



2024–2025

Northern Virginia Association of Realtors® Legislative Agenda



INTRODUCTION

The Northern Virginia Association of Realtors® (NVAR) ensures that the interests of Northern Virginia Realtors® are known to lawmakers at every level of government — from City Hall and the General Assembly to the U.S. Capitol. Our elected officials are making decisions every day that have a significant impact on property rights, quality of life, and the bottom line for Realtors®, their clients, and consumers.

These leaders recognize the magnitude of Realtor® impacts on the Northern Virginia economy and beyond, and they listen to the Realtor® voice when it speaks.

This is the power of the REALTOR® Party.

The REALTOR® Party is the powerful alliance of individual Realtors® and Realtor® associations at all levels, working to protect and promote homeownership, build strong communities, and foster a vibrant business ecosystem.

Whether it is NVAR advocating in our region, the Virginia REALTORS® working in Richmond, or the National Association of REALTORS® walking the halls of the U.S. Capitol, the REALTOR® Party works to advance public policies that shape our communities and the real estate industry.

Now more than ever, it is critically important for Realtors® across the Washington, D.C. Metropolitan Area and beyond to come together and speak with one voice. We must emphasize the stability a sound and dynamic real estate market brings to our communities and demonstrate that the American Dream of homeownership is alive and well.



EXECUTIVE SUMMARY

Each year, NVAR compiles legislative and regulatory policy goals and proposals. Some of these proposals seek specific changes in local and state law, while others remain aspirational position statements. Each represents an important step forward for the industry and consumers.

This 2024–2025 NVAR Legislative Agenda is the result of months of meetings and feedback taken directly from NVAR’s 13,000 members. It has been vetted and approved by the NVAR Public Policy Committee and the NVAR Board of Directors.

Outlined below are the issues and positions approved by the NVAR Board of Directors to guide advocacy efforts in 2024–2025:

Housing Supply, Attainability and Affordability

- Identify comprehensive zoning changes and incentives that facilitate the voluntary market-driven production of a wide range of housing choices.
- Recommend that local governments identify barriers in local zoning ordinances impeding commercial-to-residential and other adaptive reuse conversions.
- Support local governments “fast-tracking” residential rezoning applications and other mechanisms to streamline and expedite the permitting and land-use process.
- Examine local policies that artificially inflate the cost of housing and set unnecessary restrictions on the size and placement of residential homes.
- Relax current regulations on accessory dwellings and short-term rentals.
- Prioritize homeownership programs and incentives.
- Increase funding for the Virginia Housing Trust Fund.
- Allow Inclusionary Zoning (Virginia Code § 15.2-2304) to apply to all local jurisdictions across the state.
- Incentivize (tax credits) the sale of residential property to individuals utilizing the home as an owner-occupied principal residence.
- Incentivize the sale of rental property to current tenants utilizing the home as an owner-occupied principal residence.
- Permit the by-right development of an accessory dwelling unit located within any single-family dwelling.
- Oppose rent control.



Regional Economic Prosperity

- Balance the economic benefits of data center development with smart growth and sustainable housing practices.
- Support investments into Northern Virginia's transportation infrastructure and create a Suburban Maryland Transportation Authority.
- Support an overall increase of per-pupil K-12 funding and modify local school funding formulas.

Common Interest Communities

- Protect a consumer's right to cancel a contract upon receipt of the resale certificate for condos and Property Owners Associations (POAs).
- Require all association board members to complete a virtual training program.
- Require independent, appropriately qualified entities to perform reserve studies for Common Interest Communities (CICs) within two years of the issuance of the first occupancy permission, and every five years thereafter.
- Require the CIC annual report to include copies of the current Resale Certificate and centralized in a public database.

Industry Practices and Realtor® Professionalism

- Require signed written brokerage agreements before showing homes to perspective buyers.
- Address the responsiveness of the Virginia Real Estate Board and chronic delays in license approvals.
- Create a separate license for supervising brokers.

Fair Housing

- Support fair housing testing.
- Adopt a fair housing equity analysis process.
- Support legislation to close loopholes regarding high concentration of affordable housing.

HOUSING SUPPLY, ATTAINABILITY AND AFFORDABILITY

Whether you want to rent or buy, attainable housing is in short supply — and it's a crisis. Stable housing is critical for healthy and vibrant communities. Homeownership, which is the centerpiece of the American Dream, is a proven pathway to economic well-being and intergenerational wealth building.

A recent national survey from the University of Michigan and the *Financial Times* found that Americans' financial ability to afford a home was ranked as a top concern by an almost equal 70% share of Democrats, Republicans, and independent voters alike. Housing supply, attainability and affordability is not a partisan issue. It is a cause every elected official can rally around at the local, state, and federal levels.

NVAR's top policy priority is to increase the supply of housing attainable at all income levels across the region. NVAR is committed to the development and preservation of diverse housing stock and to perpetuating the dream of homeownership for the greatest number of people possible.

1. Comprehensive Planning and Zoning with Emphasis on Mixed-Use and Transit-Oriented Development

It is essential that comprehensive plans provide for the development of owner-occupied housing, to meet existing and forecasted housing demand without unreasonable zoning and land-use restrictions that lead to increased costs for housing. Updating zoning ordinances and maps to encourage mixed-use and higher residential density in existing residential and commercial areas can provide new home ownership opportunities without affecting existing residential neighborhoods.

NVAR recommends comprehensive zoning changes and incentives that facilitate the voluntary market-driven production of a wide range of housing choices at all price levels to suit our diverse population, including encouraging mixed-use and transit-oriented development.

2. Adaptive Reuse of Commercial/Industrial Properties

Converting underused commercial space into multifamily housing is one potential solution to the current housing crisis. While this approach has many supporters, it is not suitable for all commercial locations. Financial and environmental questions surround all conversion opportunities, but zoning is often the biggest hurdle for adaptive reuse.

NVAR recommends local governments identify barriers in local zoning ordinances that impede commercial, industrial, and office-to-residential conversions and determine how to amend the ordinances to not only allow, but to incentivize conversions.

3. Residential Development Prioritization and Cost Reduction

The time, cost, and unpredictability associated with land use decisions, rezonings, building and use permits, and overall residential development project approvals significantly drives up the cost of housing units as they reach the end consumer. Some builders have reported that 30% of the cost of development in Northern Virginia is due to the zoning and permitting process, mandates levied on developers to create specific amenities, and the delays associated with public hearings, staff review, design and environmental review, and other hurdles in the process.

NVAR supports local governments prioritizing and “fast-tracking” residential land use and rezoning applications which produce significant affordable and market rate for-sale housing units. This process should include a recognition of the role of “red tape” in compounding the difficulties developers face and in raising the cost of housing. NVAR is in favor of pursuing reforms that can reduce uncertainty, shorten delays, and provide all parties with predictability regarding future development such as shortened review timelines, expedited priority reviews, and dual public hearing advertisements just to name a few.

NVAR supports the evaluation and potential elimination of mandatory development and infrastructure costs that artificially raise the cost of housing units. This review, which should include utility hook-up fees, tree-canopy and urban park programs, parking mandates, and other cost drivers, needs to weigh the benefits of such programs versus the increased costs, which are passed on to consumers.

4. Minimum Required Lot Sizes, Parking, and Setbacks

Perhaps the largest barrier to creating housing that is affordable and attainable, is the fact that we live in Northern Virginia, and under all our homes is land that is extremely valuable. Across the region, our localities require residential properties to be built on a minimum-sized lot, and within that lot, structures must be located or “set back” certain minimum distances from lot lines. This varies by locality and zoning district, but the lot sizes and setbacks can be significant. Localities also include minimum parking requirements, whether it is off-street parking in single-family zoned areas, or parking structures for condo and apartment buildings. These policies may represent major barriers to housing density and the production of attainable, affordable, and accessible housing.

NVAR recommends all local governments to reexamine policies which artificially inflate the cost of housing and set unnecessary restrictions on the size and placement of residential homes. Each of these policies — Setbacks, Lot Coverage, Minimum Lot Size, Parking Minimums — should be adjusted to meet the growing housing needs and the future market demand for smaller lots, denser communities, fewer cars, and flexibility in building.

NVAR supports adjustments to ensure local zoning ordinances allowing for increased density in the hope of producing a greater supply of housing that works within each community.



5. Barriers to Accessory Dwelling/Living Units

For these programs to be successful, it is important for accessory dwelling laws to focus on removing cost and time barriers. Northern Virginia localities have made significant progress in recent years in allowing accessory units, but more work is needed to truly realize the potential of accessory dwellings as a housing supply solution.

NVAR recommends local governments enact mechanisms to streamline and expedite the permitting process, remove use restrictions to allow short- and long-term rental of units, and reduce setback and lot coverage restrictions applicable to accessory dwelling units to allow more flexibility in the placement of detached accessory units.

NVAR urges Fairfax County to eliminate the two-acre minimum lot size restrictions for detached accessory living units.

6. Short-Term Rental Restrictions

Localities across our region have adopted ordinances that limit or prevent the ability of property owners to rent out properties on a short-term basis. With the high cost of homeownership, a key feature of an individual's property rights is the right to gain income from property. The ability to supplement income through short-term rental of a single room in a property, a whole property when the owner is not there, or even an accessory dwelling can be the difference in maintaining ownership of the property or being forced to move or relocate due to the ever-increasing cost of living.

NVAR recommends local governments reexamine and relax current regulations on short-term rentals with specific focus on increasing the allowable nights for which a property may be rented annually and allowing accessory living units to be used for short-term rentals.

7. Homeownership Prioritization with Local Grants, Financing Programs, and Incentives

For many Americans, their home represents their largest and highest-value investment, and homeownership allows them to build wealth and enjoy economic and social benefits. Homeownership opportunities, however, have historically not been distributed equitably and are often out of reach for many in our region. Offering homeownership programs can be an effective way for local governments to address the economic and racial wealth gaps and decades-old inequalities.

NVAR urges local governments to examine the appropriateness of current homeownership program outcomes and determine whether existing programs adequately support the goals of homeownership in the jurisdiction.

NVAR supports broadening the reach, capacity, and funding of existing programs, and developing new finance, funding, and tax incentive programs to encourage homeownership for the largest number of citizens.

1. Funding for Housing Trust Fund

NVAR is in favor of efforts to increase the supply of housing that is attainable to all income levels as we look to fill housing needs across the region. NVAR is committed to the development and preservation of diverse housing stock and to preserving the American Dream of homeownership for the greatest number of people possible.

NVAR supports substantially increasing funding for the Virginia Housing Trust Fund, as well as increasing the funding cap that each development can request. This is essential to creating and preserving housing affordability and reducing homelessness in Northern Virginia, where housing attainability poses substantial challenges for the economic competitiveness of the region.

2. Reform Inclusionary Zoning Enabling Legislation

Inclusionary zoning policies allow local governments to utilize their land use regulatory powers to require or incentivize the production of affordable housing. The nation's first inclusionary zoning ordinance, still in effect today, was adopted right here in Fairfax County, in 1971. Since then, more than 800 communities across the country have adopted inclusionary zoning policies. However, only a handful of Virginia localities (fewer than 20) have inclusionary zoning ordinances due to restrictive state laws.

NVAR recommends amending Virginia Code § 15.2-2304 to apply to all local jurisdictions across the state, rather than only a handful of localities, while also establishing a statewide definition of housing affordability to provide certainty and guidance to localities in establishing their own inclusionary zoning policies.

3. Incentives for Owners to Sell Their Homes

Recent tax law changes and home price inflation have eroded the value of federal tax incentives for individuals selling their homes, especially for older homeowners who have lived in their home for 20 years or more. Many of these homeowners who are considering downsizing or moving to a retirement facility are facing gains well in excess of current exclusions, which can leave them owing many thousands of dollars in tax and reduces their ability to afford their new home. Couple that with higher interest rates than in the past decade, and we are faced with many homeowners deciding not to sell their home. Also, some 10 million owner-occupied homes were purchased by investors of all types and sizes and converted to rentals in the wake of the housing crisis of 2008, significantly lowering the supply of homes available for purchase. These investor-owners are also getting older and are interested in exiting the housing provider space, but again are limited by the tax implications of selling an investment property. Tax incentives aimed at unlocking a segment of inventory previously unavailable to prospective buyers would help to increase housing inventory.

NVAR recommends creating a state income tax credit for individuals or married couples who sell residential real property (includes primary residence and investment properties) to individuals who will utilize the home as an owner-occupied principal residence.

NVAR further recommends creating a tax credit or other incentive for housing providers and landlords who sell residential real property to the current tenants contracted to rent the property who will utilize the home as an owner-occupied principal residence.

4. Statewide Accessory Dwelling Development

Recent nationwide trends have shown that allowing accessory dwelling units is an achievable first step for increasing market-rate affordable housing options within traditional single-family neighborhoods. Local regulations and community resistance (NIMBYism) significantly hinder the construction of accessory dwellings, and construction financing can also be a barrier, particularly since many lenders do not view



accessory dwellings as a formal housing unit. Without guidance from the General Assembly, localities are left to implement varying ordinances that confuse homeowners, home buyers, and developers, and suppress the access and availability of accessory dwellings.

NVAR recommends statewide enabling legislation that permits the by-right development of an accessory dwelling unit located within any single-family dwelling and requires localities to adopt administrative approval processes for all attached and detached accessory dwellings.

5. Oppose Rent Control and Stabilization

Rent control (also known as rent stabilization and/or rent caps) is a form of government-enforced price control that limits rents that property owners may charge in market rate rental housing. While the intent of rent control laws is to assist lower-income individuals, history has shown that rent control exacerbates shortages, disproportionately benefits higher-income households and ultimately drives up rents. While rent control policies are often well-intentioned, numerous studies and real-world examples demonstrate that such rules and regulations lead to unintended consequences harming residents, property owners/managers, and the greater community.

NVAR opposes rent control and rent stabilization laws and will strongly oppose any attempt to grant local governments in Virginia the authority to oversee rent control policies.



REGIONAL ECONOMIC PROSPERITY

Northern Virginia continues to adapt to post-pandemic market drivers that are reshaping government and businesses across the region. The COVID-19 pandemic accelerated a multi-decade trend in regional economic development where migration has shifted from workers moving to where employers are located to companies locating where workers want to live.

NVAR has a longstanding history of supporting economic development, policies, and infrastructure that benefit the regional economy. A robust economy leads to a healthy housing market. In 2023, the residential real estate industry located in the NVAR service area sparked \$17 billion in local economic activity and supported over 88,400 jobs paying almost \$6.5 billion in labor earnings.

Healthy, vibrant communities and our region's economic future depend on smart economic policies, diverse residential and commercial portfolios, robust transportation and infrastructure, great schools, a high quality of life, and above all — the availability, quality, type, and affordability of housing, especially for young family households.

1. Data Centers

The growth of digital data has expanded exponentially in recent years, resulting in a rapid increase in data center facilities that is anticipated to continue. This growth is needed to support the increased online population as well as business applications in all sectors, including finance, entertainment, healthcare, and education. Major factors contributing to data center growth in Northern Virginia include the long history of a robust fiber optic network in the area and reliable electric power. Some of the benefits that data centers bring are job creation with good wages, few impacts to transportation systems or schools, and positive tax revenues. Individual businesses can benefit from the scale of cloud computing services where they share in the use of data center resources.

However, data centers are industrial facilities that may have adverse impacts on surrounding areas (through noise and visual impacts), or affect energy demand and associated greenhouse gas emissions, air quality, and water supplies.

The global outlook for data centers points to a sustained demand driven by the digital economy's expansion and the advent of generative AI. This demand necessitates innovative approaches in data center design, operations, and power sourcing to meet escalating power requirements and sustainability goals. The industry faces a pivotal shift towards more efficient, high-density, and sustainable operations, reflecting broader trends in technology and environmental stewardship.

NVAR supports local zoning policies that balance the tremendous economic benefit of continued and expanded data center development with smart growth and sustainable development practices that can help alleviate community concerns that have arisen across Fairfax, Loudoun, and Prince William Counties.



NVAR urges localities to embrace, not discourage, data center development by allowing by-right development or administrative review and approval rather than subjecting developers to lengthy public hearings and community opposition.

NVAR encourages local governments to examine tax structures, along with land use and zoning policies, to ensure the location, design, and impacts (including potential mitigation measures) of future data centers are compatible with the surrounding area and the principles of “highest and best use” for proposed developments.

2. Transportation and Transit Funding, Priority Projects, and Regional Collaboration

NVAR has long considered transportation one of our top priorities and improving our regional transportation network as essential for sustained regional prosperity and continued growth of the real estate market. Support for long-term regional and statewide transportation funding has also been a long-standing priority of NVAR and Realtor® associations throughout the region.

NVAR supports continued investment in Northern Virginia’s transportation infrastructure using performance-based statewide and regional transportation plans that focus on corridors of regional and statewide significance and the prioritization of projects that produce the best long-term return on investment. We support similar investments in Maryland and throughout the region that deliver performance-based benefits to our region.

NVAR supports solutions to transportation challenges that require a big picture perspective — regionally (DC, MD, No.VA), as well as statewide. Transportation funds should be primarily focused and leveraged, where appropriate, with federal, state, and private funds on projects of large-scale regional significance.

NVAR supports the creation of a Suburban Maryland Transportation Authority to identify, prioritize, and fund transportation capacity improvements in Charles, Frederick, Montgomery, and Prince George’s Counties using new, dedicated regional revenue and specified performance metrics.

NVAR supports maintaining sustainable, adequate Metrorail funding tied to implementation of appropriate operational, safety, and governance reforms. A dedicated, regional funding source remains the optimum outcome.

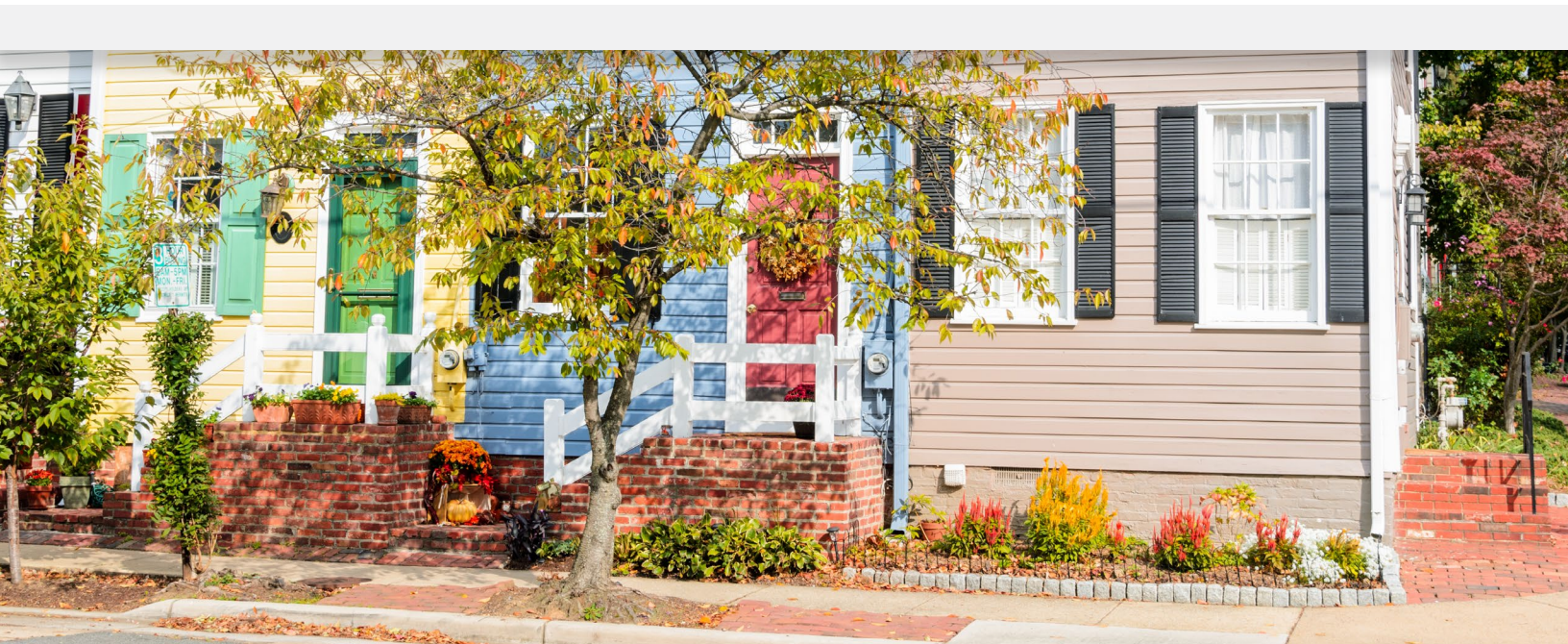
1. K-12 Funding

Every Realtor® knows what surveys and studies confirm: The quality of public schools influences where people buy a home and what they pay for it. The most basic definition of a quality school is one that provides a clean, safe environment with up-to-date facilities and equipment — an environment that is conducive to learning and brings out the best in both teachers and students. Such schools enhance the overall quality of life, strengthen communities, and attract new life to the neighborhoods that surround them. Quality schools require adequate funding to achieve and maintain this level of quality which benefits students, neighborhoods, and Realtors®.

Public education funding in Virginia is enshrined in the Virginia Constitution as a joint responsibility of both state and local governments, so it is essential that the state fully and appropriately meet its constitutional responsibility to adequately fund K-12 education. Unfortunately, the Commonwealth continues to allow the gap between state funding and the actual costs of providing a high-quality education, particularly in high-cost-of-living jurisdictions like Arlington, Fairfax, and Loudoun Counties, to expand. Statewide, Virginia school divisions receive less K-12 funding per pupil than the 50-state average and the regional average, which equates to approximately \$1,900 per pupil in state underfunding of the Commonwealth's students (Virginia schools receive less state funding than neighboring West Virginia, Kentucky, and Maryland).

NVAR supports an overall increase in per-pupil K-12 funding to bring Virginia spending in line with neighboring and economic competing states while specifically increasing state funding support for school divisions with high numbers or concentrations of English learners, students living in economically disadvantaged households, and students receiving special education and mental health services.

NVAR supports updating the state Standards of Quality (SOQ) funding formula to reflect the true local costs of providing a high-quality public education, including the elimination of Great Recession-era changes in the SOQ funding formula, and recognizing cost-of-living variations throughout the Commonwealth in state funding formulas, particularly in high-cost-of-living areas like Northern Virginia.



COMMON INTEREST COMMUNITIES

Common Interest Communities (CICs), the collective term for Condo Associations and Property or Homeowners' Associations, are designed for community living by a developer. The community is created by a specific set of legal documents, generally drawn up by the developer and subject to change by the owners. When the developer relinquishes control of the community, the community's affairs are then governed by the Association of owners through an elected board. The Association board is authorized by law to enforce rules and restrictions, and to collect mandatory assessments to pay for maintenance and improvements to common elements (such as a pool, clubhouse, or just a road or signage). The obligation for owners to pay for insurance, maintenance assessments, and upkeep of shared property other than their own units/lots is the essential characteristic of a CIC. The relationship between owners and the Association is a financial and legal one.

Condos continue to be one of the only affordable homeownership options in our region, but hidden costs, safety, maintenance issues, and lax community governance are persistent problems that many buyers encounter without realizing. NVAR seeks to educate our Realtors® about navigating these transactions, but also protect consumers from bad situations that can occur in these communities if they are not well managed.

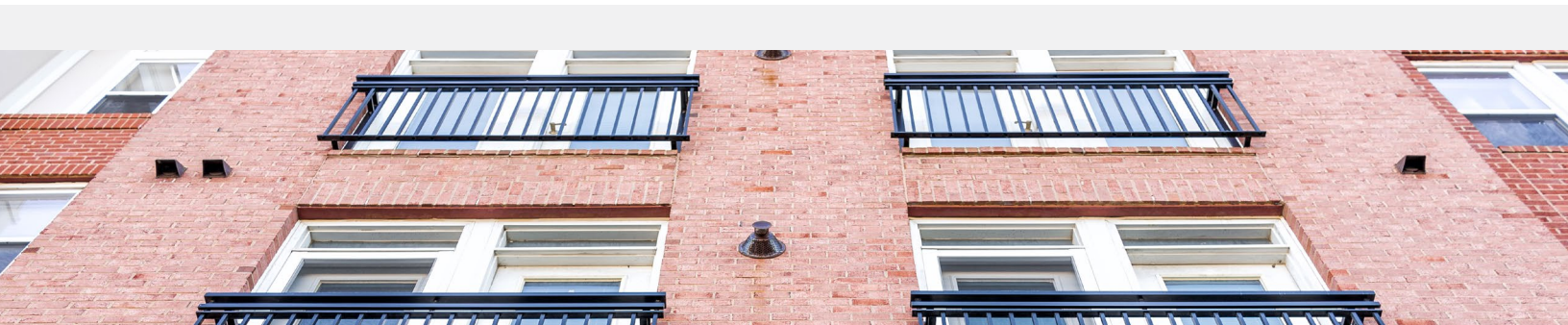
1. Consumer Protection in Condos and POAs — Minimum Right to Cancellation of Contract by Purchaser

In July 2024, the Virginia General Assembly revised the Resale Disclosure Act (RDA), striking language explicitly granting the purchaser the right to cancel the contract within three (3) days of receipt of a resale certificate. Instead, the new language provides that the “purchaser may cancel the contract within a time period agreed upon by all parties in the ratified real estate contract.”

The removal of the three-day statutory right to void eliminates a significant consumer protection.

It authorizes a consumer, in the name of winning a contract, to negotiate away their opportunity to review resale certificates. Consumers will be unable to cancel contracts if the properties they are purchasing are subject to violations, do not have adequate reserves, are subject to additional assessments, or if the community is not suitable for their lifestyle or business. This is particularly important in a caveat emptor jurisdiction such as Virginia.

NVAR supports adding language to the RDA allowing for the cancellation of the contract within three (3) days of receipt of the resale certificate, or within a time period agreed upon by all parties in the ratified real estate contract, whichever is greater.



2. Association Governing Board Member Education

Board members of both large and small associations often lack the knowledge of laws and regulations necessary to function as the laws intend. Boards of directors for CICs are typically comprised of volunteers. Depending on the eligibility requirements in the association bylaws, these are often unit owners with no particular specialized skills or professional knowledge required to serve. Publicly provided mandatory education is a solution to this knowledge gap.

NVAR recommends a new requirement for all association board members to complete a virtual and web-accessible, on-demand education and training program when elected or re-elected to the governing board of the association.

3. Condo Reserve Study Qualifications and Funding

Virginia law requires that association governing boards conduct a reserve study at least once every five years but does not specify the qualifications for individuals who must perform the study. The absence of specifications is in recognition of the wide range and variety of capital components in CICs. Though many associations choose to hire independent consultants, such as reserve study firms, professional engineers, or architects, there is no requirement that an independent entity conduct the reserve study. This allows an association governing board to conduct the reserve study, regardless of qualifications, or select agents that may be unfamiliar with conducting a reserve study.

NVAR recommends requiring independent, appropriately qualified entities to perform reserve studies for CICs within two years of the issuance of the first occupancy permission (Certificate of Occupancy or equivalent), and every five (5) years thereafter.

While reserve studies are required under law, CICs are not actually required to set aside funds for reserves or provide funding for reserves. As such, **NVAR recommends** requiring community associations to fund reserve contributions — at a minimum — to the levels recommended in the current reserve studies.

4. Condo and POA Transparency and Consumer Protection

Currently, CICs are required to file an annual report with the CIC Board, but the report only includes minimal information including the association's location and governing officers. As it currently stands, there is no penalty or incentive for associations to follow the laws.

NVAR supports increasing the information in this annual filing and the enforcement of the registration as a possible solution to some persistent problems such as overcharging fees, the inability for buyers and sellers to obtain timely and complete resale certificates, and associations' ability to maintain financial stability.

NVAR recommends legislation requiring the CIC annual report to include complete copies of the current Resale Certificate with the ability for this annual filing to be maintained on a central database available to the public.

INDUSTRY PRACTICES AND REALTOR® PROFESSIONALISM

The practice of real estate is a complex and ever-changing profession. To protect the needs of the consumer and prevent liability to agents, it is essential that real estate licensees have adequate education, training, supervision, and regulation.

NVAR has always been supportive of maintaining and increasing the level of professionalism in the real estate industry and protecting consumers navigating the real estate transaction. This is now more important than ever in light of the settlement agreement which the National Association of REALTORS® (NAR) reached on March 10, 2024, with plaintiffs that would end litigation of claims brought on behalf of home sellers related to broker commissions. The settlement includes some changes to real estate practices and transactions, but importantly, consumers will continue to have choices regarding real estate services.

NVAR will continue to be future-focused in our efforts to ensure consumers are protected and Realtors® are well regulated, educated, and supervised.

1. Buyer Agency Begins at Showing

The NAR settlement agreement will require NAR members to implement numerous practice changes. Included in these practice changes is the requirement that all Realtor® MLS participants working with a buyer enter into a written agreement before the agent tours any home with a buyer. Virginia has had written buyer agency agreements for many years, but Virginia law does not require a written agreement prior to the showing of properties to a prospective buyer.

If this practice continues, allowing home tours ahead of a written buyer agreement, legitimate allegations of ethical violations could arise. Additionally, non-Realtors®, could be subject to less stringent requirements if state law and NAR policy are not in conformity.

NVAR supports requiring signed written brokerage agreements before any substantive real estate related services or discussion occurs, including the showing of properties, by amending Virginia Code § 54.1-2132 and striking Subsection G. which reads: “Notwithstanding any other provision of law requiring written brokerage agreements or governing the duties of licensees, nothing in this chapter shall be construed to require that a written agreement between a licensee and a prospective buyer be executed prior to the licensee’s showing properties to the prospective buyer.”





2. Virginia Real Estate Board Responsiveness

Brokers and agents across Northern Virginia and the entire Commonwealth have reported that the Virginia Real Estate Board (VREB) is unable to keep pace with demand of support for the industry, including tremendous delays in the processing of new and transfer licenses. Whether this is a staffing issue or funding issue, it is clear that VREB does not have the adequate resources or is not being held accountable to handle the load of continuing education credits, process agent transfers, quickly license new agents, and investigate consumer complaints.

NVAR urges the Virginia Real Estate Board to address chronic issues of responsiveness in the consideration and approval of agent transfers and new agent licensing as well as the processing of continuing education classes and in investigating consumer complaints.

NVAR supports studying the underlying causes and solutions including, but not limited to, the funding of the department, staffing issues, technology solutions, or state-mandated requirements to expedite matters.

3. Supervising Broker License:

Brokers in charge of other licensees, and managing them as supervising brokers, should be subject to additional licensing and education requirements to ensure they can perform all supervisory duties. The education requirements for a Virginia Real Estate Broker License is a good start, but not all Broker License holders are prepared to supervise and manage other licensees. The Virginia REALTORS®, recognizing a need for additional education and training, have established the Broker Premier Certification, designed to expand the knowledge of supervising, and managing brokers to allow them to successfully manage and operate a real estate office. This program should be expanded from a voluntary certification to a mandatory licensing requirement for supervising brokers.

NVAR recommends legislation establishing a separate license for supervising brokers encompassing the coursework (or equivalent) of the Virginia REALTORS® Broker Premier Certification.

FAIR HOUSING ●

People choose to live in Northern Virginia for many reasons — healthy neighborhoods, good schools, and access to jobs, to name a few. But many aren't treated equally when it comes to housing and other opportunities.

As stewards of the right to own, use, and transfer private property, Realtors® know an open housing market free from discrimination benefits consumers, communities, and the American economy. Discrimination distorts the housing market and closes the door on the American Dream of homeownership for qualified buyers. Yet, more than 50 years after passage of the federal Fair Housing Act, the homeownership rates for African Americans, Hispanic Americans, and Asian Americans lag that of White Americans. Realtors® are committed to the enforcement of fair housing laws and to policies that remove historic barriers to homeownership.

The Realtors® Fair Housing Action Plan, emphasizes Accountability, Culture Change, and Training, to advance fair housing in the industry. We raise awareness, deepen understanding, and hold ourselves accountable. It promotes public policy to advance broader homeownership availability, accessibility, and affordability in all communities. The plan also prioritizes efforts to narrow homeownership gaps among demographic groups and promote strong enforcement of anti-discrimination laws in the housing market.

1. Strengthening Fair Housing — Testing and Education

NVAR has a long history of zero tolerance for Fair Housing violations and disparate treatment, and even one allegation is unacceptable. Localities throughout Northern Virginia conduct fair housing testing to identify these discriminatory practices in the rental, sales, and lending markets. As NVAR's Realtors® pledge to conduct business in keeping with the Code of Ethics, the organization is committed to being part of the solution. We have a demonstrated track record of leadership in Fair Housing, and we will continue to strengthen this proven record by partnering with localities in identifying and eliminating discrimination.

NVAR supports fair housing testing and encourages our local governments to continue this effort while utilizing NVAR as a source for education and outreach on this issue. NVAR is committed to creating more diversity equity and inclusion and fair housing activity within our membership with REALTOR® training, increased awareness of implicit bias, and recognition of the impact of discrimination in housing.

2. Fair Housing Analysis

Several large new developments in the region have not sufficiently addressed the needs of members of protected classes who have been displaced or priced out of the area. Incorporating a fair housing analysis in the review process for these plans could reduce displacement and other negative impacts for members of protected classes.

NVAR supports adoption of a fair housing equity analysis process into local decisions, where the provision of affordable housing, avoiding displacement of existing residents, and creating access to opportunity for all are priorities.

3. Virginia Fair Housing Act: Affordable Housing

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% 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.

NVAR 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 define in specific terms what “high concentration of affordable housing” means to prevent the sentence from being used as a loophole.

Localities can point to an unquantified threshold of “high concentration of affordable housing” to circumvent the fair housing prohibition.



STANDING POSITIONS OF NVAR

1. DILLON RULE

NVAR favors the current system of government where political subdivisions have only those powers granted by the General Assembly, established by legal precedents commonly known as the Dillon Rule. **NVAR supports** the granting of reasonable administrative functions to the localities.

2. ECONOMIC GROWTH AND INFRASTRUCTURE

NVAR supports quality growth and livable communities which ultimately depend on a strong, diverse economic sector, sound efficient land use, adequate infrastructure funding, and protection of the environment. **NVAR supports** efforts to promote economic development of the region.

3. ADEQUATE PUBLIC FACILITIES

NVAR supports development of adequate public facilities through an appropriately planned and funded Capital Improvement Program. NVAR opposes legislation which would require the existence of adequate public facilities prior to, or concurrent with, the development of a particular project, whether it be commercial or residential.

4. ENVIRONMENTAL INITIATIVES

NVAR supports voluntary incentives to encourage energy efficiency, open space preservation and green building practices, but opposes environmental mandates that restrict private property rights, drive up the cost of development, or impede the transfer of real property.

5. CHESAPEAKE BAY PRESERVATION ACT

NVAR supports a balance between a healthy Chesapeake Bay and a strong, viable economy. NVAR will only support reasonable regulations that achieve equilibrium between economic growth, the protection of private property rights, and the preservation of the environment. We will oppose any unreasonable measures to expand the Chesapeake Bay Protection Areas.

6. HOUSING AFFORDABILITY

NVAR supports efforts to increase the supply of housing affordable to all income levels as we look to fill housing needs across the region. NVAR is committed to the development and preservation of diverse housing stock and to preserving the dream of homeownership for the greatest number of people possible. NVAR is opposed to unreasonable zoning and land use restrictions that ultimately lead to increased costs for housing.

7. INDUSTRY COMPETENCY AND PROFESSIONALISM

NVAR supports legislation to enhance the knowledge and professionalism of Virginia's real estate licensees.

8. TAXATION

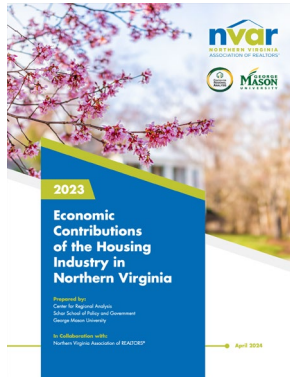
NVAR supports a comprehensive tax restructuring in the Commonwealth. It supports a tax system that is broad-based, fair, and one that will more fairly distribute the state's revenues, taking into consideration the great needs of localities to pay for and provide services. **NVAR supports** consideration of alternatives to reduce the impact of local governments' reliance on property taxes to cover local spending. Local governments should strive to cut their costs through improved efficiency, consolidation of programs, and privatization. NVAR opposes increases in the recordation tax.



NVAR supports efforts to increase the supply of housing affordable to all income levels as we look to fill housing needs across the region.

ADDITIONAL RESOURCES

2023 Housing Economic Impact Report



Housing is not only important as an attractant for talented workers, but the residential real estate industry is also itself a major driver of economic activity on a scale that is comparable to some of the region's largest economic sectors.

In 2023, the residential real estate industry located in the NVAR service area sparked \$17 billion in local economic activity and supported over 88,400 jobs, paying almost \$6.5 billion in labor earnings.

The analysis reported here updates the previous research collaboration between the Center for Regional Analysis at George Mason University and the Northern Virginia Association of REALTORS® to examine the economic contributions of the residential real estate sector for Northern Virginia.

[Find the 2023 Housing Economic Impact Report linked here.](#)

Housing Supply Accelerator Playbook



The Housing Supply Accelerator Playbook is for local elected officials and community planners working to boost diverse, attainable, and equitable housing supply in communities nationwide. From removing regulatory barriers to housing to demystifying housing finance, this guide aims to inspire local innovation and supercharge efforts to meet communities where they are and close the nation's housing supply gap.

[Find the Housing Supply Accelerator Playbook linked here.](#)

NAR's Advocacy Mission: Making housing more affordable, available, and accessible.



From its building located steps away from the United States Capitol, NAR advocates for federal policy initiatives that strengthen the ability of Americans to own, buy and sell real property.

[Find the NAR Priority Issues One-Pager linked here.](#)



About NVAR

The Northern Virginia Association of Realtors® (NVAR) serves as the voice of real estate in the Greater Northern Virginia Region. NVAR is dedicated to enhancing Realtor® success by delivering exceptional value, driving innovation, and impacting the industry. Headquartered in Fairfax, Virginia, NVAR supports its 13,000 members with essential resources, including industry education, advocacy, networking, and professional development opportunities. The Association is committed to promoting ethical practices and excellence in real estate. It advocates on behalf of homebuyers, sellers, renters, and commercial tenants who are directly affected by local, state, and federal policy decisions impacting affordability and quality of life. NVAR strives to elevate the standards of the real estate industry and to contribute to the overall growth and prosperity of the Washington, DC Metropolitan Area and beyond.

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