



Virginia
Regulatory
Town Hall

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Final Regulation Agency Background Document

Agency name	62
Virginia Administrative Code (VAC) citation	18 VAC 62-20
Regulation title	Fair Housing Board Certification Regulations
Action title	Promulgate new regulations
Document preparation date	February 4, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This is a new regulation to implement Chapter 575 of the Acts of the 2003 General Assembly.

Statement of final agency action

Please 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 Fair Housing Board reviewed and adopted the final regulations, entitled "Fair Housing Board Certification Regulations" on December 1, 2004.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-2344.D states “The Board shall have the power and duty to establish, by regulation, an education-based certification or registration program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter.” These regulations are promulgated by the Fair Housing Board and are mandatory to implement Chapter 575 of the Acts of the 2003 General Assembly.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The new regulation establishes the qualifications for obtaining and renewing fair housing certification as well as the qualifications for proprietary schools, instructors and courses which are required to obtain the certification. The new regulation is necessary to implement Chapter 575 of the Acts of the 2003 General Assembly, which was a result of Senate Bill 1102. The goal of the new regulation is to establish an education-based certification program in accordance with the provisions of Senate Bill 1102. People who obtain certification will be more aware of the Fair Housing laws and be less likely to engage in discriminatory behavior therefore providing protection of the public’s health, safety and welfare.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

These regulations are necessary to implement Chapter 575 of the Acts of the 2003 General Assembly, which was a result of Senate Bill 1102, and to create the certification program therein mandated.

The regulations provide:

- 1) Definitions of terms to be used in the regulations;

- 2) Entry standards for those seeking certification by the Fair Housing Board;
- 3) Renewal standards for certificate holders;
- 4) Standards of conduct; and
- 5) Requirements for courses, instructors and providers.

Issues

Please identify the issues associated with the proposed regulatory action, including:
 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
 2) the primary advantages and disadvantages to the agency or the Commonwealth; and
 3) other pertinent matters of interest to the regulated community, government officials, and the public.
 If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage to the public and the agency is that the people who obtain certification through this program become more aware of the Fair Housing laws and will be less likely to engage in behavior which may result in a fair housing complaint.

The regulatory action poses no known disadvantages to the public or the Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes were made.

Section number	Requirement at proposed stage	What has changed	Rationale for change

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response

No public comment was received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

No changes have been made since the proposed regulation stage.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

No impact on families in Virginia has been identified as resulting from the proposed regulations.