

FAIR HOUSING REGULATORY REVIEW COMMITTEE MEETING

MINUTES

Members of the Fair Housing Regulatory Review Committee met on July 29, 2009 at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Marjorie Clark, Member, Real Estate Board, Committee Chairman
Nathaniel Brown, Member, Real Estate Board
Tonye Epps, Member, Fair Housing Board
Stephen McMaster, Member, Fair Housing Board
David Rubinstein, Chairman, Fair Housing Board

Staff present for all or part of the meeting were:

Lizbeth Hayes, Fair Housing Administrator
Aysan Sanchez, Fair Housing Investigator
Deanda Shelton, Assistant Fair Housing Administrator

R. Thomas Payne, II, Assistant Attorney General and counsel for the Fair Housing Board and Real Estate Board, and Martin Maples, a member of the Fair Housing Board, were also present during the meeting.

Ms. Clark called the meeting to order at 2:15 p.m.

Call to Order

Connie Chamberlin, President and Chief Executive Officer, and other staff from Housing Opportunities Made Equal of Virginia, Inc. (HOME) were present during the meeting. Ms. Chamberlin participated in the discussion of proposed changes to the regulations.

Public Comment

There was no review of previous meeting minutes.

Review of Meeting Minutes

There was no discussion regarding previous recommended changes.

Discussion of Previous Recommended Changes

The committee met to discuss defining the date of occurrence with regard to design and construction complaints to 18 VAC 135-50-350, Date of filing of a complaint.

Discussion of Part III, Investigation and Conciliation of Complaints

Ms. Chamberlin explained that the issue of accessibility does not make sense at all. Housing seekers are denied housing two to three years after housing is completed because housing

is inaccessible. Ms. Chamberlin stated that HUD believes that there should not be any statute of limitations with regard to design and construction complaints.

Ms. Hayes explained that the Fair Housing Office has received complaints alleging non compliance with the accessibility requirements where the complaints were just beyond the statute of limitations. Ms. Hayes suggested adding language that gives a specific time by design and construction complaints can be filed.

Mr. Payne stated that defining a date of occurrence for design and construction complaints would be inconsistent with the statute which does not differentiate the statute of limitations or date of occurrence for different prohibited acts.

Committee members and Connie Chamberlin, President and Chief Executive Officer, HOME, and Committee members suggested language that would define the date of occurrence for design and construction complaints, including defining the date of occurrence as continuing violations under the Fair Housing Law.

After discussion about possible language to add to the regulation, the committee agreed to allow Liz Hayes and Tom Payne to research other states' statutes and review case law to determine how the date of occurrence is defined with regard to design and construction cases. The committee agreed to meet in mid August to discuss research findings.

Open Discussion

There being no further business, the meeting was adjourned at 3:35 p.m.

Adjourn

Marjorie Clark, Committee Chair

David Rubinstein, Fair Housing Chair