



DULLES AREA REALTORS® POLITICAL ACTION COMMITTEE

# LEGISLATIVE MATTERS

*An update on local, state and federal issues of interest to the real estate industry.*

Dulles Area Association of REALTORS® Government Affairs Newsletter

Winter 2017

**Silver Line Construction and Development Plans.** Phase Two of the Metrorail Silver Line to Loudoun County is scheduled to be completed in late 2019/early 2020. Construction at both the Loudoun Gateway and Ashburn stations is well underway. Information about the Silver Line may be found by visiting <http://www.loudoun.gov/dullesrail>.



Loudoun County staff continue to work on a development plan for the areas surrounding the Loudoun rail stations. Currently, the plan includes some mixed-use areas, urban and suburban areas, and open space. Staff envision the areas will allow for residential buildings, employment and commercial properties, parks, and schools. One issue being closely monitored by DAAR involves the residential areas – specifically the number and location for each type of housing, such as single family detached, townhomes, and multifamily housing.

Several County meetings occurred this fall, with more to come this year. Staff anticipates presenting their final plan to the Loudoun County Board of Supervisors in March 2017. There will be opportunities before that time for the public – and Realtors – to let County officials know what types of development wants to see around the Loudoun rail stations. Visit the Silver Line Comprehensive Plan Amendment on the County's website for more information.

**Envision Loudoun – Our County, Our Future.** Loudoun County is in the process of creating a new road map for our future growth by revising their Comprehensive Plan. DAAR is proud to have been appointed to the Comprehensive Plan's Stakeholder's Committee, which has been meeting since June 2016 and will continue to do so during 2017. The County values input from the community and hosted six public input sessions last fall, with 900 participants providing over 2000 comments. There will be additional opportunities to weigh in on the plan, either online or at a future input session. Visit [www.EnvisionLoudoun.org](http://www.EnvisionLoudoun.org) to find ways in which to get involved in the process.

**Housing Shortfall – How Much More Housing Do We Need?** To answer that question, Loudoun County turned to George Mason University's Center for Regional Analysis and Lisa Sturtevant & Associates, a housing needs analysis firm. The results of their analysis appeared in the Loudoun Tribune before the report was presented to the Loudoun County Board of Supervisors. According to the article, the report projects that Loudoun County will have a demand for 66,600 new housing units between now and 2040. However, the County is prepared to add only 48,910 in that timeframe – thus creating a potential housing gap of 18,000 units between now and 2040. Look for more discussions about the report this spring.

**Floodplain Overlay District Changes.** The Federal Emergency Management Agency (FEMA) establishes and updates flood-risk zone data and recently completed an update for Loudoun County. In order for the County to continue to participate in the National Flood Insurance Program, it must comply with the FEMA updates by February 17, 2017. For communities that participate in the national program, such as Loudoun County, federally-backed flood insurance is available to homeowners, renters, and business owners as protection against flood loss. For more information, visit <https://www.loudoun.gov/floodmapping>.

**General Assembly Update.** The Virginia General Assembly began the 2017 session on January 11<sup>th</sup>. VAR, along with several local associations of REALTORS®, including DAAR, are working to support the following legislative measures affecting real estate:



**Transfer of Security Deposits upon the Sale of a Dwelling Unit (HB 1623 Yancey; SB 991 Dance)**

- Allows a property manager to transfer a security deposit to the owner and to simply provide notice to the tenants, versus having to obtain the written consent of the owner and tenants.

**Licensee Responsibilities – Transfer of Escrow Funds and Foreclosures (HB 2281 Leftwich; SB 966 Obenshain)**

- Allows for a smoother transition for an existing tenant and a new owner following a foreclosure.
- Allows the tenant to continue to pay rent to the: (i) new landlord, (ii) the property manager at the time of the foreclosure, or (iii) the courts, through an escrow account.
- Allows for the written property management agreement to continue in place following a foreclosure on a month-to-month basis until terminated by either the property manager or the new owner, unless a shorter period is provided for in the property management agreement.
- This legislation does not change Virginia Code Section 55-248.15:1 that places the responsibility on the landlord at the lease termination to make disposition of the tenant's security deposit, regardless of whether that landlord received the tenant's security deposit from a prior landlord.

**POA Act Amendments (HB 2045 Miller; SB 1231 Stanley)**

**Condo Act Amendments (HB 2274 D. Marshall; SB 1255 DeSteph)**

- Associations cannot condition, limit or prohibit for sale signs other than limiting signs to those that are in compliance with the VREB regulations.
- Associations cannot require a formal power of attorney from a real estate licensee to represent their clients before the association and are required to accept a document from the real estate licensee signed by the owner that confirms representation.
- Adds that failure to deliver the association disclosure packet within the 14-day requirement subjects the association to up to \$1,000 fine imposed by the Common Interest Community Board.

**Amendments to the Residential Disclosure Act (HB 2034 Miller)**

- Renames the “red-flag” disclosure statement the “buyer to beware” statement.
- Adds the following buyer to beware statements:
  - Owner makes no representations with respect to underlying conservation or other easements.
  - Owner makes no representations with respect to an underlying community development authority.
- Allows for electronic delivery of the form to the potential purchaser.
- Otherwise, cleans up the Residential Disclosure Act.

**Congressional Update.** The 114<sup>th</sup> Congress recessed in early December 2016, without completing work on a so-called “tax extenders” package that is needed to continue important tax breaks for real estate. This included tax relief for the cancellation of mortgage debt and the deduction for mortgage insurance premiums. Although these provisions expired at the end of 2016, both the mortgage debt cancellation provision and the mortgage insurance premium deduction are available to homeowners filing their 2016 taxes this year. Further work is required in Congress to extend these provisions into 2017, and NAR is supportive of those efforts.

**Elected Officials**

**United States Congress**

Congresswoman Barbara Comstock (R-10)  
Senator Tim Kaine (D)  
Senator Mark Warner (D)

**Governor of Virginia**

Terry McAuliffe (D)

**Attorney General**

Mark Herring (D)

**Virginia Senators**

- Senator Dick Black (R-13)
- Senator Barbara Favola (D-31)
- Senator Jennifer Wexton (D-33)
- Senator Jill Vogel (R-27)

**Virginia House of Delegates**

- Delegate Kathleen Murphy (D-34)
- Delegate Tag Greason (R-32)
- Delegate Jim LeMunyon (R-67)
- Delegate John Bell (D-87)
- Delegate Jennifer Boysko (D-86)
- Delegate David LaRock (R-33)
- Delegate Randy Minchew (R-10)

**Board of Supervisors**

- Phyllis Randall, Chair, at-Large
- Ralph M. Buona, Vice Chair, Ashburn
- Suzanne M. Volpe, Algonkian
- Tony Buffington, Blue Ridge
- Ron Meyer, Broad Run
- Geary Higgins, Catoclin
- Matthew Letourneau, Dulles
- Kristen Umstattd, Leesburg
- Koran Saines, Sterling

**Contact Us**

For questions or if you would like to get involved in DAAR's legislative efforts:

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