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February 23, 2021

To: The Honorable Kumar Barve
Chair, Environment and Transportation Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 1023 – Real Property – Condominiums, Homeowner Associations, and Cooperative Housing Corporations – Virtual Meetings (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 1023 submitted by Delegate Marvin E. Holmes, Jr. This bill is intended to clarify that common ownership communities may hold meetings virtually, regardless of whether a pandemic exists.

Specifically, the bill permits a common ownership community to hold a virtual meeting as long as the association is complying with the community's governing documents. The bill clarifies that a vote of the community is not needed to enable the association to hold the meeting virtually and further provides standards by which a virtual election may be held.

When the pandemic began, the Consumer Protection Division received many calls and concerns from boards of directors, property managers and attorneys questioning the ability of an association to have a virtual meeting and seeking guidance. This bill would clarify that regardless of whether a pandemic exists, a virtual meeting may be held as long as certain parameters are met. Proper notice must be given which includes information on how to access the meeting. The bill clarifies that the association does not need a vote of the community to conduct its meeting virtually. The bill further clarifies procedures for voting in a virtual meeting and sets standards to ensure consistency in elections. The Consumer Protection Division has heard from many associations that virtual meetings have been helpful and some associations have reportedly been able to increase attendance at meetings by conducting them virtually.

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For these reasons, we ask that the Environment and Transportation Committee return a favorable report on this bill.

cc: The Honorable Marvin E. Holmes, Jr.
Members, Environment and Transportation Committee