



Special Assessment Spring 2020 Edition

Seminar Series

Our Firm's 2020 Seminar Series has been scheduled! The dates and locations for the Seminar sessions can be found on our website, <https://www.chadwickwashington.com/seminars/>. Each Seminar includes a Legislative Update, plus four or five other topics. The sessions will be approved by the Community Association Managers International Certification Board (www.camicb.org) to fulfill continuing education requirements for the CMCA® certification. We hope to see you there!

You MUST Beat the Architectural Review Shot Clock

By Daniel B. Streich

March Madness *would be* approaching right now, if the NCAA tournament had not been cancelled because of COVID-19. This article was written before that unfortunate occurrence. Nevertheless, we'll stand pat on the basketball analogy to remind our association clients to keep their eyes and minds on the (figurative) shot clock relative to their architectural application review processes. If you let the clock run out, you'll risk considerably more than simply losing possession of the ball.



If you're not basketball-oriented, you may be thinking: What in the heck are they talking about? Simple. A specified time period, set forth in your association's recorded document (declaration for HOAs, bylaws (usually) for condominiums) during which your association must receive, consider and either approve or disapprove a request for an alteration, modification or improvement submitted by one of the association's members. Here is an example of the type of deadline provision to which we're referring:

“The Committee’s approval or disapproval as required in these covenants shall be in writing...[i]n the event the Committee or its designated representative fails to approve or disapprove such design and location within sixty (60) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.”

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HUD’s Latest Guidance Regarding Service/Support Animals

By Daniel B. Streich



In late January 2020, the Department of Housing and Urban Development (“HUD”) issued updated guidance regarding service / support animals as “reasonable accommodations” pursuant to the Fair Housing Amendments Act of 1988, specifically 42 U.S.C. 3604f(3)(B). Of note is that this “guidance” does not have the force of law or even federal regulation. Failure by a housing provider to abide by the guidance “does not necessarily constitute a violation by housing providers of the Fair Housing Act (“FHA”) or regulations promulgated thereunder.” FHEO Notice 2020-01.

If it isn’t law or enforceable regulation, why should community associations pay any attention?

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What Does “Good Standing” Mean?

By Daniel B. Streich

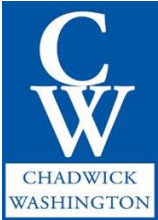
Do you know? With respect to community associations, the term appears twice in the Virginia Condominium Act (Section 55.1-1939, pertaining to unit owner rights, and Section 55.1-1945, pertaining to inspection and copying of association books and records) and twice similarly in the Virginia Property Owners’ Association Act (Section 55.1-1807, pertaining to lot owner rights, and 55.1-1815, pertaining to inspection and copying of association books and records).

Surprisingly, however, the term isn’t defined in any of the statutory sections cited above, nor in the definitions section of either Act. Nor is the term defined in any manner relevant to community associations anywhere else in the Code of Virginia.



Thus, if your community's self-appointed watchdog requests (which is usually couched as a demand) to inspect, review and copy your association's books and records, but the busybody is 30 days in arrears in the payment of his monthly assessment obligation, is he in "good standing" in your association? If he isn't, you could deny the request. But if he is in good standing and you deny the request, stand by for a complaint to the CIC Ombudsman regarding your association's alleged violation of a law or regulation pertaining to community associations in Virginia. There are potentially adverse consequences to getting that answer wrong.

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