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Exempt Action Final Regulation Agency Background Document

Agency name	Real Estate Board
Virginia Administrative Code (VAC) citation(s)	18 VAC 135-20
Regulation title(s)	Virginia Real Estate Board Licensing Regulations
Action title	Conform to Statutory Changes (2018 Acts of Assembly)
Final agency action date	January 24, 2019
Date this document prepared	March 20, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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.

This regulatory action aligns applicable sections of the Real Estate Board (board) regulations to statutory amendments effective July 1, 2019 (as passed by the 2018 Session of the General Assembly). The board is promulgating this regulatory action to conform its regulations to the law and there is no agency discretion; the action is exempt from the Administrative Process Act pursuant to Va. Code § 2.2-4006A.4.a.

Chapter 60 of the 2018 Acts of Assembly amended § 54.1-2105.03, concerning real estate continuing education, with a delayed enactment effective January 1, 2019. The board is amending 18 VAC 135-20-101, regarding continuing education requirements for brokers, to comply with the statutory change made to § 54.1-2105.03 of the Code of Virginia.

Chapter 223 of the 2018 Acts of Assembly amended §§ 54.1-2100 and 54.1-2110.1, concerning statutory broker supervision requirements, also with a delayed enactment of January 1, 2019. The board is amending 18 VAC 135-20-10 and 18 VAC 135-20-165, regarding the definition of supervising broker and the supervising broker's duties, to conform to the new statutory language as well as remove obsolete language.

Mandate and Impetus

Please 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, board decision, etc.). "Mandate" is defined as "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."

Statutory amendments by the General Assembly require changes to the board's regulations in order to conform to Chapters 60 and 223 of the 2018 Acts of Assembly, which became effective January 1, 2019.

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 Real Estate Board authorized this exempt action for the Virginia Real Estate Board Licensing Regulations on January 24, 2019.