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Exempt Action: Final Regulation Agency Background Document

Agency name	Real Estate Board
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 135-20
VAC Chapter title(s)	Virginia Real Estate Board Licensing Regulations
Action title	Universal License Recognition - Jurisprudential Exam Requirement
Final agency action date	March 16, 2023
Date this document prepared	September 27, 2023 (revised October 4, 2023)

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

In 2023, the General Assembly adopted Universal License Recognition (ULR), allowing for unified standards for transferring licenses into Virginia for occupations regulated by the Department of Professional and Occupational Regulation (DPOR). The law allows regulatory boards to require a jurisprudential (state law) exam of ULR applicants, if such exam is required of other applicants. The Virginia Real Estate Board adopted the requirement that applicants under ULR pass the Virginia Real Estate Exam, its jurisprudential exam and incorporated the ULR requirements into its regulations.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

In March 2023, the Governor approved Chapters 2 (HB 2180) and 3 (SB 1213) of the 2023 Acts of Assembly, adopted ULR, allowing for unified standards for transferring licenses into Virginia for occupations regulated by the Department of Professional and Occupational Regulation. The new law allows regulatory boards to require a jurisprudential exam of ULR applicants, if such exam is required of other applicants. The amendments became effective on July 1, 2023.

The purpose of this regulatory change is to implement the jurisprudential exam authorized under §54.1-205.C.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Real Estate Board authorized this action for the Virginia Real Estate Board Licensing Regulations on March 16, 2023.