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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Manufactured Housing Board
Virginia Administrative Code (VAC) Chapter citation(s)	13 VAC 6 - 20
VAC Chapter title(s)	Manufactured Housing Licensing and Transaction Recovery Fund Regulations
Date this document prepared	February 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

NA

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Virginia Manufactured Housing Board is the promulgating agency. They have authority to promulgate regulations through Sections 36-85.18 & 36-85.36 of the Code of Virginia.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are not believed to be viable alternatives that will accomplish the purpose of the regulation. The regulation meets the requirements set forth in statute.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

None received.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation was adopted to provide a means to implement state law regarding the licensing of manufacturers, dealers, brokers, and salespersons of manufactured homes. The regulation also provides a method to hear and resolve complaints between affected parties. It has been determined that the regulation and its language and provisions are clear and easily understandable and are in compliance with their statutory directive.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

As no public comment has been received and stakeholders and affected parties have not requested or indicated any necessary changes, the decision is to retain the regulation with no change.

The regulation was updated in 2019 and 2021. The changes in 2019 removed unnecessary provisions and the changes in 2021 addressed complying with certain provisions in state law regarding damages.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

1) The regulation is necessary to continue to implement statutory directives regarding licensing and resolution of complaints for manufactured housing 2) None received 3) & 4) The regulation does not appear to be overly complex, duplicate, or conflict with other federal or state law. 5) The regulation was updated in 2019 and 2021.

As noted, no comment has been received regarding the regulation (including the 2019 and 2021 updates) and the fee structure will remain in its current form (last amended 2012) minimizing any impacts to small businesses.
