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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Common Interest Community Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC48-60
<b>VAC Chapter title(s)</b>	Common Interest Community Association Registration Regulations
<b>Action title</b>	HB 105, HB 876, and SB 526 Amendment
<b>Final agency action date</b>	March 28, 2024
<b>Date this document prepared</b>	July 2, 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This action amends the Common Interest Community Association Registration Regulations to conform to changes resulting from the enactment of Chapters 54, 170, and 511 of the 2024 Acts of Assembly.

The legislation amends provisions of the Resale Disclosure Act (Chapter 23.1 of Title 55.1.) The legislation addresses (i) failure to deliver a resale certificate and contract cancellation; (ii) delivery of resale certificates to a purchaser's agent; (iii) exemptions from the resale certificate requirements; and (iv) fees for preparation and delivery of resale certificates. The legislation makes a technical change to the Resale Disclosure Act regarding common interest community association annual report filing requirements in order for associations to collect fees for the preparation and delivery of resale certificates.

This action revises 18VAC48-60-14.B of the Common Interest Community Association Registration Regulations to reflect the technical change to Resale Disclosure Act regarding common interest community association annual report filing requirements.

This action is exempt from the Administrative Process Act under § 2.2-4006(A)(4)(a) of the Code of Virginia, which states, in part:

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

In April 2024, the Governor approved Chapters 54 (HB 876), 170 (HB 105), and 511 (SB 526) of the 2024 Acts of Assembly amends provisions of the Resale Disclosure Act (Chapter 23.1 of Title 55.1.) The legislation makes a technical change to the Resale Disclosure Act regarding common interest community association annual report filing requirements in order for associations to collect fees for the preparation and delivery of resale certificates. The legislation became effective on July 1, 2024.

The purpose of this regulatory change is to amend the Common Interest Community Association Registration Regulations to comport with the technical change in the statute.

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

On March 28, 2024, the Common Interest Community Board adopted the amendments to the Common Interest Community Association Registration Regulations.