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HOUSE BILL NO. 1196

Offered January 14, 2026

A BILL to amend and reenact § 55.1-1836 of the Code of Virginia, relating to Property Owners' Association Act; operation and management of association; condemnation of common area; procedure.

Patrons—Scott, P.A. and Fowler; Senator: Durant

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1836 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1836. Condemnation of common area; procedure.

When any portion of the common area is taken or damaged under the power of eminent domain, any award or payment for such portion shall be paid to the association, which shall be a party in interest in the condemnation proceeding. The common area that is affected shall be valued on the basis of the common area's highest and best use as though it were free from restriction to sole use as a common area. *The physical characteristics of the common area land at the time of the acquisition shall be taken into consideration when valuing the property.*

Except to the extent that the declaration or any rules and regulations duly adopted pursuant to such declaration otherwise provide, the board of directors shall have the authority to negotiate with the condemning authority, agree to an award or payment amount with the condemning authority without instituting condemnation proceedings, and, upon such agreement, convey the subject common area to the condemning authority. Thereafter, the president of the association may unilaterally execute and record the deed of conveyance to the condemning authority.

A member of the association, by virtue of his membership, shall be estopped from contesting the action of the association in any proceeding held pursuant to this section.

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