Statement provided by Doug Taggart
for
Virginia Housing Commission
Common Interest Communities Work Group
September 12, 2006
10:00AM
House Room 1, Patrick Henry Building

Good morning Madam Chair, members of this Commission. My name is Doug Taggart. I'm please to have the opportunity to appear before you today.

My comments will be brief. I am appearing before the Commission urging you to report unfavorably on proposed legislation amending the Property Owners' Association Act.

Specifically I am referring to Senate Bill #621, offered by Senator Linda Puller, and a corresponding bill offered in the House, House Bill #878, offered by Delegate Jeff Frederick.

Both bills seek to amend the Code of Virginia by adding a section addressing the display of political signs within properties managed by Home Owners Associations.

I live in Montclair, which is located in southeastern Prince William County, Virginia. Montclair is a Residential Planned Community, and is incorporated as the Montclair Property Owners Association under the Virginia Nonstock Corporation Act.

Montclair consists of approximately 2600 single family homes and 1200 townhomes. Montclair was formed in 1969 and is one of the oldest and remains one of the largest community associations in Virginia.

I have been on the Board of Directors for the Montclair Property Owners Association for almost 8 years. I am currently the President having held this position for a little over two years.

Home Owners Associations emerged in the 1960's based on people demanding affordable housing. To meet that demand, developers wanted to build more units on less land (to keep costs down) while providing homes

with shared amenities such as lakes, pools, community buildings, common property parks, etc.... In parallel, municipalities embraced the concept of these community associations because as tax bases increased the huge costs of providing expensive roads and utilities was undertaken by the developers.

The oversight responsibilities of these communities fall to volunteer committees of homeowners such as myself, aided by professional property management companies and lawyers.

The result is the creation of a "private government" with residents who choose to move into these communities signing onto a "contract" agreeing to obey by the rules and regulations of the association. The underlying theme of these rules and regulations is to protect the community and to maintain or improve property values.

When you move into a community such as Montclair and become a homeowner, you automatically become a member of the association and are bound to certain deed restrictions, covenants and conditions. As a member of the association you are able to volunteer to help manage it and you are also afforded opportunities to participate in activities to change or update the rules and regulations.

Currently the Montclair Property Owners Association Community Guidelines preclude the posting of political signs. The document I am holding up here consists of 49 pages of covenant guidelines that were updated a little over a year ago in Montclair.

In the process of updating these guidelines the topic of allowing certain numbers, types, size, duration of posting, etc...of political signs was discussed. In the end it was decided that allowing these signs was not to be incorporated into the updated guidelines.

Whether I agree with that outcome or not is not at all important for this discussion. What is important is that the Montclair Property Owners Association membership has decided that it is not currently interested in allowing such signs to exist as part of the rules and regulations governing our community.

For this legislative body to set off on the slippery slope of carving out an exception to the contractually binding Home Owners Association rules and

regulations across this State by allowing for the display of political signs is an inappropriate one in my opinion.

I urge the Commission to not favorably endorse this legislation and allow Home Owners Association to continue to manage their covenant rules and regulations through their own processes.

Thank you for the opportunity to speak today. I am prepared to take any questions you may have.