer," "purchaser," and "time-share owner" or to the plural of those terms shall be deemed to refer, as appropriate, to the masculine and the feminine, to the singular and the plural, and to natural persons and organizations. The term "developer" shall refer to any successors to the persons referred to in § [55-362](#) of the Code of Virginia who come to stand in the same relation to the time-share as their predecessors in that they assumed rights reserved for the benefit of a developer that (i) offers to dispose of its interest in a time-share not previously disposed of or (ii) applies for registration of the time-share program.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-40. Time-Share Projects Located Outside of Virginia.

A. In any case involving a time-share project located outside of Virginia in which the laws or practices of the jurisdiction in which such time-share project is located prevent compliance with a provision of this chapter, the board shall prescribe by order a substitute provision to be applicable in such case that is as nearly equivalent to the original provision as is reasonable under the circumstances.

B. The words "time-share instrument" and "public offering statement," when used in this chapter with reference to a time-share located outside of Virginia, mean documents, portions of documents, or combinations thereof, by whatever name denominated, that have a content

and function identical or substantially equivalent to the content and function of their Virginia counterparts.

C. The word "recording" or "recordation" when used with reference to time-share instruments of a time-share located outside of Virginia means a procedure that, in the jurisdiction in which such time-share is located, causes the time-share instruments to become legally effective.

D. This chapter shall apply to a contract for the disposition of a time-share located outside of Virginia only to the extent permissible under the provisions of subsection C of § [55-361.1](#) of the Code of Virginia.

E. The time-share shall be properly registered in the state or other jurisdiction where the project is located.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-50. Application Procedures.

### Part II. General Application Requirements

A developer seeking registration of a time-share project or an alternative purchase, an exchange company seeking registration of an exchange program, or a reseller seeking registration in order to offer or provide resale services, all in accordance with the Virginia Real Estate Time-Share Act, shall submit an application on the appropriate form provided by the board, along with the appropriate fee specified in [18VAC48-45-70](#).

By submitting the application to the board, the applicant certifies that the applicant has read and understands the applicable statutes and this chapter.

The receipt of an application and the deposit of fees by the board do not indicate approval or acceptance of the application by the board.

The board may make further inquiries and investigations to confirm or amplify information supplied. All applications shall be completed in accordance with the instructions contained in this chapter and on the application. Applications will not be considered complete until all required documents are received by the board.

Applications that are not complete within 12 months after receipt of the application in the board's office will be purged, and a new application and fee must be submitted in order to be reconsidered for registration.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-60. Review of Application for Registration, Generally.

A. Upon the review of the application for registration, if the requirements of this chapter have not been met, the board shall notify the applicant.

B. The board may refuse initial registration due to an applicant's failure to comply with entry requirements or for any of the reasons for which the board may discipline a regulant.

C. At such time as the board affirmatively determines that the requirements of this chapter have been met, the board shall issue the applicable registration.

D. Notwithstanding the provisions of [18VAC48-45-130](#) for a time-share project registration, applicants who do not meet the requirements of this chapter may be approved following consideration by the board in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq. of the Code of Virginia).

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-70. Fees.

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

B. Fees are as follows:

Time-share project registration application	\$1,500
Time-share project phase amendment filing	\$250
Time-share project registration annual report	\$500
Alternative purchase registration application	\$100
Alternative purchase registration annual report	\$100
Exchange program registration application	\$1,000
Exchange program registration annual report	\$250
Time-share reseller registration application	\$250
Time-share reseller registration renewal	\$250
Time-share reseller registration reinstatement (includes a \$100 reinstatement fee in addition to the	\$350



\$250 renewal fee)

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-80. Time-Share Marketing Activities.

### Part III. Marketing and Advertising

A. Time-share marketing activities shall include every contact by or on behalf of the developer for the purpose of promoting disposition of a time-share or alternative purchase. Such contacts may be personal, by telephone, by mail, by electronic means including social media, or by advertisement. A promise, assertion, representation, or statement of fact or opinion made in connection with a time-share marketing activity may be oral, written, electronic, or graphic.

B. No time-share marketing activity shall be deemed an offer unless, by its express terms, it induces, solicits, or encourages a prospective purchaser to (i) execute a contract of sale of the time-share or alternative purchase or (ii) perform some other act that would create or purport to create a legal or equitable interest in the time-share until the board has issued an order of registration.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-90. Offering of Gifts or Prizes.

A. Any offering that includes a gift or prize shall include the disclosures contained in § [55-374.1](#) of the Code of Virginia. Such disclosures shall be made with the same prominence as the offer.

B. The board may at any time require a developer to alter or amend any offering that includes a gift or prize in order to ensure compliance with this section.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-100. Registration of Time-Share Project and Program.

## Part IV. Application for Time-Share Project Registration

In accordance with § [55-390](#) of the Code of Virginia, a developer offering or disposing of an interest in a time-share program must register the time-share project and its program with the board. For the purposes of this chapter as it relates to registration, the registration of a time-share project shall include the simultaneous registration of the time-share program.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 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 § [55-391.1](#) 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 [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-120. Review of Application for Registration of a Time-Share Project.

A. Upon receipt of an application for registration of a time-share project, the board shall issue the notice of filing required by subsection A of § [55-393.1](#) of the Code of Virginia.

B. Upon the review of the application for registration, if the requirements of § [55-391.1](#) of the Code of Virginia and this chapter have not been met, the board shall notify the applicant as required by subsection C of § [55-393.1](#) of the Code of Virginia.

C. If the requirements for registration are not met within the application review period or a valid extension thereof, the board shall, upon the expiration of such period, enter an order rejecting the registration as required by subsection C of § [55-393.1](#) of the Code of Virginia. The order rejecting the registration shall become effective 20 days after issuance.

D. An applicant may submit a written request for an informal conference in accordance with § [2.2-4019](#) of the Code of Virginia at any time between receipt of a notification pursuant to subsection B of this section and the effective date of the order of rejection entered pursuant to subsection C of this section. A request for such proceeding shall be deemed a consent to delay within the meaning of subsection A of § [55-393.1](#) of the Code of Virginia.

E. The board shall receive and act upon corrections to the application for registration at any time prior to the effective date of an order rejecting the registration. If the board determines after review of the corrections that the requirements for registration have not been met, the board may proceed with an informal conference in accordance with § [2.2-4019](#) of the Code of Virginia in order to allow reconsideration of whether the requirements for registration are met. If the board does not opt to proceed with an informal conference, the applicant may submit a written request for an informal conference in accordance with § [2.2-4019](#) of the Code of Virginia in order to reconsider whether the requirements for registration are met. If the board does not proceed with an informal conference and no request for an informal conference is received from the applicant, an amended order of rejection stating the factual basis for the rejection shall be issued. A new 20-day period for the order of rejection to become effective shall commence.

F. At such time as the board affirmatively determines that the requirements of § [55-391.1](#) of the Code of Virginia have been met, the board shall enter an order registering the time-share and shall designate the form, content, and effective date of the public offering statement.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-130. Minimum Application Requirements for Registration of a Time-Share Project.

A. The documents and information contained in §§ [55-367](#), [55-368](#), [55-369](#), [55-371](#), [55-374](#), and [55-391.1](#) of the Code of Virginia, as applicable, shall be included in the application for registration of a time-share project.

B. The application for registration of a time-share project shall include the fee specified in [18VAC48-45-70](#).

C. The following documents shall be included in the application for registration of a time-share project as exhibits. All exhibits shall be labeled as indicated and submitted in a format acceptable to the board.

1. Exhibit A: A copy of the certificate of incorporation or certificate of authority to transact business in Virginia issued by the Virginia State Corporation Commission, or any other entity formation documents, together with any trade or fictitious name certificate.

2. Exhibit B: A certificate of recordation or other acceptable documents from the city or county where the time-share is located.

3. Exhibit C: A copy of the title opinion, the title policy, or a statement of the condition of the title to the time-share project including encumbrances as of a specified date within 30 days of the date of application by a title company or licensed attorney who is not a salaried employee, officer, or director of the developer or owner, in accordance with subdivision A 5 of § [55-391.1](#) of the Code of Virginia. If the developer is not the record owner of the land, a copy of any contract the developer has executed to purchase the land, any option the developer holds for the purchase of the land, or any lease under which the developer holds the land.

4. Exhibit D: Proof that the applicant or developer owns or has the right to acquire an estate in the land constituting or to constitute the time-share project, which is of at least as great a degree and duration as the estate to be conveyed in the time-share.

5. Exhibit E: A statement of the zoning, subdivision, or land use obligations or proffers and other governmental regulations affecting the use of the time-share, including the site plans and building permits and their status, any existing tax, and existing or proposed special taxes or assessments that affect the time-share.

6. Exhibit F: A copy of the time-share instrument, including all applicable amendments and exhibits, that will be delivered to a purchaser to evidence the purchaser's interest in the time-share and of the contracts and other agreements that a purchaser will be required to agree to or sign.

7. Exhibit G: A narrative description of the promotional plan for the disposition of the time-shares.

8. Exhibit H: A copy of the proposed public offering statement that complies with § [55-374](#) of the Code of Virginia and this chapter. Pursuant to subsection G of § [55-374](#), a similar disclosure statement required by other situs laws governing time-sharing may be submitted for a time-share located outside of the Commonwealth.

9. Exhibit I: A copy of the buyer's acknowledgment. Pursuant to § [55-376.5](#) of the Code of Virginia, the purchaser shall be given this document prior to signing a purchase contract, and the document shall contain the information required by subsection B of § [55-376.5](#).

10. Exhibit J: The signed original of (i) any bond or letter of credit obtained pursuant to § [55-375](#) of the Code of Virginia in lieu of escrowing deposits and (ii) any bond or letter of credit required by subsection B of § [55-386](#) of the Code of Virginia, as applicable.

11. Exhibit K: A copy of any management agreements and other contracts or agreements affecting the overall use, maintenance, management, or access of all or any part of the time-share project.

12. Exhibit L: A list with the names of every officer, manager, owner, or principal, as applicable to the type of firm under which the developer is organized to do business, of the developer or persons occupying a similar status within or performing similar functions for the developer. The list must include each individual's residential address or other address valid for receipt of service, principal occupation for the past five years, and title.

13. Exhibit M: A statement whether any of the individuals or entities named in Exhibit L are or have been involved as defendants in any indictment, conviction, judgment, decree, or order of any court or administrative agency against the developer or managing entity for violation of a federal, state, local, or foreign country law or regulation in connection with activities relating to time-share sales, land sales, land investments, security sales, construction or sale of homes or improvements, or any similar or related activity.

14. Exhibit N: A statement whether, during the preceding five years, any of the individuals or entities named in Exhibit L have been adjudicated bankrupt or have undergone any proceeding for the relief of debtors.

15. Exhibit O: If the developer has reserved the right to add to or delete from the time-share program any incidental benefit or alternative purchase, a description of the incidental benefit or alternative purchase shall be provided pursuant to subdivision A 13 of § [55-391.1](#) of the Code of Virginia.

16. Exhibit P: Conversion time-share projects must attach a copy of the notice required by subsection D of § [55-374](#) of the Code of Virginia and a certified statement that such notice shall be mailed or delivered to each of the tenants in the building or buildings for which the registration is sought at the time of the registration of the conversion project.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

## 18VAC48-45-140. Public Offering Statement Requirements, Generally.

### Part V. Public Offering Statement

In addition to the provisions of § [55-374](#) of the Code of Virginia, the following will be considered, as applicable, during review of the public offering statement:

1. The public offering statement shall provide full and accurate disclosure in accordance with [18VAC48-45-150](#) .
2. The public offering statement shall pertain to the time-share project in which the time-shares being offered are located.
3. The public offering statement shall be clear, organized, and legible.
4. Except for brief excerpts, the public offering statement may refer to, but should not incorporate verbatim, portions of the time-share instruments, the Virginia Real Estate Time-Share Act, or this chapter. This does not preclude compliance with [18VAC48-45-170](#) .

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#) , eff. March 1, 2016.

### 18VAC48-45-150. Full and Accurate Disclosure.

A. The provisions of § [55-374](#) of the Code of Virginia and this chapter shall be strictly construed to promote full and accurate disclosure in the public offering statement. In addition, the following will be considered, as applicable, during review to assure full and accurate disclosure:

1. The information shall be presented in a manner that is clear and understandable to a reasonably informed consumer, while maintaining consistency with the requirements of this chapter and the Virginia Real Estate Time-Share Act.
2. No information shall be incorporated by reference to an outside source that is not reasonably available to a prospective purchaser.
3. If required information is not known or not reasonably available, such fact shall be stated and explained in the public offering statement.

B. The board has the sole discretion to require additional information or amendment of existing information as it finds necessary to ensure full and accurate disclosure.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#) , eff. March 1, 2016.

### 18VAC48-45-160. Contents of Public Offering Statement.

- A. A cover, if used, must be blank or bear identification information only.
- B. The developer may include as part of the public offering statement a receipt page printed

in such a way that the developer may obtain verification that a prospective purchaser has received the public offering statement. The receipt page shall include the effective date of the public offering statement as well as a place for the date of delivery and signature lines for the prospective purchaser. The authorized receipt page in proper form, duly executed, shall be evidence that the public offering statement was delivered.

C. The first page of the public offering statement shall be substantially as follows.

**PURCHASER SHOULD READ THIS DOCUMENT FOR THE PURCHASER'S PROTECTION  
PUBLIC OFFERING STATEMENT**

NAME OF TIME-SHARE PROJECT:

---

---

LOCATION OF TIME-SHARE PROJECT:

---

---

NAME OF DEVELOPER:

---

---

ADDRESS OF DEVELOPER:

---

---

EFFECTIVE DATE OF PUBLIC OFFERING  
STATEMENT:

---

---

REVISED:

---

---

**THE PURCHASER OF A TIME-SHARE MAY CANCEL THE CONTRACT UNTIL MIDNIGHT OF THE SEVENTH CALENDAR DAY FOLLOWING THE EXECUTION OF SUCH CONTRACT. THE PURCHASER SHOULD READ THIS DOCUMENT FOR THE PURCHASER'S OWN PROTECTION.**

**Purchasing a time-share carries with it certain rights, responsibilities, and benefits, including certain financial obligations, rights, and restrictions concerning the use and maintenance of units and common elements. The purchaser will be bound by the provisions of the time-share instruments and should review the Public Offering Statement, the time-share instruments, and other exhibits carefully prior to purchase.**

This Public Offering Statement presents information regarding time-share(s) being offered for sale by the developer. The Virginia Real Estate Time-Share Act (§ [55-360](#) et seq. of the Code of Virginia) requires that a Public Offering Statement be given to every Purchaser in order to provide full and accurate disclosure of the characteristics of and material circumstances affecting the time-share project and the characteristics of the time-share(s) being offered. The Public Offering Statement is not intended, however, to be all-inclusive. The Purchaser should consult other sources for details not covered by the Public Offering Statement.

The Public Offering Statement summarizes information and documents furnished by the developer to the Virginia Common Interest Community Board. The Board has carefully

reviewed the Public Offering Statement but does not guarantee the accuracy or completeness of the Public Offering Statement. In the event of any inconsistency between the Public Offering Statement and the material it is intended to summarize, the material shall control.

If the Purchaser elects to cancel the contract within the seven-day cancellation period, all payments made in connection with the purchase contract shall be refunded to the Purchaser within 45 days. If the Purchaser elects to cancel the contract, the Purchaser shall do so either by (i) hand-delivering the notice to the developer at its principal office or at the project or (ii) mailing the notice by certified United States mail, return receipt requested, to the developer or its agent designated in the contract.

Allegations of violation of any law or regulation contained in the Virginia Real Estate Time-Share Act or the Time-Share Regulations ([18VAC48-45](#)) should be reported to the Common Interest Community Board, Perimeter Center, Suite 400, 9960 Mayland Drive, Richmond, Virginia 23233.

D. A summary of important considerations shall immediately follow the first page for the purpose of reinforcing the disclosure of significant information. The summary shall be titled as such and shall be introduced by the following statement: "The following are important matters to be considered in acquiring a time-share. They are highlights only. The Public Offering Statement should be examined in its entirety to obtain detailed information." Appropriate modifications shall be made to reflect facts and circumstances that may vary. The summary shall consist of, but not be limited to, the following, as applicable:

1. A brief description of the time-share project and the time-share program.
2. A statement regarding all incidental benefits or alternative purchases that may be offered by the developer.
3. A brief description of all amenities located within or outside of the time-share project and available to time-share owners by virtue of ownership in the time-share project. If such amenities are not common elements of the time-share project, identify who owns the amenities and whether time-share owners are required to pay to access and use.
4. A statement describing any exchange program that may be offered to the purchaser.
5. A statement describing (i) the purchaser's responsibility to make principal and interest payment in connection with the purchase of the time-share as well as to pay maintenance fees or assessments, special assessments, user fees, insurance premiums, and real estate taxes and (ii) that a time-share owner cannot reduce the amount of any owner obligation for any reason.
6. A statement regarding the consequences for failure to pay maintenance fees or any special assessment when due. The statement may reference the enforcement mechanisms available to the developer, and if applicable the time-share association, by describing (i) any declaration of an owner being an "Owner Not in Good Standing"; (ii) any civil action taken for the collection of a debt; (iii) means for pursuing foreclosure or obtaining a lien against the time-share unit; and (iv) denial of access to the time-share project and



participation in the time-share program.

7. A statement indicating whether the developer or managing agent has indictments, convictions, judgments, decrees, or order of any court or administrative agency for matters related to fraud or consumer protection violations that may be required to be disclosed by subdivisions A 1 c and A 1 d of § [55-374](#) of the Code of Virginia.

8. A statement indicating the period of time the developer will retain control of the association for time-share estate projects.

9. A statement disclosing any management agreement with a managing agent to perform certain duties for the time-share project.

10. A statement indicating whether the developer may expand the time-share project.

11. A statement indicating whether the right of the time-share owner to resell or transfer the time-share is subject to restrictions.

12. A statement indicating the time-share units are restricted to lodging only.

13. A statement indicating that the time-share owner may not alter the interior or exterior of the time-share unit.

14. A statement regarding the obligation of the developer or association to obtain certain insurance benefiting the time-share owner.

15. A statement regarding a time-share estate and time-share owner's obligation to pay real estate taxes.

16. A statement regarding whether or not the developer reserves the right to add or delete any alternative purchase.

E. The content after the summary of important considerations shall include the narrative sections in [18VAC48-45-170](#) through [18VAC48-45-310](#) . Supplementary sections may be included as necessary.

F. Clear and legible copies of the following documents shall be included as either supplements or exhibits to the public offering statement:

1. Project time-share instrument;
2. Association articles of incorporation;
3. Bylaws;
4. Association annual report or projected budget for time-share estate programs;
5. Rules and regulations of the time-share owners' association, if available;
6. Any management contract, if applicable;
7. Exchange company disclosure document and narrative statement required pursuant to subsection B of § [55-374](#) of the Code of Virginia, if applicable; and

8. Other documents obligating the association or time-share owner to perform duties or obligations or pay charges or fees, if applicable.

G. Other information and documentation may be included as necessary to ensure full and accurate disclosure. The board may also require additional information as necessary to ensure full and accurate disclosure.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-170. Narrative Sections; Time-Share Concept.

The public offering statement shall contain a section captioned "The Time-Share Concept." The section shall consist of a brief discussion of the form of time-share ownership being offered.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-180. Narrative Sections; Creation of Time-Share Project.

The public offering statement shall contain a section captioned "Creation of the Time-Share Project." The section shall briefly explain the manner in which the time-share project was or will be created, the locality wherein the time-share instrument will be or has been recorded, and the procedure for its amendment.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-190. Narrative Sections; Description of Time-Share Project.

A. The public offering statement shall contain a section captioned "Description of the Time-Share Project." The section shall provide a general description of the time-share project registered with the board and the units and common elements promised available to purchasers. This section shall also provide the developer's estimated schedule of commencement and completion of all promised and incomplete units and common elements.

B. The section shall state whether the developer has reserved the right to add and delete from

the time-share program a time-share project or any incidental benefit or alternative purchase.

C. The section shall refer the purchaser to the reverter deed for an explanation if the developer utilized the possibility of a reverter.

D. The section shall indicate all provisions that have been made for public utilities in the time-share project, including but not limited to water, electricity, telephone, and sewerage facilities.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-200. Narrative Sections; Individual Time-Shares.

A. The public offering statement shall contain a section captioned "Individual Time-Shares." The section shall indicate (i) the form of time-share ownership being offered; (ii) the types, duration, and number of units and time-shares in the project registered with the board; (iii) identification of units that are subject to the time-share program; and (iv) the estimated number of units that may become subject to the time-share program.

B. This section shall explain the extent to which financial arrangements, if any, have been provided for completion of any incomplete but promised time-share unit or common element being offered for sale. The section shall contain a statement of the developer's obligation to complete any promised time-share unit or common element being offered for sale comprising the time-share project that have not begun or begun but not yet completed.

C. The section shall explain the extent to which a time-share unit may become subject to a tax or other lien arising out of claims against other owners of the same unit.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-210. Narrative Sections; Developer.

The public offering statement shall contain a section captioned "The Developer." The section shall disclose the following information concerning the developer:

1. The name and principal address of the developer.
2. The name, principal occupation, and address of every director, partner, limited liability company manager, or trustee of the developer.

3. The name and address of each person owning or controlling an interest of at least 20% in the time-share project.
4. The particulars of any indictment, conviction, judgment, decree, or order of any court or administrative agency against the developer or managing entity for violation of a federal, state, local, or foreign country law or regulation in connection with activities relating to time-share sales, land sales, land investments, security sales, construction or sale of homes or improvements, or any similar or related activity.
5. The nature of each unsatisfied judgment, if any, against the developer or the managing entity; the status of each pending suit involving the sale or management of real estate to which the developer, the managing entity, or any general partner, executive officer, director, limited liability company manager, or majority stockholder thereof, is a defending party; and the status of each pending suit, if any, of significance to any time-share project registered with the board.
6. The name and address of the developer's agent for service of any notice permitted by this chapter.
7. The section shall describe the type of legal entity of the developer and explain if other entities have any obligation to satisfy the financial obligations of the developer.
8. For a time-share use program, a statement as to whether a developer's net worth is more than or less than \$250,000. If the developer's net worth is less than \$250,000, a current audited balance sheet shall be provided with the public offering statement. If the developer's net worth exceeds \$250,000, a statement by the developer that its equity in the time-share program exceeds \$250,000.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-220. Narrative Sections; Terms of Offering.

- A. The public offering statement shall contain a section captioned "Terms of the Offering." The section shall discuss the expenses to be borne by a purchaser in acquiring a time-share and present information regarding the settlement of purchase contracts as provided in subsections B through H of this section.
- B. The section shall indicate any initial or special fees due from the purchaser at settlement including a description of the purpose of such fees.
- C. The section shall set forth a general description of any financing offered by or available through the developer to purchasers.
- D. The section shall describe (i) services that the developer provides or expenses it pays and that it expects may become at any subsequent time a time-share expense of the owners and

(ii) the projected time-share expense liability attributable to each of those services or expenses for each time-share.

E. The section shall discuss all penalties or forfeitures to be incurred by a purchaser upon default in performance of a purchase contract.

F. The section shall discuss the process for cancellation of a purchase contract by a purchaser in accordance with § [55-376](#) of the Code of Virginia. The section shall include a statement that the purchaser has a nonwaivable right of cancellation and refer such purchaser to that portion of the contract in which the right of cancellation may be found.

G. The section shall describe the terms of the deposit escrow requirements, including a statement, if applicable, that the developer has filed a surety bond or letter of credit with the board in lieu of escrowing deposits, in accordance with § [55-375](#) of the Code of Virginia. The section shall also state that deposits may be removed from escrow and no longer protected by a surety bond or letter of credit after the expiration of the cancellation period.

H. The section shall set forth all restrictions in the purchase contract that limit the time-share owner's right to bring legal action against the developer or the association. The section shall set forth the paragraph or section and page number of the purchase contract where such provision is located. Nothing in this statement shall be deemed to authorize such limits where those limits are otherwise prohibited by law.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

### 18VAC48-45-230. Narrative Sections; Encumbrances.

The public offering statement shall contain a section captioned "Encumbrances" that shall describe all liens, defects, or encumbrances affecting the time-share project and in particular the time-share offered to the purchaser.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-240. Narrative Sections; Exchange Program.

If any prospective purchaser is offered the opportunity to subscribe to or participate in any exchange program, the public offering statement shall contain a section captioned "Exchange Program" that shall include the following:

1. A statement of whether membership or participation in the program is voluntary or mandatory; and
2. A statement that the purchaser's contract with the exchange company is a contract separate and distinct from the purchaser's contract with the developer and whether there is a fee associated with membership or participation in the exchange program.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-250. Narrative Sections; Financial Matters.

- A. The public offering statement shall contain a section captioned "Financial Matters." The section shall discuss the expenses incident to the ownership of a time-share.
- B. The section shall distinguish, in general terms, the following categories of costs of operation, maintenance, repair, and replacement of various portions of the time-share as follows: (i) time-share expenses; (ii) time-share estate occupancy expenses as defined in § [55-369](#) of the Code of Virginia; and (iii) all other costs that may be borne directly by individual time-share owners.
- C. A budget shall show projected common expenses in each of the categories in subsection B of this section for the first year of the time-share's operation or, if different, the latest year for which a budget is available. The projected budget shall be attached to the public offering statement as an exhibit and the section shall direct the purchaser's attention to such exhibit. The section shall describe the manner in which the projected budget is established. If the time-share is phased, the budget shall project future years until all phases are projected to be developed and all common elements that must be built have been completed. The budget shall include an initial working capital budget showing sources and uses of initial working capital and a reserve table showing amounts to be collected to fund those reserves. The budget shall show regular individual assessments by unit type. The budget shall note that the figures are not guaranteed and may vary.
- D. The section shall describe the manner in which (i) time-share expenses; (ii) time-share estate occupancy expenses as defined in § [55-369](#) of the Code of Virginia; and (iii) all other costs that may be borne directly by individual time-share owners are apportioned among and assessed to the time-share units. The section shall include the substance of the following statement, if applicable: "A time-share owner cannot obtain a reduction of the (i) time-share expenses; (ii) time-share estate occupancy expenses as defined in § [55-369](#) of the Code of Virginia; and (iii) any other costs that may be borne directly by individual time-share owners assessed against the unit by refraining from use of any of the common elements."
- E. The section shall describe budget provisions for reserves for capital expenditures, if any. If there are no reserves, the section shall so state.

F. The section shall discuss (i) time-share expenses; (ii) time-share estate occupancy expenses as defined in § [55-369](#) of the Code of Virginia; (iii) all other costs that may be borne directly by individual time-share owners; and (iv) any right the developer or association has to institute special assessments.

G. The section shall indicate any fee, rental, or other charge to be payable by unit owners other than through assessments and maintenance fees to any party for use of the common elements or for use of recreational or parking facilities in the vicinity of the time-share project.

H. The section shall discuss the effect of failure of a time-share owner to pay the assessments and maintenance fees levied against the time-share unit. Such discussion shall indicate provisions for charges or other remedies that may be imposed to be applied in the case of unpaid and past due assessments and for acceleration of unpaid assessments.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-255. Narrative Sections; Governmental Reviews.

The public offering statement shall contain a section captioned "Governmental Reviews." The section shall discuss governmental approvals required for the development of the time-share project. In addition, the section shall discuss approval of the zoning application and site plan and issuance of building permits by appropriate governmental authorities. The section shall state the current zoning classification for the time-share project property. The section shall also include a statement regarding zoning, subdivision, or land use obligations or proffers that would be imposed on the time-share owner or the association, but need not disclose zoning, subdivision, or land use obligations or proffers that do not impose any obligation on the association.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-260. Narrative Sections; Restrictions on Transfer.

The public offering statement shall include a section captioned "Restrictions on Transfer." The section shall describe and explain limitations on leasing or other restraints on free alienability created by the time-share instruments or the rules and regulations of the time-share owners' association that affect the time-share owners' right to resell, lease or otherwise transfer an interest in the time-share.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-270. Narrative Sections; Time-Share Owners' Association.

A. For time-share estate projects the public offering statement shall contain a section captioned "Time-Share Owners' Association." The section shall discuss the arrangements for the management and operation of the time-share estate program and for the maintenance, repair, and furnishing of units and shall include the information required by subdivisions 1 through 15 of this subsection. The section shall describe or discuss the following:

1. The creation of the association.
2. The payment of costs and expenses of operating the time-share estate program and owning and maintaining the time-share units.
3. Employment and termination of employment of the managing agent for the time-share estate project.
4. Termination of leases and contracts for goods and services for the time-share estate project that were entered into during the developer control period.
5. Preparation and dissemination of the annual report required by § [55-370.1](#) of the Code of Virginia to the time-share estate owners.
6. Adoption of standards and rules of conduct for the use, enjoyment, and occupancy of units by the time-share estate owners.
7. Collection of regular assessments, fees or dues, and special assessments from time-share estate owners to defray all time-share expenses.
8. Comprehensive general liability insurance for death, bodily injury, and property damage arising out of, or in connection with, the use and enjoyment of the time-share project by time-share estate owners, their guests and other users. The cost for such insurance shall be a time-share expense.
9. Methods for providing compensation or alternate use periods or monetary compensation to a time-share estate owner if his contracted-for unit cannot be made available for the period to which the owner is entitled by schedule or by confirmed reservation.
10. Procedures for imposing a monetary penalty or suspension of a time-share estate owner's rights and privileges in the time-share estate program or time-share project for failure to comply with provisions of the time-share instrument or the rules and regulations of the association with respect to the use and enjoyment of the units and the time-share project. Under these procedures a time-share estate owner must be given reasonable notice and reasonable opportunity to be heard and explain the charges against him in person or in



writing to the board of directors of the association before a decision to impose discipline is rendered.

11. Employment of attorneys, accountants, and other professional persons as necessary to assist in the management of the time-share estate program and the time-share project.

12. Developer control period, during which time period the developer, or a managing agent selected by the developer, shall manage and control the time-share estate project and the common elements and units, including decisions about the financial operation of the association.

13. The managing agent, if any, shall be identified, and the section shall indicate any relationship between the managing agent and the developer. The duration of any management agreement shall be stated.

14. Except to the extent otherwise disclosed in connection with discussion of a management agreement, the significant terms of any lease of recreational areas or similar contract or agreement affecting the use, maintenance or access of all or any part of the time-share project shall be stated. The section shall include a brief narrative statement of the effect of each such agreement upon a purchaser.

15. Rules and regulations of the time-share estate association shall be discussed. The purchaser's attention shall be directed to the copy of rules and regulations, if any, attached to the public offering statement.

B. For time-share use projects, if an association is formed for management and operation of the time-share use program and for the maintenance, repair, and furnishing of time-share use units comprising the time-share, the public offering statement shall contain a section captioned "Time-Share Owners' Association." This section shall contain the information required by subdivisions A 1 through 15 of this section as applicable to the association for the time-share use project.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-280. Narrative Sections; Managing Entity.

The public offering statement shall include a section captioned "Managing Entity." This section shall provide the name and address of the managing entity for the project. The section shall also provide a description of the facilities, if any, provided by the developer to the association in a time-share estate project for the management of the project.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-290. Narrative Sections; Conversion Time-Share Projects.

A. The public offering statement of a conversion time-share project shall contain a section captioned "Conversion Time-Share Projects." The section shall include the following:

1. A specific statement of the amount of any initial or special fee, if any, due from the purchaser of a time-share on or before settlement of the purchase contract and the basis of such fee occasioned by the fact that the project is a conversion time-share project.
2. Information on the actual expenditures, if available, made on all repairs, maintenance, operation, or upkeep of the building or buildings within the last three years. This information shall be set forth in a tabular manner within the proposed budget of the project. If such building or buildings have not been occupied for a period of three years then the information shall be set forth for the period during which such building or buildings were occupied.
3. A description of any provisions made in the budget for reserves for capital expenditures and an explanation of the basis for such reserves occasioned by the fact that the project is a conversion time-share project, or, if no provision is made for such reserves, a statement to that effect.
4. A statement of the present condition of all structural components and major utility installations in the building, which statement shall include the approximate dates of construction, installations, and major repairs as well as the expected useful life of each such item, together with the estimated cost, in current dollars, of replacing each such component.

B. In lieu of a narrative section pursuant to this section, the requirements of this section may be satisfied in the form of an exhibit to the public offering statement.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-300. Narrative Sections; Insurance.

The public offering statement shall contain a section captioned "Insurance." The section shall describe generally the insurance coverage provided by the developer or the association for the benefit of time-share owners not otherwise described in the public offering statement. The section shall state, with respect to such insurance, each of the following circumstances, to the extent applicable: (i) property damage coverage will not insure personal property belonging to unit owner; and (ii) liability coverage will not insure against liability arising from an accident or injury occurring within a unit or as a result of the act or negligence of a

time-share owner. The section shall include a statement whether the time-share owner is obligated to obtain coverage for any or all of the coverages described. The section shall include a statement indicating that the time-share owner should consult with an insurance professional to determine appropriate coverage.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-310. Narrative Sections; Alternative Purchase.

The public offering statement shall contain a section entitled "Alternative Purchases." The section shall state whether or not the developer has reserved the right to add to or delete from the time-share program any incidental benefit or alternative purchase. The section shall state that such alternative purchase has been or will be registered with the board.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-320. Documents from Other Jurisdictions.

A. A substituted public offering statement shall only be permitted for a time-share program for which some portion of the time-share project associated with the program is located outside of Virginia.

B. The substituted public offering statement shall be prepared by deleting from the original disclosure document the following: (i) references to any governmental agency of another jurisdiction to which application has been made or will be made for registration or related action; (ii) references to the action of such governmental agency relative to the time-share project and its time-share program; (iii) statements of the legal effect in another jurisdiction of delivery, failure to deliver, acknowledgment of receipt or related events involving the disclosure document; (iv) the effective date or dates in another jurisdiction of the disclosure document; and (v) all other information that is untrue, inaccurate, or misleading with respect to marketing, offers, or disposition of time-shares in Virginia.

C. The substituted public offering statement shall incorporate all information not otherwise included that is necessary to effect fully and accurately the disclosures required by § [55-374](#) of the Code of Virginia. The substituted disclosure document shall clearly explain any nomenclature that is different from the definitions provided in § [55-362](#) of the Code of Virginia.

D. The substituted public offering statement shall include as the first item of the summary of

important considerations a statement that includes the following information: (i) the designation by which the original disclosure document is identified in the original jurisdiction; (ii) the governmental agency of such other jurisdiction where the original disclosure document is or will be filed; and (iii) the jurisdiction of such filing.

E. The provisions of §§ [55-374](#) and [55-376](#) of the Code of Virginia and [18VAC48-45-150](#) , [18VAC48-45-160](#) , and [18VAC48-45-170](#) shall apply to substituted public offering statements in the same manner and to the same extent that they apply to public offering statements.

F. In the case of a time-share project located outside of the Commonwealth, pursuant to subsection G of § [55-374](#) of the Code of Virginia, disclosure statements required by other situs laws governing time-sharing that are equivalent to the requirements of this chapter may be accepted as alternative disclosure statements.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#) , eff. March 1, 2016.

## 18VAC48-45-330. Minimum Post-Registration Reporting Requirements for a Time-Share Project.

### Part VI. Time-Share Project Post-Registration Provisions

A. Subsequent to the issuance of a registration for a time-share by the board, the developer of a time-share shall do the following:

1. File an annual report in accordance with § [55-394.1](#) of the Code of Virginia and this chapter.
2. Upon the occurrence of a material change, file an amended public offering statement in accordance with the provisions of subsection E of § [55-374](#) and subsection C of § [55-394.1](#) of the Code of Virginia and this chapter. These amendments shall be filed with the board within 20 business days after the occurrence of the material change.
3. Upon the occurrence of any material change in the information contained in the registration file, the developer shall immediately report such material changes to the board in accordance with the provisions of subsection B of § [55-391.1](#) of the Code of Virginia.
4. Notify the board of a change in any bond or letter of credit, as applicable, filed with the board in accordance with § [55-375](#) of the Code of Virginia or required by subsection B of § [55-386](#) of the Code of Virginia.
5. File a completed application for registration of an unregistered phase or phases upon the expansion of the time-share, along with the appropriate fee specified in [18VAC48-45-70](#) .
6. Notify the board of transition of control from the developer to the time-share estate owners' association (time-share estate projects only).

7. Submit appropriate documentation to the board once the registration is eligible for termination.

8. Submit to the board any other document or information, which may include information or documents that have been amended or may not have existed previously, that affects the accuracy, completeness, or representation of any information or document filed with the application for registration.

9. Submit to the board any document or information to make the registration file accurate and complete.

B. Notwithstanding the requirements of subsection A of this section, the board at any time may require a developer to provide information or documents, or amendments thereof, in order to assure full and accurate disclosure to prospective purchasers and to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

### 18VAC48-45-340. Amendment of Public Offering Statement.

Any amendment of the public offering statement or substituted public offering statement shall comply with this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-350. Nonmaterial Changes to the Public Offering Statement.

Changes to the public offering statement that are not material are not required to be filed with the board, shall not be deemed an amendment of the public offering statement for the purposes of this chapter, and shall not give rise to a renewed right of rescission in any purchase. Nonmaterial changes to the public offering statement include the following:

1. Correction of spelling, grammar, omission, or other similar errors not affecting the substance of the public offering statement;
2. Changes in presentation or format;
3. Substitution of an executed, filed, or recorded copy of a document for the otherwise substantially identical unexecuted, unfiled, or unrecorded copy of the document that was previously submitted;

4. Inclusion of updated information such as identification or description of the current officers and directors of the developer;
5. Disclosure of completion of improvements for improvements that were previously proposed or not complete;
6. Changes in real estate tax assessment or rate or modifications related to those changes;
7. Changes in utility charges or rates or modifications related to those changes;
8. Addition or deletion of incidental benefits or alternative purchases provided the developer reserved in the time-share instrument the right to add or delete incidental benefits or alternative purchases;
9. Adoption of a new budget that does not result in a significant change in fees or assessments or significantly impact the rights or obligations of the prospective purchasers;
10. Modifications related to changes in insurance company or financial institution, policy, or amount for bonds or letters of credit filed with the board in accordance with § [55-375](#) of the Code of Virginia or required pursuant to § [55-386](#) of the Code of Virginia;
11. Changes in personnel of the managing agent; and
12. Any change that is the result of orderly development of the time-share in accordance with the time-share instruments as described in the public offering statement.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

### 18VAC48-45-360. Filing of Amended Public Offering Statement.

A. The developer shall promptly file with the board for review a copy of the amended public offering statement together with a copy of a summary of proposed amendments that shall be distributed to purchasers during the board review period. The summary of proposed amendments shall enumerate the amendments to the public offering statement submitted for board review and include a statement that the amendments to the public offering statement have been filed with the board but have not yet been accepted. The form of the submission is at the discretion of the developer provided that (i) all amendments are clearly represented in the documentation presented; (ii) the additions and deletions of text in the public offering statement and exhibits shall be identified by underlining and striking through text to be added and deleted; and (iii) documents being added to or deleted from the contents of the public offering statement shall be clearly and accurately reflected in the table of contents utilizing underlines and strikethroughs for additions and deletions. In addition to the copies showing edits to the text, a clean copy of all new and amended documents shall be provided.

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

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

D. If the board's review determines that the amended public offering statement does not comply with this chapter, it shall immediately notify the developer in writing that the review has determined the amended public offering statement is not in compliance and shall specify the particulars of such noncompliance. The developer shall then have 20 days in which to correct the particulars of noncompliance identified by the board. The developer may, prior to the completion of the 20-day correction period, request an extension in writing of the 20-day correction period. Upon expiration of the 20-day correction period, if requested corrections have not been made or a request for extension properly received, the board may issue a temporary cease and desist order in accordance with subdivision D 2 of § [55-396](#) of the Code of Virginia to require the cessation of sales until such time as affirmative action as directed by the board is taken. Use of the noncompliant public offering statement may result in further action by the board pursuant to §§ [55-396](#), 55-399.1, and [55-400](#) of the Code of Virginia.

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

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

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-370. Current Public Offering Statement.

A. Upon issuance of an effective date by the board, all purchasers who received a public offering statement and summary of proposed amendments during the board review period pursuant to subsection A of [18VAC48-45-360](#) shall be provided with the public offering statement as accepted by the board. A public offering statement remains current until such time as the occurrence of a material change requires amendment of the public offering statement pursuant to this chapter and a new effective date is issued by the board.

B. Upon issuance of an effective date by the board, a public offering statement remains current until such time as a new effective date is established pursuant to this chapter.

C. Notwithstanding the board's authority to issue a cease and desist order pursuant to § [55-396](#) of the Code of Virginia, the filing of an amended public offering statement shall not require the developer to cease sales provided that the developer provides to purchasers the summary of proposed amendments pursuant to subsection A of [18VAC48-45-360](#) pending the issuance of a new effective date by the board.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-380. Public Offering Statement Not Current; Notification of Purchasers.

A. A purchaser who has been delivered a public offering statement that is not current due to a material change and was not provided with the summary of proposed amendments containing the proposed changes to the amended public offering statement pursuant to subsection A of [18VAC48-45-360](#) pending the issuance of a new effective date by the board shall be notified of such fact by the developer.

B. A purchaser who has been delivered a public offering statement and summary of proposed amendments pursuant to subsection A of [18VAC48-45-360](#), but the amended public offering statement is determined to be noncompliant in accordance with subsection D of [18VAC48-45-360](#), shall be notified of such fact by the developer.

1. The notification shall indicate that any contract for disposition of a time-share may be canceled by the purchaser pursuant to subsection C of § [55-376](#) of the Code of Virginia.

2. The developer shall file a copy of the notification with the board and provide proof that such notification has been delivered to all purchasers under contract.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-390. Filing of Phase Amendment Application.

A. A phase amendment application for a time-share project shall be filed when adding a phase or phases to the time-share project. Such phase amendment application shall be accompanied by the fee provided for in [18VAC48-45-70](#) and shall be subject to all of the provisions of [18VAC48-45-50](#) and [18VAC48-45-110](#), [18VAC48-45-120](#), and [18VAC48-45-](#)



[130](#) . Documents on file with the board that have not changed in connection with the additional phase or phases need not be refiled, provided that the phase amendment application indicates that such documents are unchanged.

B. The application shall include a bond or letter of credit required pursuant to subsection B of § [55-386](#) of the Code of Virginia if any of the time-share units and common elements contained in the submitted additional phase or phases have not been completed.

C. The board shall review the phase amendment application and supporting materials to determine whether the amendment complies with this chapter. If the board's review determines the phase amendment application complies with this chapter, it shall issue an amended order of registration for the time-share project and shall provide that previous orders and designations of the form, content, and effective date of the public offering statement are superseded. If the board's review determines that the phase amendment application is not complete, the board shall correspond with the developer to specify the particulars that must be completed to obtain compliance with this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#) , eff. March 1, 2016.

### 18VAC48-45-400. Annual Report for a Time-Share Project Registration Required by Developer.

A. A developer shall file an annual report for a time-share project registration on a form provided by the board to update the material contained in the registration file by June 30 of each year the registration is effective and shall be accompanied by the fee specified in [18VAC48-45-70](#) . Prior to filing the annual report required by § [55-394.1](#) of the Code of Virginia, the developer shall review the public offering statement then being delivered to purchasers. If such public offering statement is current, the developer shall so certify in the annual report. If such public offering statement is not current, the developer shall amend the public offering statement and the annual report shall, in that event, include a filing in accordance with [18VAC48-45-360](#) .

B. The annual report shall contain the following:

1. Current contact information for the developer;
2. Information concerning the current status of the time-share project;
3. Information concerning the current status of the time-share program, including (i) the type of time-shares being offered and sold; (ii) the total number of time-share interests available in the program; (iii) the total number of time-share interests sold; and (iv) information regarding any incomplete units and common elements;
4. If the project is a time-share estate project and the developer control period has not yet

expired, a copy of the annual report that was prepared and distributed by the developer to the time-share owners required by § [55-370.1](#) of the Code of Virginia must accompany the annual report;

5. Date of the public offering statement currently being delivered to purchasers; and

6. Current evidence from the surety or financial institution of bonds or letters of credit filed with the board in accordance with § [55-375](#) of the Code of Virginia or required pursuant to subsection B of § [55-386](#) of the Code of Virginia, or submittal of replacement bonds or letters of credit. Such verification shall provide the following:

- a. Principal of bond or letter of credit;
- b. Beneficiary of bond or letter of credit;
- c. Name of the surety or financial institution that issued the bond or letter of credit;
- d. Bond or letter of credit number as assigned by the issuer;
- e. The dollar amount;
- f. The expiration date or, if self-renewing, the date by which the bond or letter of credit shall be renewed; and
- g. For any blanket bond or blanket letter of credit, a statement of the total amount of deposits held by the developer as of May 31 of that calendar year.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

## 18VAC48-45-410. Board Review of Annual Report for a Time-Share Project Registration.

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

B. If the board does not accept the annual report and the annual report filing is not completed within 60 days of a request by the board for additional information, the board may take further action pursuant to §§ [55-396](#), [55-399.1](#), and [55-400](#) of the Code of Virginia for failing to file an annual report as required by § [55-394.1](#) of the Code of Virginia.

C. If the board does not perform the required review of the annual report within 30 days of receipt by the board, the annual report shall be deemed to comply with § [55-394.1](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-420. Return of Bond or Letter of Credit to Ensure Completion of Promised Units and Common Elements to Developer.

A bond or letter of credit on file with the board pursuant to subsection B of § [55-386](#) of the Code of Virginia may be returned to the developer upon written request. Such request shall include a statement from the developer that indicates the units and common elements for which the bond or letter of credit was submitted have been completed. If the submitted statement is not sufficient to confirm completion, the board may request additional documentation.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-430. Return of Bond or Letter of Credit Filed in Lieu of Escrowing Deposits.

A. An individual bond or individual letter of credit on file with the board in accordance with § [55-375](#) of the Code of Virginia may be returned to the developer upon written request. Such request shall include a statement from the developer that indicates (i) the purchaser's cancellation period has expired, (ii) the purchaser's default under a purchase contract for the time-share estate entitling the developer to retain the deposit, or (iii) the purchaser's deposit was refunded.

B. Upon issuance of an order of termination of the time-share project registration pursuant to [18VAC48-45-450](#), a blanket bond or blanket letter of credit on file with the board in accordance with § [55-375](#) of the Code of Virginia will be returned to the developer.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

### 18VAC48-45-440. Maintenance of Bond or Letter of Credit.

A. The developer shall report the extension, cancellation, amendment, expiration, termination, or any other change of any bond or letter of credit submitted in accordance with § [55-375](#) and subsection B of § [55-386](#) of the Code of Virginia within five days of the change.

B. The board at any time may request verification from the developer of the status of a bond or letter of credit on file with the board. Such verification shall comply with the provisions of subdivision B 6 of [18VAC48-45-400](#) .

C. Failure to report a change in the bond or letter of credit in accordance with this section shall result in further action by the board pursuant to the Virginia Real Estate Time-Share Act.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

### 18VAC48-45-450. Termination of Time-Share Project Registration.

A. The time-share project registration shall be terminated upon receipt of documentation of one of the following:

1. In accordance with subsection A of § [55-394.2](#) of the Code of Virginia, an annual report for a time-share estate program filed pursuant to § [55-394.1](#) of the Code of Virginia indicates that the developer has transferred title to the time-share owners' association and that no further development rights exist.
2. In accordance with subsection B of § [55-394.2](#) of the Code of Virginia, written notification is received from the developer attesting that no further development of the project is anticipated and that the developer has ceased sales of time-shares at the project.

B. Upon receipt and review of documentation pursuant to subsection A of this section, the board shall issue an order of termination for the time-share registration. The board may request additional information as necessary during the review of the submitted documentation to ensure that the time-share registration is eligible for termination.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#) , eff. March 1, 2016.

### 18VAC48-45-460. Administrative Termination of Time-Share Project Registration.

A. In accordance with subsection C of § [55-394.2](#) of the Code of Virginia, the board may administratively terminate the registration of a time-share project. Prior to the administrative termination of the registration, the board shall send written notice of its intent to terminate the registration to all known parties associated with the time-share

project, including, but not limited to, the registered agent, developer's attorney, and principals of the developer. Such written notice shall be given to the parties by mail or otherwise if acknowledged by them in writing.

B. The board shall issue an order of termination for the time-share registration if (i) a response is not received within 30 days after sending the written notice, or (ii) the response received does not indicate termination of the registration is inappropriate in accordance with the Virginia Real Estate Time-Share Act and this chapter.

C. Nothing contained in this section shall prevent the board from taking further action as allowed by law including issuance of a temporary cease and desist order, issuance of a cease and desist order, revocation of registration, and bringing action in the appropriate circuit court to enjoin the acts or practices and to enforce compliance.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-470. Reporting of Other Changes to the Time-Share Project.

Any other change made or known by the developer that may affect the accuracy or completeness of the time-share registration file shall be reported promptly to the board. Such change may include but is not limited to the name of the developer, name of the time-share project, or any other changes in information submitted in accordance with § [55-391.1](#) of the Code of Virginia. The board may request additional information as necessary to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-480. Registration of Alternative Purchase Required.

#### Part VII. Alternative Purchase Registration

As required by § [55-394.5](#) of the Code of Virginia, a time-share developer shall register an alternative purchase as defined by § [55-362](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-490. Application for Registration of an Alternative Purchase.

Application for registration of alternative purchase shall be filed with the board on an application form furnished by the board and shall contain all of the documents and information required by § [55-394.5](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-500. (Reserved.)

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-510. Review of Application for Registration of an Alternative Purchase.

At such time as the board affirmatively determines that the requirements of this chapter have been met, the board shall register the alternative purchase. The registration period of the alternative purchase shall expire the last day of the month one year from the date of issuance.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-520. Minimum Alternative Purchase Post-Registration Reporting Requirements.

A. Subsequent to the issuance of a registration for an alternative purchase by the board, the developer offering the alternative purchase shall do the following:

1. File the annual report required pursuant to [18VAC48-45-540](#).
2. Upon the occurrence of any material change in the information contained in the registration file, the developer of a registered alternative purchase shall file the material change with the board within 30 days of the effective date of the material change.
3. Submit appropriate documentation to the board once the registration is eligible for

termination.

4. Submit to the board any other document or information, which may include information or documents that have been amended or may not have existed previously, that affects the accuracy, completeness, or representation of any information or document filed with the application for registration.

5. Submit to the board any document or information to make the registration file accurate and complete and to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

B. Notwithstanding the requirements of subsection A of this section, the board at any time may require the developer of a registered alternative purchase to provide information or documents, or amendments thereof, in order to assure full and accurate disclosure to prospective purchasers and to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

18VAC48-45-530. (Reserved.)

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

18VAC48-45-540. Annual Report Required for Alternative Purchase Registration.

A. Prior to the expiration of the registration, the developer shall file an annual report in a form approved by the board for the registered alternative purchase affiliated with such time-share project registration. Such alternative purchase annual report shall be accompanied by the fee specified in [18VAC48-45-70](#).

B. The annual report shall contain, but may not be limited to, the following:

1. Current contact information for the developer.
2. Information concerning the current status of the alternative purchase.

C. Once the annual report has been accepted by the board, the registration shall be extended for an additional one-year period from the date of the expiration of the registration. If the developer fails to complete the annual report filing within one year after the date of

expiration, the registration shall not be extended and the developer must apply as a new applicant.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-550. (Reserved.)

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-560. Termination of Registration for an Alternative Purchase.

A. The alternative purchase registration shall be terminated upon receipt of written notification from the developer attesting that the developer has ceased sales and requests termination of the alternative purchase. Should the developer later choose to offer alternative purchases for which the registration has been terminated in accordance with this subsection, prior to offering an alternative purchase, the developer must submit a new application for registration of the alternative purchase, meet all requirements in effect at the time of application, and obtain an alternative purchase registration from the board.

B. Upon receipt and review of the notification pursuant to subsection A of this section, the board shall terminate the alternative purchase registration. The board may request additional information as necessary during the review of the submitted notification to ensure that the alternative purchase registration is eligible for termination.

C. An alternative purchase registration shall be automatically terminated for failure to file an acceptable annual report within one year after the expiration of the registration.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-570. Reporting of Other Changes to the Alternative Purchase.

In accordance with subsection B of § 55.394.5 of the Code of Virginia, any material change made or known by the developer that may affect the accuracy or completeness of the alternative purchase registration file shall be filed with the board within 30 days of the effective date of the change. The board may request additional information as necessary to



ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-580. Registration of Exchange Program Required.

### Part VIII. Exchange Program Registration

As required by § [55-374.2](#) of the Code of Virginia, an exchange company that offers an exchange program in the Commonwealth shall register the exchange program with the board.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-590. Minimum Requirements for Registration of an Exchange Program.

An application for registration of an exchange program shall include the following:

1. An application submitted in accordance with [18VAC48-45-50](#) ;
2. Current contact information for the exchange company;
3. A disclosure document that complies with § [55-374.2](#) of the Code of Virginia; and
4. A report independently audited by a certified public accountant or accounting firm in accordance with the standards of the Accounting Standards Board of the American Institute of Certified Public Accountants. The report shall provide the following for the preceding calendar year:
  - a. The number of owners enrolled in the exchange program. Such numbers shall disclose the relationship between the exchange company and owners as being either fee paying or gratuitous in nature;
  - b. The number of time-share properties, accommodations or facilities eligible to participate in the exchange program;
  - c. The percentage of confirmed exchanges, which shall be the number of exchanges confirmed by the exchange company divided by the number of exchanges properly applied for, together with a complete and accurate statement of the criteria used to determine whether an exchange request was properly applied for;
  - d. The number of time-shares for which the exchange company has an outstanding

obligation to provide an exchange to an owner who relinquished a time-share during the year in exchange for a time-share in any future year; and

e. The number of exchanges confirmed by the exchange company during the year.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-600. Minimum Exchange Program Post-Registration Reporting Requirements.

A. Subsequent to the issuance of a registration for an exchange program by the board, the exchange company shall:

1. File an annual report in accordance with subsection E of § [55-374.2](#) of the Code of Virginia and this chapter.
2. Upon the occurrence of a material change to the disclosure document, the exchange company shall file an amended disclosure document in accordance with the provisions of § [55-374.2](#) of the Code of Virginia and this chapter. These amendments shall be filed with the board within 20 business days after the occurrence of the material change.
3. Upon the occurrence of any material change in the information contained in the registration file, the exchange company shall immediately report such material changes to the board.
4. Submit appropriate documentation to the board once the registration is eligible for termination.
5. Submit to the board any other document or information, which may include information or documents that have been amended or may not have existed previously, that affects the accuracy, completeness, or representation of any information or document filed with the application for registration.
6. Submit to the board any document or information to make the registration file accurate and complete to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

B. Notwithstanding the requirements of subsection A of this section, the board at any time may require an exchange company to provide information or documents, or amendments thereof, in order to assure full and accurate disclosure to prospective purchasers and to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-610. Annual Report Required for an Exchange Program Registration.

A. An exchange company shall file an annual report to update the material contained in the exchange program registration file by July 1 of each year the registration is effective and shall be accompanied by the fee specified in [18VAC48-45-70](#).

B. The annual report shall contain, but may not be limited to, the following:

1. Current contact information for the exchange company;
2. Information concerning the current status of the exchange program; and
3. A report that contains the information in subdivision 4 of [18VAC48-45-590](#) and submitted in compliance with subdivision A 17 of § [55-374.2](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-620. Board Review of Annual Report for Exchange Program Registration.

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

B. If the board does not accept the annual report and the annual report filing is not completed within 60 days of a request by the board for additional information, the board may take further action pursuant to §§ [55-396](#), 55-399.1, and [55-400](#) of the Code of Virginia for failing to file an annual report as required by subsection E of § [55-374.2](#) of the Code of Virginia.

C. If the board does not perform the required review of the annual report within 30 days of receipt by the board, the annual report shall be deemed to comply with subsection E of § [55-374.2](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-630. Termination of an Exchange Program Registration.

A. The exchange program registration shall be terminated upon receipt of written notification from the exchange company indicating that the exchange program is no longer being offered in the Commonwealth. Should the exchange company later choose to offer the exchange program for which the registration has been terminated in accordance with this subsection, prior to offering the exchange program, the exchange company must submit a new application for registration of the exchange program, meet all requirements in effect at the time of application, and be issued an order of registration for the exchange program by the board.

B. Upon receipt and review of the notification pursuant to subsection A of this section, the board shall issue an order of termination for the exchange program registration. The board may request additional information as necessary during the review of the submitted notification to ensure that the exchange program registration is eligible for termination.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### **18VAC48-45-640. Reporting of Other Changes to an Exchange Program.**

Any other change made or known by the exchange company that may affect the accuracy or completeness of the exchange program registration file shall be promptly reported to the board. The board may request additional information as necessary to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### **18VAC48-45-650. Registration of Time-Share Reseller Required.**

#### **Part IX. Time-Share Reseller Registration**

In accordance with § [55-394.3](#) of the Code of Virginia, a reseller shall not offer or provide any resale service without holding a current time-share reseller registration issued by the board.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### **18VAC48-45-660. Exemptions from Time-Share Reseller Registration.**

Time-share reseller registration shall not apply to the following:

1. A person that solely or with affiliates engages in a resale service with respect to an aggregate of no more than 12 resale time-shares per calendar year;
2. A person that owns or acquires more than 12 resale time-shares and subsequently transfers all such resale time-shares to a single purchaser in a single transaction;
3. The owner, owner's agents, and employees of a regularly published newspaper, magazine, or other periodical publication of general circulation; broadcast station; website; or billboard, to the extent their activities are limited to solicitation and publication of advertisements and the transmission of responses to the persons who place the advertisements. Any person that would otherwise be exempt from this chapter pursuant to this section shall not be exempt if the person (i) solicits the placement of the advertisement by representing that the advertisement will generate cash, a certain price, or a similar type of representation for the time-share owner's resale time-share, (ii) makes a recommendation as to the sales price for which to advertise the resale time-share, (iii) makes representations to the person placing the advertisement regarding the success rate for selling resale time-shares advertised with such person, or (iv) makes misrepresentations as described in this chapter;
4. Sale by a developer or a party acting on its behalf of a resale time-share under a current registration of the time-share program in which the resale time-share is included;
5. Sale by an association, managing entity, or a party acting on its behalf of a resale time-share owned by the association provided the sale is in compliance with subsection C of § [55-380.1](#); or
6. Attorneys, title agents, title companies, or escrow companies providing closing services in connection with the transfer of a resale time-share.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 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 § [55-394.3](#) 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 § [55-362](#) 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 § [55-362](#) 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 [55-396](#) 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.

### **18VAC48-45-680. Exhibits Required for Registration As a Time-Share Reseller.**

A. The following documents shall be included as exhibits to the application for registration. All exhibits shall be labeled as indicated and submitted in a format acceptable to the board.

1. Exhibit A: A copy of the certificate of incorporation or certificate of authority to transact business in Virginia issued by the Virginia State Corporation Commission, or any other entity formation documents, together with any trade or fictitious name certificate.
2. Exhibit B: A copy of the resale purchase contract.
3. Exhibit C: A copy of the resale transfer contract.
4. Exhibit D: A copy of disclosures required by § [55-380.1](#) of the Code of Virginia.
5. Exhibit E: A narrative description of the marketing or advertising plan.

B. The board has the sole discretion to require additional information or amendment of existing information as the board finds necessary to ensure full and accurate disclosure and compliance with the provisions of § [55-380.1](#) of the Code of Virginia and to ensure compliance with the provisions of § [55-394.3](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

### **18VAC48-45-690. Renewal and Reinstatement of a Time-Share Reseller Registration.**

A. A time-share reseller registration issued under this chapter shall expire one year from the last day of the month in which it was issued. The fee specified in [18VAC48-45-70](#) shall be required for renewal.

B. Prior to the expiration date shown on the registration, a registration shall be renewed upon payment of the fees specified in [18VAC48-45-70](#) .

C. The board will send a renewal notice to the regulant at the last known address of record. Failure to receive this notice shall not relieve the regulant of the obligation to renew. If the regulant fails to receive the renewal notice, a copy of the registration may be submitted with the required fees as an application for renewal. By submitting a renewal fee, the regulant is certifying continued compliance with this chapter, as applicable, and certifying that all documents required for registration pursuant to [18VAC48-45-680](#) on file with the board reflect the most current version used by the reseller.

D. If the requirements for renewal of a registration as specified in this chapter are not completed more than 30 days and within six months after the registration expiration date, the reinstatement fee specified in [18VAC48-50-70](#) shall be required.

E. A registration may be reinstated for up to six months following the expiration date. After six months, the registration may not be reinstated under any circumstances, and the firm or individual must meet all current entry requirements and apply as a new applicant.

F. The board may deny renewal or reinstatement of registration for the same reasons as it may refuse initial registration or discipline a registrant.

G. The date the renewal application and fee are received in the office of the board shall determine whether a registration shall be renewed without reinstatement, or shall be subject to reinstatement application procedures.

H. A registration that is reinstated shall be regarded as having been continuously registered without interruption. Therefore, the registration holder shall remain under the disciplinary authority of the board during the entire period and shall be accountable for its activities during the period. Nothing in this chapter shall divest the board of its authority to discipline a registration holder for a violation of the law or regulation during the period of time for which the regulant was registered.

I. Applicants for renewal shall continue to meet all of the qualifications for registration set forth in [18VAC48-45-680](#).

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

## 18VAC48-45-700. Maintenance of Time-Share Reseller Registration.

Any material changes made or known by the time-share reseller that may affect the accuracy or completeness of the time-share reseller registration file shall be promptly reported to the board. The board may request additional information as necessary to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

Statutory Authority



§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-710. Recordkeeping for a Time-Share Reseller Registration.

A time-share reseller registered by the board shall comply with the recordkeeping provisions of § [55-394.4](#) of the Code of Virginia.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-720. Grounds for Disciplinary Action.

### Part X. Board Authority and Standards of Conduct

The board may revoke a registration that is not in compliance with any provision of the regulations of the board or the Virginia Real Estate Time-Share Act. Additional action may include issuance of a temporary cease and desist order, issuance of a cease and desist order, and bringing action in the appropriate circuit court to enjoin the acts or practices and to enforce compliance.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

## 18VAC48-45-730. Registration Required.

A. No developer or agent of a developer shall offer a time-share prior to the registration of the time-share program and time-share project.

B. No developer or agent of a developer shall offer an alternative purchase prior to the registration of the alternative purchase by the developer.

C. No exchange company or agent of an exchange company shall offer an exchange program prior to the registration of the exchange program by the exchange company.

D. No time-share reseller or agent of a time-share reseller shall offer any resale services prior to the registration of the time-share reseller.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-740. Time-Share Advertising Standards.

A. No promise, assertion, representation, or statement of fact or opinion in connection with a time-share marketing activity shall be made that is false, inaccurate or misleading by reason of inclusion of an untrue statement of a material fact or omission of a statement of a material fact relative to the actual or intended characteristics, circumstances, or features of a time-share program or a time-share project.

B. No promise, assertion, representation, or statement of fact or opinion made in connection with a time-share marketing activity shall indicate that a unit or common element will be built or placed on the time-share unless proposed within the meaning of subsection A of [18VAC48-45-200](#).

C. No promise, assertion, representation, or statement of fact or opinion made in connection with a time-share marketing activity and relating to a time-share project not registered shall, by its express terms, induce, solicit, or encourage a contract for sale or performing some other act that would create or purport to create a legal or equitable interest in the time-share, other than a security interest in or a nonbinding reservation of the time-share, when to do so would circumvent the provisions of the Virginia Real Estate Time-Share Act.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-750. Board Oversight of Public Offering Statement and Exchange Program Disclosure Document.

A. The board at any time may require a developer to alter or amend the public offering statement for a time-share or an exchange program disclosure document to assure full and accurate disclosure to prospective purchasers and to ensure compliance with the Virginia Real Estate Time-Share Act and this chapter.

B. The board does not approve or recommend the time-share or exchange program, or disposition thereof. The board's issuance of an effective date for a public offering statement or acceptance of an exchange program disclosure document shall not be construed to (i) constitute approval of the time-share or exchange program; (ii) represent that the board asserts that either all facts or material changes or both concerning the time-share or exchange program have been fully and accurately disclosed; or (iii) indicate that the board has made judgment on the value or merits of the time-share or exchange program.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-760. Response to Inquiry and Provision of Records.

A. The developer, exchange company, or reseller must respond within 15 days to a request by the board or any of its agents regarding any complaint filed with the department. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 15-day period.

B. Unless otherwise specified by the board, the developer, exchange company, or reseller shall produce to the board or any of its agents within 15 days of the request any document, book, or record concerning any transaction in which the developer, exchange company, or reseller was involved, or for which the developer, exchange company, or reseller is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 15-day period.

C. A developer, exchange company, or reseller shall not provide a false, misleading, or incomplete response to the board or any agent of the board seeking information in the investigation of a complaint filed with the board.

D. With the exception of the requirements of subsections A and B of this section, a developer, exchange company, or reseller must respond to an inquiry by the board or its agent within 21 days.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 32, Issue 10](#), eff. March 1, 2016.

### 18VAC48-45-770. Prohibited Acts.

The following acts are prohibited and any violation may result in action by the board, including issuance of a temporary cease and desist order in accordance with subdivision D 2 of § [55-396](#) of the Code of Virginia:

1. Violating, inducing another to violate, or cooperating with others in violating any of the provisions of any regulation of the board or the Virginia Real Estate Time-Share Act or engaging in any act enumerated in §§ [54.1-102](#) and [54.1-111](#) of the Code of Virginia.
2. Obtaining or attempting to obtain a registration by false or fraudulent representation, or maintaining, renewing, or reinstating a registration by false or fraudulent representation.
3. Failing to alter or amend the public offering statement or disclosure document as

required in accordance with the provisions of this chapter.

4. Providing information to purchasers in a manner that willfully and intentionally fails to promote full and accurate disclosure.
5. Making any misrepresentation or making a false promise that might influence, persuade, or induce.
6. Failing to provide information or documents, or amendments thereof, in accordance with this chapter.
7. Failing to comply with the post-registration requirements of this chapter.
8. Filing false or misleading information in the course of terminating a registration in accordance with [18VAC48-45-450](#) , [18VAC48-45-460](#) , [18VAC48-45-560](#) , or [18VAC48-45-630](#) .
9. Failing to comply with the advertising standards contained in Part III ([18VAC48-45-80](#) et seq.) of this chapter.
10. Allowing a registration issued by the board to be used by another.
11. A regulant having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation described in subdivisions C 13 and C 14 of [18VAC48-45-130](#) , subdivisions 4 and 5 of [18VAC48-45-210](#) , and subsections D, F, and G of [18VAC48-45-670](#) .
12. Failing to inform the board in writing within 30 days that the regulant was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation described in subsections D, F, and G of [18VAC48-45-670](#) .
13. Failing to report a change as required by [18VAC48-45-470](#) .
14. Failing to satisfy any judgments or restitution orders entered by a court or arbiter of competent jurisdiction.
15. Misrepresenting or misusing the intended purpose of a power of attorney or similar document to the detriment of any grantor of such power of attorney.
16. Engaging in dishonest or fraudulent conduct in providing resale services, including the following:
  - a. The intentional and unjustified failure to comply with the terms of the resale purchase contract or resale transfer contract.
  - b. Engaging in dishonest or fraudulent conduct in providing resale services.
  - c. Failing to comply with the recordkeeping requirements of § [55-394.4](#) of the Code of Virginia.
  - d. Failing to disclose information in writing concerning the marketing, sale, or transfer of resale time-shares required by this chapter prior to accepting any consideration or with the expectation of receiving consideration from any time-share owner, seller, or

buyer.

e. Making false or misleading statements concerning offers to buy or rent; the value, pricing, timing, or availability of resale time-shares; or numbers of sellers, renters, or buyers when engaged in time-share resale activities.

f. Misrepresenting the likelihood of selling a resale time-share interest.

g. Misrepresenting the method by or source from which the reseller or lead dealer obtained the contact information of any time-share owner.

h. Misrepresenting price or value increases or decreases, assessments, special assessments, maintenance fees, or taxes or guaranteeing sales or rentals in order to obtain money or property.

i. Making false or misleading statements concerning the identity of the reseller or any of its affiliates or the time-share resale entity's or any of its affiliate's experience, performance, guarantees, services, fees, or commissions, availability of refunds, length of time in business, or endorsements by or affiliations with developers, management companies, or any other third party.

j. Misrepresenting whether or not the reseller or its affiliates, employees, or agents hold, in any state or jurisdiction, a current real estate sales or broker's license or other government-required license.

k. Misrepresenting how funds will be utilized in any time-share resale activity conducted by the reseller.

l. Misrepresenting that the reseller or its affiliates, employees, or agents have specialized education, professional affiliations, expertise, licenses, certifications, or other specialized knowledge or qualifications.

m. Making false or misleading statements concerning the conditions under which a time-share owner, seller, or buyer may exchange or occupy the resale time-share interest.

n. Representing that any gift, prize, membership, or other benefit or service will be provided to any time-share owner, seller, or buyer without providing such gift, prize, membership, or other benefit or service in the manner represented.

o. Misrepresenting the nature of any resale time-share interest or the related time-share plan.

p. Misrepresenting the amount of the proceeds, or failing to pay the proceeds, of any rental or sale of a resale time-share interest as offered by a potential renter or buyer to the time-share owner who made such resale time-share interest available for rental or sale through the reseller.

q. Failing to transfer any resale time-share interests as represented and required by this chapter or to provide written evidence to the time-share owner of the recording or

transfer of such time-share owner's resale time-share interest as required by this chapter.

r. Failing to pay any annual assessments, special assessments, personal property or real estate taxes, or other fees relating to an owner's resale time-share interest as represented or required by this chapter.

Statutory Authority

§§ [54.1-2349](#) and [55-396](#) 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.

## Forms (18VAC48-45)

[Time-Share Registration/Amendment Application A492-0515REG-v2 \(eff. 10/2018\)](#)

[Time-Share Annual Report A492-0515ANRPT-v4 \(eff. 10/2018\)](#)

[Time-Share Building Status Form A492-0515BLDST-v1 \(eff. 9/2013\)](#)

[Time-Share Bond/Letter of Credit Verification Form A492-0515BOND-v2 \(eff. 10/2018\)](#)

[Time-Share Exchange Company Annual Report A492-0516ANRPT-v1 \(eff. 9/2013\)](#)

[Time-Share Exchange Company Registration Application A492-0516REG-v1 \(eff. 9/2013\)](#)

[Alternative Purchase Annual Report A492-0524ANRPT-v1 \(eff. 10/2015\)](#)

[Alternative Purchase Registration Application A492-0524REG-v1 \(eff. 10/2015\)](#)

[Time-Share Reseller Lead Dealer Change Form A492-0525LDCHG-v1 \(eff. 1/2016\)](#)

[Time-Share Reseller Registration Application A492-0525REG-v2 \(eff. 10/2018\)](#)

# **LEGISLATIVE UPDATE**

DRAFT AGENDA  
Materials contained in this agenda  
DRAFT AGENDA

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

# **OMBUDSMAN REPORT**

DRAFT AGENDA  
Materials contained in this agenda  
DRAFT AGENDA

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



Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Common Interest Community Board  
954520**

2018-2020 Biennium

October 2019

	October 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - October 2017	July 2018 - October 2019
<b>Cash/Revenue Balance Brought Forward</b>			3,380,114
<b>Revenues</b>	42,647	1,191,637	1,140,408
<b>Cumulative Revenues</b>			4,520,522
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	32,778	502,880	589,379
<b>Board Administration</b>	0	0	0
<b>Administration of Exams</b>	0	0	0
<b>Enforcement</b>	10,700	175,486	182,419
<b>Legal Services</b>	0	1,425	636
<b>Information Systems</b>	9,611	85,888	117,537
<b>Facilities and Support Services</b>	5,867	95,685	101,341
<b>Agency Administration</b>	4,787	80,751	68,620
<b>Other / Transfers</b>	0	24,589	8,513
<b>Total Expenses</b>	63,742	966,704	1,068,446
<b>Transfer To/(From) Cash Reserves</b>	(21,096)	0	3,452,076
<b>Ending Cash/Revenue Balance</b>			0

<b>Cash Reserve Beginning Balance</b>	3,473,172	0	0
<b>Change in Cash Reserve</b>	(21,096)	0	3,452,076
<b>Ending Cash Reserve Balance</b>	3,452,076	0	3,452,076

**Number of Regulators**

Current Month	7,520
Previous Biennium-to-Date	6,691

**VIRGINIA COMMON INTEREST  
COMMUNITY MANAGEMENT  
RECOVERY FUND**

**Financial Statements**

Cash Basis

For the Month Ended

July 31, 2019

*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*

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**  
**VIRGINIA COMMON INTEREST COMMUNITY MANAGEMENT**  
**RECOVERY FUND**  
**BALANCE SHEET**  
**GOVERNMENTAL FUNDS**  
**July 31, 2019**

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

	Special Revenue Funds		
	Principal	Interest	Totals
<b>ASSETS</b>			
CASH AND CASH EQUIVALENTS	\$ 207,988	\$ 8,880	\$ 216,868
<b>TOTAL ASSETS</b>	<b>\$ 207,988</b>	<b>\$ 8,880</b>	<b>\$ 216,868</b>
<b>FUND BALANCES</b>			
RESERVED FOR PAYMENT OF FUTURE CLAIMS	\$ 207,988	\$ -	\$ 207,988
RESERVED FOR ADMINISTRATION OF RECOVERY ACT	-	8,880	8,880
<b>TOTAL FUND BALANCES</b>	<b>\$ 207,988</b>	<b>\$ 8,880</b>	<b>\$ 216,868</b>

The accompanying notes are an integral part of this statement.

**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**  
**July 31, 2019**

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

	MONTH OF JULY			YEAR TO DATE		
	Principal Fund	Interest Fund	Totals	Principal Fund	Interest Fund	Totals
<b>REVENUES:</b>						
Assessments:	\$ 506	\$ -	\$ 506	\$ 506	\$ -	\$ 506
Investment Income	-	322	322	-	322	322
Total Revenues:	506	322	828	506	322	828
<b>EXPENDITURES:</b>						
Administrative Expense	-	-	-	-	-	-
Total Expenses:	-	-	-	-	-	-
Net Change in Fund Balances	506	322	828	506	322	828
Beginning Fund Balance	207,482	8,558	216,040	207,482	8,558	216,040
Ending Fund Balance	\$ 207,988	\$ 8,880	\$ 216,868	\$ 207,988	\$ 8,880	\$ 216,868

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  
 July 31, 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
<b>Total</b>	<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.

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

DEPARTMENT OF PROFESSIONAL AND OCCUPATION REGULATION  
VIRGINIA COMMON INTEREST COMMUNITY MANAGEMENT RECOVERY FUNDS  
NOTES TO FINANCIAL STATEMENTS  
July 31, 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.

# **ELECTION OF OFFICERS**

DRAFT AGENDA  
Materials contained in this agenda  
DRAFT AGENDA

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

# **REPORT FROM BOARD MEMBER**

## **TRAINING CONFERENCE**

DRAFT AGENDA  
Materials contained in this agenda  
DRAFT AGENDA

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



# OTHER BUSINESS

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

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

**COMPLETE CONFLICT OF INTEREST**  
**FORMS AND**  
**TRAVEL VOUCHERS**

DRAFT AGENDA  
Materials contained in this agenda  
DRAFT AGENDA

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

# ADJOURN

**Please return your document folders to Tanya Pettus.**

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