FAAR
FREDERICKSBURG AREA ASSOCIATION OF REALTORS®

LEGISLATIVE REQUESTS

2025

Septic Tanks

Background: More than a million Virginia families have septic systems at home. State officials estimate about half those systems are so old they pose health and environmental risks. In addition, homeowners are combating septic failures from climate change, increased costs to upkeep, and lack of historical information associated with their tanks.

***Request*: FAAR supports legislation for a comprehensive study of septic systems in the Commonwealth, specifically requiring local health departments to digitize septic system records and link to tax documents that can be accessed by the general public. FAAR also supports legislation creating a permanent source of funding from the state to replace, repair, pump out, or remove old systems.**

Virginia Fair Housing Act

Background: In 2021, the Virginia General Assembly adopted a new section of the Virginia Fair Housing Act (§36-96.3C) that prohibits local government, its employees, or commissions from discriminating in the application of local land use ordinances or permitting of housing developments based on the real or perceived income level of the expected occupants if their income is at or below 80 percent of the area median income (AMI). The section further states that "It shall not be a violation of this chapter if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing." While well intended, this final sentence is vague enough as to render the preceding prohibition meaningless. Localities can point to an unquantified threshold of "high concentration of affordable housing" to circumvent the fair housing prohibition. Furthermore, local governments already have tools at their disposal to prevent the concentration of affordable housing by using comprehensive plans and zoning code ordinances. As a result, this clause is duplicative at best and detrimental to the development of affordable housing at worst.

***Request*: FAAR supports legislation to either strike "It shall not be a violation of this chapter if land use decisions or decisions relating to the permitting of housing**

developments are based upon considerations of limiting high concentrations of affordable housing" or defining in specific terms what "high concentration of affordable housing" means to prevent the sentence from being used as a loophole.

Prohibition on Dual Agency

Background: Section 54.1-2139 of the Virginia code requires that a licensee may not act as a dual agent unless they have the written consent of all parties to the transaction and written disclosure on the limitations of such a relationship. The law prevents the dual agent from providing true representation to either client as the licensee cannot negotiate between the parties. With the rapidly changing landscape of real estate, exploitation of dual agency is a concern for FAAR.

***Request*: FAAR supports legislation to prohibit dual agency to protect consumers and ensure that they are receiving full representation when engaging in a real estate transaction.**

Clarification on Timing of Signed Buyer Agency Agreement

Background: Virginia law requires that all buyer agency relationships are codified in writing. State guidance dictates that the agreement must be signed at the first substantive discussion but no later than submitting an offer to purchase. This is in direct conflict with the new NAR settlement rules that state the buyer broker agreement must be signed before showing any property.

***Request*: FAAR supports clarification in statute and/or official guidance in the timing of when to sign the buyer broker agreement to eliminate the conflict presented by the NAR settlement rules.**