

Frequently Asked Questions about Homeowners Associations (HOAs) in Virginia

***What is the most important thing I need to know about living in a CIC?**

Read, understand and follow the Association's governing documents.

***What is the difference between a homeowner association, property owners' association, condominium association and a civic association?**

"Homeowners association" is a general term for common interest communities ("CICs"). There is no statute in the Commonwealth of Virginia titled "Homeowners' Association" and the property purchased may not be a "home".

CICs include **property owners' associations**, which are defined by the Property Owners' Association Act, and **unit owner associations**, which are governed by their legal documents in accordance with the Condominium Act.

Generally, if your community has a recorded declaration that requires mandatory membership of all Owners, a governing body, the collection of mandatory assessments to maintain *or* has the obligation to maintain common areas such as an entrance sign, roads, lakes, a tot lot or buildings such as a clubhouse, the association likely falls under one of the following statutes:

- Property Owners' Association Act
- Condominium Act

Civic associations and neighborhood associations, which do not fall under either statute, generally are corporate entities and their governing structure and obligations do not meet CIC statute applicability.

***I have friends who live in an association across town, and they don't have all the rules that our association has. Why are associations governed so differently?**

Every CIC association is a separate, private legal contract between an owner and the association. By buying a home, a lot or unit in the community, you become a party in a legally binding contract- membership in a unique association of owners, governed by its own rules, restrictions, and obligations.

***I didn't sign anything agreeing to join any association! I just bought the house. Why is the association claiming I have to pay fees and follow their rules?**

When you settled (purchased) the home, a lot or unit subject to a CIC statute, you became a member of the association even if you did not sign your association's governing documents. You may have legal responsibilities including paying regular and special assessments.

If you do not understand the "fine print", seek legal counsel knowledgeable of CIC statutes and regulations.

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***Does the association have any responsibility towards homeowners?**

Read your governing documents. Your association may be obligated to maintain the exterior of your property, to provide security, trash collection or snow removal. The association may be obligated to maintain common property, amenities and staff with homeowners' assessments.

Since 2002, the association also must conduct, at least every five years, a study to determine the necessity and amount of reserves required to repair, replace and restore its capital components (clubhouse, pool, tennis court, etc.). The study must be reviewed annually and updated by the Board.

***I am a member of a CIC. What are my rights under Virginia law?**

Under the statutes listed above, an association member has the right to review all association records, including the current budget and reserve study.

Unless your POA association's declaration or Condominium's declaration and bylaws state otherwise, a member has the right to be notified at least 14 days in advance of any annual or regularly scheduled membership meeting and seven days in advance of any other meeting. Members have the right to attend Board meetings and to review meeting minutes, and votes must be openly conducted. Executive sessions may be convened only upon a motion starting the purpose within an open meeting. The Board must provide a designated time during meetings for members to comment on any matter relating to the association, as well as a reasonable, effective and free method for owners to communicate among themselves and with the Board regarding any matter. Members not in good standing can lose their right to vote, attend meetings and/or receive documents.