

May 26, 2020

Virtual Board Meetings for Virginia Community Associations

Clarification has been enacted by Governor Northam and the Virginia General Assembly to enable boards, including community association boards, to comply with the Governor's Orders during the state of emergency caused by the COVID-19 pandemic and to conduct business.

During the April 22, 2020 "veto session," the General Assembly approved recommendations by the Governor that common interest community boards, including both condominium and homeowners associations, be able to conduct virtual meetings during this or a future Governor-declared health and safety emergency.

To have a virtual meeting, with no one present at a meeting site, a board must meet the following requirements:

1. The nature of the declared emergency must make it impracticable or unsafe for the association's board to assemble in a single location. The terms of the Governor's Orders during the current pandemic satisfies this requirement.
2. The purpose of meeting must be to discuss or transact the business statutorily required or necessary to continue operations of the common interest community.
3. To use the authority given by this measure, an association must
 - a. Give notice of the meeting to the members
 - i. using the best available method given the nature of the emergency and
 - ii. at the same time as notice is given to the board members;
 - b. Make arrangements for members to access to the meeting through electronic means including, to the extent practicable, videoconferencing technology;
 - c. If the means of communication allows, provide association members with an opportunity to comment in an owner's forum;
4. Recite in the minutes of the meeting the nature of the Governor-declared emergency and the fact that the meeting was held by electronic communication and the type used; and
5. The minutes of the meeting should be distributed to community members by the same method as was used to give them notice of the meeting.