

REAL ESTATE BOARD

TENTATIVE AGENDA

Thursday, July 16, 2020 - 10:00 a.m.

2nd Floor – Board Room 2

Department of Professional and Occupational Regulation

9960 Mayland Drive

Richmond, Virginia 23233

(804) 367-8526

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

1. Approval of Agenda
2. Approval of Minutes:
 - A. January 23, 2020, Fair Housing Sub-Committee Meeting
 - B. January 23, 2020, Real Estate Board Meeting
 - C. January 23, 2020, Real Estate Board Regulatory Review Meeting

III. PUBLIC COMMENT PERIOD **

IV. FAIR HOUSING REPORTS

1. Fair Housing Administrator's Report
2. Litigation update

V. FAIR HOUSING CASES

1. Peter Turck v. Peebles Place Homeowner's Association, Inc. and R & A Management & Referral LLC
REB File Number: 2019-01418
HUD File Number: 03-19-0968-8
Appointment – Daniel Blom, attorney for respondents
2. Onika Renee Lewis v. Town Center Block 10 Apartments LP, S.L. Nusbaum Realty Company and Karen Breuer
REB File Number: 2020-00887
HUD File Number: 03-20-4376-8
3. Rashaunda Massenburg v. GEM Management, LLC and Forest Hills at Belview, LP
REB File Number: 2020-00894
HUD File Number: 03-20-3516-8
4. Fred Weaver v. Community Housing Partners Corporation and Carlton Views I LLC
REB File Number: 2020-00399
HUD File Number: 03-19-3093-8
5. Ja'neer Asbell v. North Star Real Estate, Inc., Walter Sims and Jason Farneth
REB File Number: 2019-02095
HUD File Number: 03-19-1991-8

- DRAFT AGENDA
Materials contained in this agenda are not to be construed as regulation or official Board position.
DRAFT AGENDA
6. Elnora Delcid v. Roger Walker, Charlie Hansbrough, Crum Realty, Inc., Neil Keefe, Trustee, and Bobbie J. Keefe, Trustee
REB File Number: 2019-02121
HUD File Number: 03-19-2831-8
Appointment – Joyce Hamman, respondent (Crum Realty, Inc.)
 7. Ghanshyam Sharma v. United Property Associates, Inc. and Gardenside II Condominium Association, Inc.
REB File Number: 2020-01196
HUD File Number: 03-20-3793-8
 8. Melissa Martin & Jonathan Martin v. CJEHN Alpha LLC, dba One Central Apartment Homes, S.L. Nusbaum Realty Company and Kylie Jones
REB File Number: 2020-00080
HUD File Number: 03-20-3677-8
 9. Angela Douglas v. Henry Briggs and Associates, Inc. and Clean Livin Wellford, LLC
REB File Number: 2020-01247
HUD File Number: 03-20-4877-8
 10. Christopher Varley v. Meadows at Salem Run, LLC and Burlington Capital Properties, LLC
REB File Number: 2020-00398
HUD File Number: 03-19-3716-8
 11. National Community Reinvestment Coalition v. Samantha Painter, JMG Realty, Inc. and Pembroke Towers, LLC
REB File Number: 2019-02693
HUD File Number: 03-19-2791-8
 12. James Devens v. Rechelle Holmes
REB File Number: 2020-01853
HUD File Number: 03-20-4437-8
 13. Monique & George Ferguson v. Priority Home Solutions, LLC, Hylton & Company, LLC, LeQuan M. Hylton, Tiffany Jackson & Insurance Matters, LLC
REB File Number: 2018-02862
HUD File Number: 03-18-9629-8
{Referred to A.G. for Official Consultation}
Appointment – Barrie Bowers, attorney for the respondents
Appointment – LeQuan M. Hylton, respondent
 14. Meridians Recovery Inc. v. Weichert Co. of Virginia d/b/a Weichert Realtors, Ellen Louise Catama Bove, and Jack Bove
REB File Number: 2020-01071
HUD File Number: 03-20-3801-8
{Conciliation: Disability}

15. Richard Bernhardt v. Sterling Properties Investments, Inc., David Bruce Stull, and Sterling Properties and Management, LLC
REB File Number: 2020-01585
HUD File Number: 03-20-4736-8
{Conciliation: Disability}
16. Melissa Brown v. JJRE, LLC dba Advance Realty Specialists, Charita T. Williams, and Tina Lebrun
REB File Number: 2020-00249
HUD File Number: 03-19-3436-8
{Conciliation: Race}
17. Hope Wade v. Abbitt Management LLC and Wendwood Square Two, LLC
REB File Number: 2020-02135
HUD File Number: 03-20-5237-8
{Conciliation: Race}
18. Laverne Budd v. Metro Properties, Inc. and Ross Building LLC
REB File Number: 2020-02253
HUD File Number: 03-20-5756-8
{Conciliation: Disability}
19. Asia Stith v. Thalia Gardens Associates, LLP and S. L. Nusbaum Realty, Co.
REB File Number: 2020-01991
HUD File Number: 03-20-4536-8
{Conciliation: Disability}
20. Norman D. Sims, Sr. v. Meridian at Watermark, LLC, and S.L. Nusbaum Realty, Co.
REB File Number: 2020-01572
HUD File Number: 03-20-4957-8
{Conciliation: Disability}
21. Buffy D. Benjamin v. Royal Arms Community Partners LP, Winn Management Company LLC and Kelsey Buffenbarger
REB File Number: 2020-01899
HUD File Number: 03-20-5099-8
{Conciliation: Disability}
22. Robin Harper v. Edgewood Management Corporation and I'm Freda's Boss, LLC
REB File Number: 2020-01083
HUD File Number: 03-20-4243-8
{Conciliation: Disability}

VI. REAL ESTATE CASES

1. File Number 2020-01319 – Lighthouse Properties of Virginia, Inc.
Real Estate Licensee – CIC Receivership
2. File Number 2020-01092 – Jackson Nisewaner
IFF by Eldridge – Licensing
3. File Number 2020-01062 – Jay Sen
IFF by Eldridge – Licensing
Appointment – Jay Sen, applicant
4. File Number 2020-01093 – Bernice Pamala White
IFF by Eldridge – Licensing
5. File Number 2020-00981 – Patricia Yvonne Diggs
IFF by Eldridge – Licensing
6. File Number 2020-01449 – Anthony Ryan McCormick
IFF by Eldridge – Licensing
7. File Number 2020-01450 – Kiara Monia Leary
IFF by Eldridge – Licensing
8. File Number 2020-01533 – Brian Richard Lowe
IFF by Eldridge – Licensing
9. File Number 2020-01570 – Fredson Gilles Fils-Aime
IFF by Eldridge – Licensing
10. File Number 2020-01736 – Nicholas Chase Guilliams
IFF by Eldridge – Licensing
11. File Number 2020-01733 – Toni Ashley James
IFF by Eldridge – Licensing
Appointment – Toni Ashley James, applicant
12. File Number 2020-01732 – Glenn Alan Fox
IFF by Eldridge – Licensing
13. File Number 2020-01443 – Vicki Govin Seagle
IFF by Eldridge – Licensing
14. File Number 2019-01176 – Clayton Ramsay
IFF by Johnson – Disciplinary
15. File Number 2019-01334 – Tina Moon
IFF by Johnson – Disciplinary

16. File Number 2019-01886 – Matthew Philippe Jarreau
Pre-IFF Consent Order by Johnson – Disciplinary
17. File Number 2019-02644 – Charles H. Dunlap
Pre-IFF Consent Order by Johnson – Disciplinary
18. File Number 2020-01429 – Melvyn A. Williams
IFF by Grimsley – Licensing
19. File Number 2020-01953 – Ghulam Nabi Sarwai
IFF by Grimsley – Licensing
Appointment – Ghulam Nabi Sarwai, applicant
20. File Number 2019-02948 – David Lindsay Kabler
Pre-IFF Consent Order by Grimsley – Disciplinary
21. File Number 2019-03128 – William Michael Plasha
Pre-IFF Consent Order by Grimsley – Disciplinary
22. File Number 2020-00343 – James Baxter Carter
Pre-IFF Consent Order by Grimsley – Disciplinary
23. File Number 2020-00060 – John B. Mair
IFF by Hoover – Licensing
24. File Number 2020-00499 – Austin Tyler Highfill
Pre-IFF Consent Order by Hoover – Disciplinary
25. File Number 2019-02869 – Timothy S. Johnson, Jr.
Pre-IFF Consent Order by Hoover – Disciplinary
26. File Number 2019-02410 – Elizabeth A. Martin
Pre-IFF Consent Order by Hoover - Disciplinary
27. File Number 2019-02398 – Warren Reed Calloway
Pre-IFF Consent Order by Gatewood – Disciplinary
28. File Number 2020-00221 – Ross Michael Simone
Pre-IFF Consent Order – Disciplinary
29. File Number 2020-00002 – Rafael Augusto Antuna
Pre-IFF Consent Order – Disciplinary
30. File Number 2019-02191 –Megan Christine Anderson Morris
Pre-IFF Consent Order – Disciplinary
31. File Number 2019-02139 – Devon Marcon Mulzac
Pre-IFF Consent Order – Disciplinary

- DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA
32. File Number 2019-02135 – Ivy Simone Williams
Pre-IFF Consent Order – Disciplinary
 33. File Number 2019-02039 – Rebeca Barrientes
Pre-IFF Consent Order – Disciplinary
 34. File Number 2019-00371 – Kyle R. Stephenson t/a Kyle Stevenson
Pre-IFF Consent Order – Disciplinary
 35. File Number 2019-02973 – Lyndsay Jones
Pre-IFF Consent Order – Disciplinary
 36. File Number 2019-02970 – Michelle R. Pike
Pre-IFF Consent Order – Disciplinary
 37. File Number 2020-00200 – Luis Orlando Amoros
Pre-IFF Consent Order – Disciplinary
 38. File Number 2020-00086 – Jason Elbert Abshire
Pre-IFF Consent Order – Disciplinary
 39. File Number 2019-03213 – Valerie L. Thomas
Pre-IFF Consent Order – Disciplinary
 40. File Number 2019-02462 – Joyce Marie Hurley
Pre-IFF Consent Order – Disciplinary
 41. File Number 2020-01365 – Richard Joseph Higgins, IV
Pre-IFF Consent Order – Disciplinary
 42. File Number 2020-00888 – Joanne T. Cash
Pre-IFF Consent Order – Disciplinary
 43. File Number 2020-00744 – Lisa Louise Beverly
Pre-IFF Consent Order – Disciplinary
 44. File Number 2020-00717 – Devin Patrick Moore
Pre-IFF Consent Order – Disciplinary
 45. File Number 2020-00676 – Holly M. Elliott
Pre-IFF Consent Order – Disciplinary
 46. File Number 2020-00722 – Ophelia Kier – Kier Real Investments, LLC
Cease & Desist

VII. ADMINISTRATIVE ISSUES

- Board Financial Statements
- Resolution
- Exempt Regulatory Actions
- Fee Increase

VIII. EDUCATION

- July 15, 2020, Education Committee Report

IX. OLD BUSINESS

X. NEW BUSINESS

- Election of Officers

XI. ADJOURNMENT

NEXT MEETING SCHEDULED FOR THURSDAY, September 17, 2020

** 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting.

Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

**REAL ESTATE BOARD FAIR HOUSING SUB-COMMITTEE
MEETING MINUTES**

January 23, 2020

On Thursday, January 23, 2020 at 9:50 a.m., the Real Estate Board Fair Housing sub-committee met at the Department of Professional and Occupational Regulation. Board members Lynn Grimsley, Sharon Johnson and Mayra Pineda attended on behalf of the Real Estate Board. Lizbeth Hayes, Deanda Shelton, Dominica McGowen and Angela Keefe-Thomas attended on behalf of the Fair Housing Office. R. Thomas Payne and Helen Hardiman attended on behalf of the Office of the Attorney General.

The meeting was called to order at approximately 9:50 a.m. by Lynn Grimsley. Staff advised board members of the number of cases currently under investigation and in intake. The board members and staff briefly discussed the cases on the agenda. Staff shared the date and time of upcoming board training.

Ms. Grimsley adjourned the meeting at approximately 9:55 a.m.

Stephen Hoover, Chair

Mary Broz-Vaughan, Secretary

DRAFT AGENDA
Materials contained in this
DRAFT AGENDA

DRAFT
These proposals are for discussion and are not to be construed as regulation or official Board position.

A motion was made by Ms. Grimsley and seconded by Ms. Davis to adopt the November 14, 2019, Fair Housing Sub-Committee Meeting minutes; November 14, 2019, Real Estate Board Meeting minutes; and November 14, 2019, Real Estate Board Regulatory Review Committee Meeting minutes. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

There was no public comment.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Jaelen Wright v. S. L. Nusbaum Realty Company & Bridgeport, LP, REB File Number 2020-00288**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. James Wood, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause the respondents discriminated against the complainant by refusing to make a reasonable accommodation based upon disability. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz, and Pineda.

In the matter of **Shari Morrison v. Terri Newsome, Lynda Shackelford, Virginia Beach Investment Co. and Larrymore Organization, Inc., REB File Number 2019-02197**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause the respondents discriminated against the complainant by offering discriminatory terms, conditions, privileges or services and facilities based on the complainant's sex or retaliated against the complainant for exercising her fair housing rights. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **Marqueetta Bates v. S. L. Nusbaum Realty Company and American Tobacco Holdings LLC, REB File Number 2019-03223**, the Board reviewed the record which

Minutes

Public Comment

Fair Housing Administrator's Report

Jaelen Wright v. S. L. Nusbaum Realty Company & Bridgeport, LP, REB File Number 2020- 00288

Shari Morrison v. Terri Newsome, Lynda Shackelford, Virginia Beach Investment Co. and Larrymore Organization, Inc., REB File Number 2019-02197

Marqueetta Bates v. S. L. Nusbaum Realty Company and

DRAFT AGENDA
Materials contained herein are proposed for consideration for an official Board position.
DRAFT AGENDA

Materials contained herein are proposed for consideration for an official Board position.

consisted of the Final Investigative Report, and Case Analysis. James Wood, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause to believe the respondents discriminated against the complainant by refusing to rent based on race or sex. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **Anthony and Heidi Coppola v. McEneaney Associates, Inc. Cynthia A. Troupe and Lisa Hayes Jankowski, REB File Number 2019-02983**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Heidi Coppola, complainant, submitted a written statement which was presented to the Board. J. C. Cancellari, attorney for McEneaney Associates, Inc. and Cynthia A. Troupe, respondents, and Gregory DuMont, attorney for Lisa Hayes Jankowski, respondent, were present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause the respondents discriminated against the complainants by offering discriminatory terms and conditions or refusing to continue renting or otherwise make housing unavailable based on religion. The motion passed unanimously. Members voting "Yes" were Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda. Ms. Bower recused herself, and abstained from voting in this matter.

In the matter of **Tawuana Brown v. Hearndon-Galberry, LLC t/a Hillpoint Woods Apartments, Ashby Development, LLC and Patrick Reynolds, REB File Number 2019-02484**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Tawuana Brown, complainant, and Barrie Bowers, attorney for the respondents, were present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause to believe the respondents discriminated against the complainant by discriminating in the terms and conditions of a rental or refusing to rent or otherwise make housing unavailable based on race. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **Danielle M. Crowley v. PRG Real Estate Management, Inc. and North Falls Master Tenant LLC,**

American Tobacco Holdings LLC, REB File Number 2019-03223

Anthony and Heidi Coppola v. McEneaney Associates, Inc. Cynthia A. Troupe and Lisa Hayes Jankowski, REB File Number 2019-02983

Tawuana Brown v. Hearndon-Galberry, LLC t/a Hillpoint Woods Apartments, Ashby Development, LLC and Patrick Reynolds, REB File Number 2019-02484

Danielle M. Crowley v. PRG Real Estate

DRAFT AGENDA
Materials contained herein are not to be construed as an official Board position.

Materials contained herein are not to be construed as an official Board position.

REB File Number 2019-02705, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Danielle M. Crowley, complainant, and Bob Perrow, attorney for the respondents, were present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause to believe the respondents discriminated against the complainant by failing to make a reasonable accommodation or by otherwise making housing unavailable based on disability. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **Sharon Lassister v. Berkeley Realty Property Management, Inc. and 1985 Algonquin Trail, LLC, REB File Number 2020-00146**, a motion was made by Ms. Grimsley and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **Kurt Dadd v. Rocketts Block 18 LLC and PRG Real Estate Management, Inc., REB File Number 2019-02984**, a motion was made by Ms. Grimsley and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **Kenneth Hauge and Liv Hauge v. Community Realty Company and The Evergreens at Smith Run LLC, REB File Number 2019-01244**, a motion was made by Ms. Grimsley and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **File Number 2020-00623, Thomas Allen Hill**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Thomas Allen Hill, applicant, was present and addressed the Board. A motion was made by Ms. Gatewood and seconded by Ms.

Management, Inc. and North Falls Master Tenant LLC, REB File Number 2019-02705

Sharon Lassister v. Berkeley Realty Property Management, Inc. and 1985 Algonquin Trail, LLC, REB File Number 2020-00146

Kurt Dadd v. Rocketts Block 18 LLC and PRG Real Estate Management, Inc., REB File Number 2019-02984

Kenneth Hauge and Liv Hauge v. Community Realty Company and The Evergreens at Smith Run LLC, REB File Number 2019-01244

File Number 2020-00623, Thomas Allen Hill

DRAFT AGENDA
Materials contained
in this agenda are
DRAFT AGENDA

For discussion and
comment only. Not to be construed as an official Board position.

Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Mr. Hill's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **File Number 2020-00947, Andre Joseph Lovell, II**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Mr. Lovell's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2020-00947, Andre Joseph Lovell, II

In the matter of **File Number 2020-00949, Jovanta Lionel Verdun**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia*, approve Mr. Verdun's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Verdun's and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2020-00949, Jovanta Lionel Verdun

In the matter of **File Number 2020-00621, Kim Rane'e Day Wiggs**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Grimsley and seconded by Ms. Davis to

File Number 2020-00621, Kim Rane'e Day Wiggs

DRAFT AGENDA
Materials contained in this agenda are for informational purposes only and do not constitute a regulation or official Board position.
DRAFT AGENDA

accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Ms. Day-Wigg's application for a salesperson's license based upon the record. After review of the facts, the information obtained at the IFF, and in consideration of the criteria contained in §54.1-204.B of the *Code of Virginia*, the Board determined it could not protect the health, safety and welfare of the public due to the nature and seriousness of the crimes, and agreed it would be negligent to grant a license and voted to deny the license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **File Number 2019-02764, Woo Sik Oh, t/a Edward Oh**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Moiz and seconded by Ms. Bower to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Oh's application for a salesperson's license based upon the record. After review of the facts, the information obtained at the IFF, and in consideration of the criteria contained in §54.1-204.B of the *Code of Virginia*, the Board determined it could not protect the health, safety and welfare of the public due to the nature and seriousness of the crimes, and agreed it would be negligent to grant a license and voted to deny the license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2019-02764, Woo Sik Oh, t/a Edward Oh

As the presiding Board member, Ms. Gatewood did not vote or participate in the discussion in this matter.

In the matter of **File Number 2020-00058, Ronald Patrick Frank**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Mr. Frank's application for a real estate broker's license. The motion passed unanimously. Members voting

File Number 2020-00058, Ronald Patrick Frank

“Yes” were Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda.

As the presiding Board member, Ms. Gatewood did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-00425, Elizabeth Marshall Powell, t/a Elizabeth M. Powell**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Elizabeth Marshall Powell, respondent, Richard Thorsey, attorney for the respondent, and Lawrence Marshall, II, attorney for Frank Hardy, and Hardy Real Estate, complainants, were present and addressed the Board. Ms. Powell read a statement to the Board from her broker, Justin H. Wiley. A motion was made by Ms. Grimsley and seconded by Ms. Davis to amend the recommendation of the Informal Fact-Finding Conference in Counts 1-4 regarding the education sanctioned categories to the following: three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, two (2) classroom hours of Board-approved education pertaining to Real Estate Board Regulations, three (3) classroom hours of Board-approved education related to Agency, and one (1) classroom hour related to Contracts. The motion passed by majority vote. Members voting “Yes” were Bower, Davis, Grimsley, Hoover, Moiz, and Pineda. Member voting “No” was Johnson.

File Number 2018-00425, Elizabeth Marshall Powell, t/a Elizabeth M. Powell

A motion was made by Mr. Moiz and seconded by Ms. Davis to find a violation of 18 VAC 135-20-180.C.4 (Count 1) of the Board’s 2015 Regulations, a violation of 18 VAC 135-20-180.A.2 (Count 2) of the Board’s 2015 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 3) and a violation of 18 VAC 135-20-260.12.b (Count 4) of the Board’s 2015 Regulations. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda.

A motion was made by Ms. Grimsley and seconded by Ms. Davis to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in

DRAFT AGENDA
Materials contained herein are
DRAFT AGENDA

construed as regulation or official Board position.

Count 2, \$1,000.00 for the violation contained in Count 3, and \$2,000.00 for the violation contained in Count 4, for a total of \$5,500.00. The Board also imposes the following sanctions: For violation of Counts 1-4, Powell's license is placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, two (2) classroom hours of Board-approved education pertaining to Real Estate Board Regulations, three (3) classroom hours of Board-approved education related to Agency, and one (1) classroom hour related to Contracts. Such course(s) shall be completed in a classroom. Further, Powell shall provide evidence acceptable to the Board that Powell has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation. In addition, license revocation is imposed for violation of Counts 1-4. The Board imposed revocation due to the seriousness of Powell's actions and risk of harm to the public. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda.

As the presiding Board member, Ms. Gatewood did not vote or participate in the discussion in this matter.

In the matter of **File Number 2019-02818, Kelly Marie Nicol Matthews, t/a Kelly Matthews**, the Board reviewed the Consent Order as seen and agreed to by Ms. Matthews. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Ms. Matthews admits to a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$250.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$400.00. In addition, for violation of Count 1, Matthews agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously.

File Number 2019-02818, Kelly Marie Nicol Matthews, t/a Kelly Matthews

DRAFT AGENDA
Materials contained herein are for discussion and are not to be construed as regulation or official Board position.

Members voting “Yes” were Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda.

As the Board member who reviewed the file, Ms. Gatewood did not vote or participate in the discussion in this matter.

In the matter of **File Number 2019-02616, Tiffany St. John Catlin**, the Board reviewed the Consent Order as seen and agreed to by Ms. Catlin. A motion was made by Ms. Davis and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Catlin admits to a violation of 18 VAC 135-20-260.11.j (Count 1) of the Board’s 2015 Regulations, and agrees to a monetary penalty of \$750.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for violation of Count 1, Catlin agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Hoover, Johnson, Moiz and Pineda.

File Number 2019-02616, Tiffany St. John Catlin

As the Board member who reviewed the file, Ms. Grimsley did not vote or participate in the discussion in this matter.

Mr. Hoover turned the position of Chair over to Ms. Johnson and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2018-03330, Jason Eric Dehlin**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Davis and seconded by Ms. Bower to find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board’s 2015 Regulations, a violation of 18 VAC 135-20-280 (Count 2) of the Board’s 2015 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 3) of the Board’s 2015 Regulations. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Johnson, Moiz,

File Number 2018-03330, Jason Eric Dehlin

DRAFT AGENDA
Materials contained herein are preliminary and subject to change. This document is not to be construed as regular or official Board position.

and Pineda.

A motion was made by Ms. Gatewood and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,450.00 for the violation contained in Count 2, and \$550.00 for the violation contained in Count 3, for a total of \$2,500.00. The Board also imposes the following sanctions: For violation of Count 1, Dehlin's license will be placed on probation and Dehlin will be required to complete one (1) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. For violation of Count 2, Dehlin's license will be placed on probation and Dehlin will be required to complete one (1) classroom hours of Board-approved continuing education pertaining to Legal Updates and Emerging Trends. In addition, for violation of Count 3, Dehlin's license will be placed on probation and Dehlin will be required to complete one (1) classroom hours of Board-approved continuing education pertaining to Board Regulations. Such course(s) shall be completed in a classroom. Further, Dehlin shall provide evidence acceptable to the Board that he successfully completed the course(s) within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Johnson, Moiz, and Pineda.

As the presiding Board member, and Board member who reviewed the file, Ms. Grimsley and Mr. Hoover did not vote or participate in the discussion in this matter.

In the matter of **File Number 2019-02397, Wilson Clinton Ricks**, the Board reviewed the Consent Order as seen and agreed to by Mr. Ricks. A motion was made by Ms. Davis and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Ricks admits to a violation of 18 VAC 135-20-260.12.i (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-220.A.2 (Count 2) of the Board's 2015 Regulations and agrees to a monetary penalty of \$500.00 for the violation of Count 1, \$300.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$950.00. In addition, Ricks agrees to complete at least

File Number 2019-02397, Wilson Clinton Ricks

DRAFT AGENDA
Materials contained herein are for informational purposes only and should not be construed as regulation or official Board position.
DRAFT AGENDA

the number of classroom hours, as specified below, of Board-approved continuing education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of the Consent Order. The courses must be completed in the classroom.

- For violation of Count 1, four (4) hours pertaining to Real Estate Contracts; and
- For violation of Count 2, four (4) hours pertaining to Ethics and Standards of Conduct.

It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Johnson, Moiz and Pineda.

As the Board member who reviewed the file, Mr. Hoover did not vote or participate in the discussion in this matter.

Mr. Hoover returned and assumed the position of Chair.

In the matter of **File Number 2019-02731, Lisa Rene Sinibaldi**, the Board reviewed the Consent Order as seen and agreed to by Ms. Sinibaldi. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Sinibaldi admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$600.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, for violation of Count 1, Sinibaldi agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

Transfer of Chair

File Number 2019-02731, Lisa Rene Sinibaldi

DRAFT AGENDA
Materials contained herein are for discussion and do not to be construed as regulation or official Board position.
DRAFT AGENDA

In the matter of **File Number 2019-02895, Elaine L. Angelini, t/a Elaine Angelini**, the Board reviewed the Consent Order as seen and agreed to by Ms. Angelini. A motion was made by Ms. Gatewood and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Ms. Angelini admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Angelini agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2019-02895, Elaine L. Angelini, t/a Elaine Angelini

In the matter of **File Number 2019-02684, Maxwell B. Sarpong**, the Board reviewed the Consent Order as seen and agreed to by Mr. Sarpong. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Sarpong admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board’s 2015 Regulations, a violation of 18 VAC 135-20-260.11.g (Count 2) of the Board’s 2015 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 3) of the Board’s 2015 Regulations, and agrees to a monetary penalty of \$600.00 for the violation of Count 1, \$700.00 for the violation of Count 2, and \$800.00 for the violation of Count 3, as well as \$150.00 in Board costs, for a total of \$2,250.00. In addition, for violation of Count 1, Sarpong agrees to complete at least six (6) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting “Yes” were Bower, Davis,

File Number 2019-02684, Maxwell B. Sarpong

DRAFT AGENDA
Materials contained herein are proposed for discussion and are not to be construed as regulation or official Board position.

Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **File Number 2019-02601, Christine Jennifer Armintrout, t/a Christine Armintrout**, the Board reviewed the Consent Order as seen and agreed to by Ms. Armintrout. A motion was made by Ms. Johnson and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Ms. Armintrout admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,450.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,600.00. In addition, for violation of Count 1, Armintrout agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2019-02601, Christine Jennifer Armintrout, t/a Christine Armintrout

In the matter of **File Number 2019-02594, Laura Ann Hallman, t/a Lauren Hallman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hallman. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Ms. Hallman admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$550.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for violation of Count 1, Hallman agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2019-02594, Laura Ann Hallman, t/a Lauren Hallman

DRAFT AGENDA
Materials contained herein are for discussion only and are not to be construed as regulation or official Board position.
DRAFT AGENDA

In the matter of **File Number 2019-01744, Matthew Nelsen Herrick, t/a Matt Herrick**, the Board reviewed the Consent Order as seen and agreed to by Mr. Herrick. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Mr. Herrick admits to a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, a violation of §54.1-2133.A.4 (Count 2) of the *Code of Virginia*, and a violation of 18 VAC 135-20-300.6 (Count 3) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation of Count 1, \$650.00 for the violation contained in Count 2, and \$600.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$1,900.00. In addition, Herrick agrees to complete at least the number of classroom hours, as specified below, of Board-approved continuing education and provide proof of attendance and successful completion to the Board within nine (9) months of the effective date of the Consent Order. The courses must be completed in the classroom.

- For violation of Count 1, three (3) hours pertaining to Ethics and Standards of Conduct;
- For violation of Count 2, three (3) hours pertaining to Escrow Management; and
- For violation of Count 3, three (3) hours pertaining to Property Management.

It is acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **File Number 2019-01516, Carlton H. Lafoon, Jr. t/a Kip Lafoon**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lafoon. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Mr. Lafoon admits to a violation of 18 VAC 135-20-260.11.a; and 18 VAC 135-20-260.11.d (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$200.00 for the violation 18 VAC 135-20-260.11.a; and \$850.00 for the violation of 18 VAC 135-20-260.11.d; as well as \$150.00 in Board costs, for a total of \$1,200.00. In addition, for violation of Count 1,

File Number 2019-01744, Matthew Nelsen Herrick, t/a Matt Herrick

File Number 2019-01516, Carlton H. Lafoon, Jr. t/a Kip Lafoon

DRAFT AGENDA
Materials contained herein are for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA
Materials contained herein are for discussion and are not to be construed as regulation or official Board position.

Lafoon agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **File Number 2019-01399, Jennifer Leigh Jesse, t/a Jennifer Jesse**, the Board reviewed the Consent Order as seen and agreed to by Ms. Jesse. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Ms. Jesse admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$650.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$800.00. In addition, for violation of Count 1, Jesse agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2019-01399, Jennifer Leigh Jesse, t/a Jennifer Jesse

In the matter of **File Number 2019-00715, Chase Valentino Womack, t/a Chase Womack**, the Board reviewed the Consent Order as seen and agreed to by Mr. Womack. A motion was made by Ms. Johnson and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Mr. Womack admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,250.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,400.00. In addition, for violation of Count 1, Womack agrees to complete

File Number 2019-00715, Chase Valentino Womack, t/a Chase Womack

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and at least three (3) classroom hours of the Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

In the matter of **File Number 2019-02917, Kyle Grayson Bell**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bell. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Bell admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, and \$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,250.00. In addition, for violation of Count 1, Bell agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2019-02917, Kyle Grayson Bell

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

Administrative Issues

A motion was made by Ms. Davis and seconded by Ms. Johnson to approve the proposed language for 18 VAC 135-20-20. Necessity for license, and file an exempt regulatory action to amend the Real Estate regulations as proposed to

DRAFT AGENDA
Materials contained herein are proposed for inclusion in the next meeting agenda and should not be construed as regulation or official Board position.

conform to amendments made to §§ 59.1-69 through 59.1-76 of the *Code of Virginia* which went into effect January 1, 2020. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

The Board considered the request of Sandra Jacobs to appoint her to carry on the business of her late husband, William N. Jacobs, who was the broker of William N. Jacobs t/a Billy Jacobs & Company for 180 days in order to close out the real estate business of William N. Jacobs t/a Billy Jacobs & Company in accordance with §54.1-2109 of the *Code of Virginia*. A motion was made by Ms. Johnson and seconded by Ms. Davis to allow Sandra Jacobs, to close out the real estate business of William N. Jacobs t/a Billy Jacobs & Company in accordance with §54.1-2109 of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

Tom Payne gave the Board a litigation update. No action was taken by the Board.

Litigation Update

The Board reviewed the report from the January 22, 2020, Real Estate Board Education Committee meeting. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the Education Committee meeting report. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson, Moiz and Pineda.

Education

The Board discussed creating a guidance document regarding real estate teams. No action was taken by the Board.

New Business

There being no further business, the Board adjourned at 11:57 A.M.

Adjourn

Stephen Hoover, Chair

Mary Broz-Vaughan, Secretary

VIRGINIA REAL ESTATE BOARD
COMMITTEE MEETING

January 23, 2020

The Regulatory Review Committee of the Real Estate Board held a meeting on Thursday, January 23, 2020, at the Department of Professional and Occupational Regulation, Richmond, Virginia.

The following Board Members were present for the meeting:

Sharon Johnson
Maggie Davis
Kit Hale
Boyd Smith

DPOR Staff Member present for all or part of the meeting included:

Jim Chapman, Board and Regulatory Administrator

Ms. Johnson called to order at 12:30 p.m.

The Regulatory Review Committee reviewed the proposed changes from the previous meeting to 18 VAC 135-20-220 Disclosure of Brokerage Relationships, 18 VAC 135-20-225 Audits, 18 VAC 135-20-240 Provision of Records to the Board, 18 VAC 135-20-250 Response to Any Inquiry of the Board, 18 VAC 135-20-260 Prohibited Acts, and 18 VAC 135-20-270 Conflict of Interest. The Committee then discussed regulations 18 VAC 135-20-260 Prohibited Acts, 135-20-280 Improper Brokerage Commission, and 18 VAC 135-20-290 Improper Dealing.

There being no further business nor public comment, the meeting adjourned at 2:30 p.m.

Stephen Hoover, Chair

Mary Broz-Vaughan, Secretary

COPY TESTE:

Custodian of Record

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Real Estate Board
954640**

2018-2020 Biennium

June 2020

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board Position.
DRAFT AGENDA

	June 2020 Activity	Biennium-to-Date Comparison	
		July 2016 - June 2018	July 2018 - June 2020
Cash/Revenue Balance Brought Forward			4,538,946
Revenues	0	8,231,560	7,944,558
Cumulative Revenues			12,483,504
Cost Categories:			
Board Expenditures	0	447,675	482,655
Board Administration	0	1,978,857	2,175,833
Administration of Exams	0	88,012	100,744
Enforcement	0	2,237,861	2,281,074
Legal Services	0	37,100	46,300
Information Systems	0	1,365,402	1,636,698
Facilities and Support Services	0	782,698	797,810
Agency Administration	0	1,182,281	992,074
Other / Transfers	0	1,424,983	719,610
Total Expenses	0	9,544,869	9,232,797
Transfer To/(From) Cash Reserves	0	0	3,250,707
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	0	0	0
Change in Cash Reserve	0	0	3,250,707
Cash Reserve Ending Balance	0	0	3,250,707

Number of Regulants	
Current Month	0
Previous Biennium-to-Date	68,254

**Real Estate Board
Analysis of Fee Structure and Financial Position**

Callahan Percentage Previous Biennium 26.0%

Date of Last Fee Increase: 9/1/2004
Date of Last Fee Decrease: 7/1/1999

Fee Structure

Fee Type	Current Fees	Proposal A	Proposal B	Proposal C
New Applicant/Exam or Broker/Associate/Sole Prop	190	220	135	115
New Applicant/Exam or Salesperson	150	185	110	100
New Applicant Course Instructor	190	220	160	150
New Applicant Branch	190	220	160	150
New Applicant Firm	250	300	230	220
New Applicant Business Entity	190	220	160	160
New Applicant Prop School	190	220	160	160
Reciprocity Applicant Broker	190	220	135	115
Reciprocity Applicant Salesperson	150	185	110	100
Upgrade Sales/Dwngnat to Broker	85	120	85	80
Concurrent application	140	185	120	115
Transfer/Activate All	60	90	90	90
Renewal Broker/Associate/Sole Prop	80	115	135	130
Renewal Salesperson	65	95	110	110
Renewal Branch	90	145	160	175
Renewal Firm	160	215	230	240
Renewal Business Entity	90	145	160	175
Renewal Course Instructor	75	120	160	175
Renewal Prop School	90	145	160	175
Reinstatement Broker/Associate/Sole Prop	40	65	65	70
Reinstatement Salesperson	35	50	45	65
Reinstatement Branch	135	150	150	160
Reinstatement Firm	85	100	110	110
Reinstatement Business Entity	135	150	150	160
Reinstatement Prop School	135	150	150	160
Reinstatement Course Instructor	110	130	135	135
Certification of Licensur All	35	35	35	35
Bad check fee All	50	50	50	50
Duplicate wall certificate All	35	35	35	35

Financial Position

	Actual 2016-18 Biennium	Actual 2018-20 Current Fees	Projected 2020-22 Current Fees	Projected 2022-24 Proposal A	Projected 2022-24 Proposal B	Projected 2022-24 Proposal C
Cash Carryforward	5,852,253	4,538,944	2,648,143	359,268	359,268	359,268
Revenues	8,231,560	8,311,394	8,682,257	12,077,973	12,084,638	12,076,248
Expenditures	9,544,869	10,202,195	10,971,132	11,137,934	11,137,934	11,137,934
Balance	4,538,944	2,648,143	359,268	1,299,307	1,305,972	1,297,582
Projected Callahan Percentage Close of Biennium			3.3%	11.7%	11.7%	11.7%

NOTES:

Proposal A - sets application fees higher than renewal fees.

Proposal B - sets application fees and renewal fees equal

18VAC135-20-180. Maintenance and Management of Escrow Accounts.

A. Maintenance of escrow accounts.

1. If money is to be held in escrow, each firm or sole proprietorship shall maintain in the name by which it is licensed one or more federally insured separate escrow accounts in a federally insured depository into which all down payments, earnest money deposits, money received upon final settlement, application deposits as defined by § [55.1-1200](#) of the Code of Virginia, rental payments, rental security deposits, money advanced by a buyer or seller for the payment of expenses in connection with the closing of real estate transactions, money advanced by the broker's client or expended on behalf of the client, or other escrow funds received by the broker or his associates on behalf of his client or any other person shall be deposited unless all principals to the transaction have agreed otherwise in writing. The balance in the escrow accounts shall be sufficient at all times to account for all funds that are designated to be held by the firm or sole proprietorship. The principal broker shall be held responsible for these accounts, including having signatory authority on these accounts. The supervising broker and any other licensee with escrow account authority may be held responsible for these accounts. All such accounts, checks, and bank statements shall be labeled "escrow" and the accounts shall be designated as "escrow" accounts with the financial institution where such accounts are established.

2. Funds to be deposited in the escrow account may include moneys that shall ultimately belong to the licensee, but such moneys shall be separately identified in the escrow account records and shall be paid to the firm by a check drawn on the escrow account when the funds become due to the licensee. Funds in an escrow account shall not be paid directly to the licensees of the firm. The fact that an escrow account contains money that may ultimately belong to the licensee does not constitute "commingling of funds" as set forth by subdivision C 2 of this section, provided that there are periodic withdrawals of said funds at intervals of not more than six months and that the licensee can at all times accurately identify the total funds in that account that belong to the licensee and the firm.

3. If escrow funds are used to purchase a certificate of deposit, the pledging or hypothecation of such certificate, or the absence of the original certificate from the direct control of the principal or supervising broker, shall constitute commingling as prohibited by subdivision C 2 of this section.

4. Lease transactions: application deposits. Any application deposit as defined by § [55.1-1200](#) of the Code of Virginia paid by a prospective tenant for the purpose of being considered as a tenant for a dwelling unit to a licensee acting on behalf of a landlord client shall be placed in escrow by the end of the fifth business banking

day following approval of the rental application by the landlord unless all principals to the lease transaction have agreed otherwise in writing.

B. Disbursement of funds from escrow accounts.

1. a. Purchase transactions. Upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker or his associates shall be placed in an escrow account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction, and shall remain in that account until the transaction has been consummated or terminated. In the event that the transaction is not consummated, the principal broker or supervising broker shall hold such funds in escrow until (i) all principals to the transaction have agreed in a written agreement as to their disposition, upon which the funds shall be returned to the agreed upon principal as provided in such written agreement; (ii) a court of competent jurisdiction orders such disbursement of the funds; (iii) the funds are successfully interpleaded into a court of competent jurisdiction pursuant to this section; or (iv) the broker releases the funds to the principal to the transaction who is entitled to receive them in accordance with the clear and explicit terms of the contract that established the earnest money deposit. At the option of a broker, written notice may be sent by the broker that release of such funds shall be made unless a written protest is received from the principal who is not receiving the funds by such broker within 15 calendar days of the date of such notice. Notice of a disbursement shall be given to the parties to the transaction in accordance with the contract, but if the contract does not specify a method of delivery, one of the following methods complies with this section: (i) hand delivery; (ii) United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing; (iii) electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or (iv) overnight delivery using a commercial service or the United States Postal Service. Except as provided in the clear and explicit terms of the contract, no broker shall be required to make a determination as to the party entitled to receive the earnest money deposit. A broker who complies with this section shall be immune from liability to any of the parties to the contract.

A principal broker or supervising broker holding escrow funds for a principal to the transaction may seek to have a court of competent jurisdiction take custody of disputed or unclaimed escrow funds via an interpleader action pursuant to § [16.1-77](#) of the Code of Virginia.

DRAFT AGENDA
Materials contain proposed amendments to be considered by the Board position.
DRAFT AGENDA

If a principal broker or supervising broker is holding escrow funds for the owner of real property and such property is foreclosed upon by a lender, the principal broker or supervising broker shall have the right to file an interpleader action pursuant to § [16.1-77](#) of the Code of Virginia and otherwise comply with the provisions of § [54.1-2108.1](#) of the Code of Virginia.

If there is in effect at the date of the foreclosure sale a real estate purchase contract to buy the property foreclosed upon and the real estate purchase contract provides that the earnest money deposit held in escrow by a firm or sole proprietorship shall be paid to a principal to the contract in the event of a termination of the real estate purchase contract, the foreclosure shall be deemed a termination of the real estate purchase contract, and the principal broker or supervising broker may, absent any default on the part of the purchaser, disburse the earnest money deposit to the purchaser pursuant to such provisions of the real estate purchase contract without further consent from or notice to the principals.

b. Lease transactions: security deposits. Any security deposit held by a firm or sole proprietorship shall be placed in an escrow account by the end of the fifth business banking day following receipt, unless otherwise agreed to in writing by the principals to the transaction. Each such security deposit shall be treated in accordance with the security deposit provisions of the Virginia Residential Landlord and Tenant Act, Chapter 12 (§ [55.1-1200](#) et seq.) of Title 55.1 of the Code of Virginia, unless exempted therefrom, in which case the terms of the lease or other applicable law shall control. Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant. If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon and the landlord is holding a security deposit of the tenant, the landlord shall handle the security deposit in accordance with applicable law, which requires the holder of the landlord's interest in the dwelling unit at the time of termination of tenancy to return any security deposit and any accrued interest that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, and regardless of any contractual agreements between the original landlord and his successors in interest. Nothing in this section shall be construed to prevent the landlord from making lawful deductions from the security deposit in accordance with applicable law.

c. Lease transactions: ~~prepaid~~ rent or escrow fund advances. Unless otherwise agreed in writing by all principals to the transaction, all ~~prepaid~~ rent and other money paid to the licensee in connection with the lease shall be placed in an escrow account by the end of the fifth business banking day following receipt, regardless of when received, and remain in that account until paid in accordance

with the terms of the lease and the property management agreement, as applicable, except the prepaid rent, which shall be treated in accordance with the prepaid rent provision of the Virginia Residential Landlord and Tenant Act, Chapter 12 (§ [55.1-1200](#) et seq.) of Title 55.1 of the Code of Virginia.

d. Lease transactions: rent payments. If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon and the rent is paid to a licensee acting on behalf of the landlord pursuant to a properly executed property management agreement, the licensee may collect the rent in accordance with § [54.1-2108.1](#) A 4 of the Code of Virginia.

2. a. Purchase transactions. Unless otherwise agreed in writing by all principals to the transaction, a licensee shall not be entitled to any part of the earnest money deposit or to any other money paid to the licensee in connection with any real estate transaction as part of the licensee's commission until the transaction has been consummated.

b. Lease transactions. Unless otherwise agreed in writing by the principals to the lease or property management agreement, as applicable, a licensee shall not be entitled to any part of the security deposit or to any other money paid to the licensee in connection with any real estate lease as part of the licensee's commission except in accordance with the terms of the lease or the property management agreement, as applicable. Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant. Except in the event of a foreclosure, if a licensee elects to terminate the property management agreement with the landlord, the licensee may transfer any funds held in escrow on behalf of the landlord in accordance with § [54.1-2108.1](#) B 5 of the Code of Virginia. If there is in effect at the date of the foreclosure sale a written property management agreement between the licensee and the landlord, the property management agreement shall continue in accordance with § [54.1-2108.1](#) A 5 of the Code of Virginia.

3. On funds placed in an account bearing interest, written disclosure in the contract of sale or lease at the time of contract or lease writing shall be made to the principals to the transaction regarding the disbursement of interest.

4. A licensee shall not disburse or cause to be disbursed moneys from an escrow or property management escrow account unless sufficient money is on deposit in that account to the credit of the individual client or property involved.

5. Unless otherwise agreed in writing by all principals to the transaction, expenses incidental to closing a transaction (e.g., fees for appraisal, insurance, credit report) shall not be deducted from a deposit or down payment.

C. Actions including improper maintenance of escrow funds include:

1. Accepting any note, nonnegotiable instrument, or anything of value not readily negotiable, as a deposit on a contract, offer to purchase, or lease without acknowledging its acceptance in the agreement;
2. Commingling the funds of any person by a principal or supervising broker or his employees or associates or any licensee with his own funds, or those of his corporation, firm, or association;
3. Failure to deposit escrow funds in an account designated to receive only such funds as required by subdivision A 1 of this section;
4. Failure to have sufficient balances in an escrow account at all times for all funds that are designated to be held by the firm or sole proprietorship as required by this chapter; and
5. Failing as principal broker to report to the board within three business days instances where the principal broker reasonably believes the improper conduct of a licensee, independent contractor, or employee has caused noncompliance with this section.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

18VAC135-50-10. Definitions.

Part I

General Provisions

The definitions provided in the Virginia Fair Housing Law, as they may be supplemented herein, shall apply throughout this chapter.

The following words and terms used in this chapter have the following meanings, unless the context clearly indicates otherwise:

"Authorized representative" means (i) an attorney licensed to practice law in the Commonwealth, or (ii) a law student appearing in accordance with the third-year student practice rule, or (iii) a non-lawyer under the supervision of an attorney and acting pursuant to Part 6, § 1, Rule 1 (UPR 1-101(A)(1)) of the Rules of the Supreme Court of Virginia, or (iv) a person who, without compensation, advises a complainant, respondent, or aggrieved person in connection with a complaint, a conciliation conference or proceeding before the board. When a complainant, respondent, or aggrieved person authorizes a person to represent him under subdivision (iv) of this definition, such authority shall be made to the board, either in writing or orally in an appearance before the board, and shall be accepted by the representative by sending a written acknowledgement to the board or by the representative's appearance before the board.

"Board" means the Real Estate Board or the Fair Housing Board, or both.

"Broker" or "agent" means any person authorized to perform an action on behalf of another person regarding any matter related to the sale or rental of dwellings, including offers, solicitations or contracts and the administration of matters regarding such offers, solicitations or contracts or any residential real estate-related transactions.

"Department" means the Virginia Department of Professional and Occupational Regulation.

"Fair housing administrator" means the individual employed and designated as such by the Director of the Department of Professional and Occupational Regulation.

"Fair housing law" means the Virginia Fair Housing Law, Chapter 5.1 (§ [36-96.1](#) et seq.) of Title 36 of the Code of Virginia, effective July 1, 1991.

"Person in the business of selling or renting dwellings" means any person who (i) within the preceding 12 months, has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; (ii) within the preceding 12 months, has participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest

therein; or (iii) is the owner of any dwelling designed or intended for occupancy by or occupied by, five or more families.

“Gender identity” means the gender-related identity, appearance, or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

“Receipt of notice” means the day that personal service is completed by handing or delivering a copy of the document to an appropriate person or the date that a document is delivered by certified mail, or three days after the date of the proof of mailing of first class mail.

“Sexual orientation” means a person's actual or perceived heterosexuality, bisexuality, or homosexuality.

“Status as a veteran” means a person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in the Army, Marines, Navy, Air Force, or Coast Guard; the Reserve components thereof, including the Army and Air National Guard and the Virginia Defense Force; the commissioned corps of the Public Health Service; and any other category of persons designated as members of the armed forces by the President in time of war or national emergency.

DRAFT AGENDA
Materials contributed to this agency are proposed only for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

18VAC135-50-50. Scope.

It is the policy of Virginia to provide, within constitutional limitations, for fair housing throughout the Commonwealth and to impose obligations, rights and remedies substantially equivalent to those granted under federal law. No person shall be subject to discriminatory housing practices in the sale, rental, advertising of dwellings, inspection of dwellings or entry into a neighborhood, in the provision of brokerage services, financing, the availability of residential real estate-related transactions, or any other discriminatory conduct prohibited by the Virginia Fair Housing Law because of race, color, religion, sex, ~~handicap~~ disability, elderliness, familial status, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

18VAC135-50-80. Unlawful Refusal to Sell or Rent or to Negotiate for the Sale or Rental.

Prohibited actions under this section include, ~~but are not limited to:~~

1. Failing to accept or consider a bona fide offer because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
2. Refusing to sell or rent a dwelling to, or to negotiate for the sale or rental of a dwelling with, any person because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
3. Imposing different sales prices or rental charges for the sale or rental of a dwelling upon any person because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
4. Using different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analysis or sale or rental approval procedures or other requirements, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
5. Evicting tenants because of their race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity or status as a veteran or because of the race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status of a veteran of a tenant's guest.

DRAFT AGENDA
Materials contained
in this agenda
are proposed
and are not to be
considered as
regulation or
official Board
position.

DRAFT AGENDA
Materials contained
in this agenda
are proposed
and are not to be
considered as
regulation or
official Board
position.

18VAC135-50-90. Discrimination in Terms, Conditions and Privileges and in Services and Facilities.

Examples of prohibited actions under this section include, ~~but are not limited to~~:

1. Using different provisions in leases or contracts of sale, such as those relating to rental charges, security deposits and the terms of a lease and those relating to down payment and closing requirements, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
2. Failing or delaying maintenance or repairs of sale or rental dwellings because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
3. Failing to process an offer for the sale or rental of a dwelling or to communicate an offer accurately because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
4. Limiting the use of privileges, services or facilities associated with a dwelling because of the race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran of an owner, tenant or a person associated with him.
5. Denying or limiting services or facilities in connection with the sale or rental of a dwelling, because a person failed or refused to provide sexual favors.

DRAFT AGENDA
Materials contained
in this agenda are
for discussion and
are not to be construed
as regulation or official
Board position.

DRAFT AGENDA
Materials contained
in this agenda are
for discussion and
are not to be construed
as regulation or official
Board position.

18VAC135-50-100. Other Prohibited Sale and Rental Conduct.

A. It shall be unlawful, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran to restrict or attempt to restrict the choices of a person by word or conduct in connection with seeking, negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood, or development.

Prohibited actions under subsection A of this section which are generally referred to as unlawful steering practices, ~~include, but are not limited to:~~

1. Discouraging any person from inspecting, purchasing, or renting a dwelling because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity or status as a veteran or because of the race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran of persons in a community, neighborhood or development.
2. Discouraging the purchase or rental of a dwelling because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development.
3. Communicating to any prospective purchaser that he would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
4. Assigning any person to a particular section of a community, neighborhood or development or to a particular floor or section of a building because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

B. It shall be unlawful because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran to engage in any conduct relating to the provision of housing or of services and facilities in connection therewith that otherwise makes unavailable or denies dwellings to persons.

Prohibited activities relating to dwellings sales and rental practices under this subsection include, ~~but are not limited to~~:

1. Discharging or taking other adverse action against an employee, broker, or agent because he refused to participate in a discriminatory housing practice.
2. Employing codes or other devices to segregate or reject applicants, purchasers or renters, refusing to take or to show listings of dwellings in certain areas because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran or refusing to deal with certain brokers or agents because they or one or more of their clients are of a particular race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
3. Denying or delaying the processing of an application made by a purchaser or renter or refusing to approve such a person for occupancy in a cooperative or condominium dwelling because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
4. Refusing to provide municipal services or property or hazard insurance for dwelling or providing such services or insurance differently because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

DRAFT AGENDA
Materials contained
herein are for discussion purposes only
DRAFT AGENDA

not to be construed as regulation or official Board position.

18VAC135-50-110. Discriminatory Advertisements, Statements and Notices.

A. It shall be unlawful to make, print or publish, or cause to be made, printed or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling which indicates any preference, limitation or discrimination because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran, or an intention to make any such preference, limitation, or discrimination.

B. The prohibitions in this section shall apply to all written or oral notices or statements by a person engaged in the sale or rental of a dwelling. Written notices and statements include any applications, flyers, brochures, deeds, signs, banners, posters, billboards, or any documents used with respect to the sale or rental of a dwelling.

C. Discriminatory notices, statements, and advertisements include, ~~but are not limited to:~~

1. Using words, phrases, photographs, illustrations, symbols, or forms which convey that dwellings are available or not available to a particular group of persons because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

2. Expressing to agents, brokers, employees, prospective sellers, or renters or any other persons a preference for or limitation on any purchaser or renter because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran of such person.

3. Selecting media or locations for advertising the sale or rental of dwelling which deny particular segments of the housing market information about housing opportunities because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

4. Refusing to publish advertising for the sale or rental of dwellings or requiring different charges or terms for such advertising because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

D. Publishers' notice. All publishers shall publish at the beginning of the real estate advertising section a notice such as that appearing in this subsection below. The notice shall include a statement regarding the coverage of any Virginia and federal fair housing laws prohibiting discrimination in the sale, rental or financing of dwellings:

All real estate advertised herein is subject to the Virginia and federal fair housing laws, which make it illegal to advertise "any preference, limitation, or discrimination because of race, color, religion, sex, ~~handicap~~ disability, familial status, national origin, ~~or~~ elderliness, source of funds, sexual orientation, gender identity, or status as a veteran, or intention to make any such preference, limitation, or discrimination."

We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis. (Table III, Appendix I to 24 CFR Part 109, Ch. 1 (4/1/2000 edition)).

E. Fair housing poster requirements.

1. Persons subject to § [36-96.3](#) of the Virginia Fair Housing Law shall post and maintain a HUD approved fair housing poster as follows:

a. With respect to a single-family dwelling (not being offered for sale or rental in conjunction with the sale or rental of other dwellings) offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings, such person shall post and maintain a fair housing poster at any place of business where the dwelling is offered for sale or rental.

b. With respect to all other dwellings covered by the Virginia Fair Housing Law: (i) a fair housing poster shall be posted and maintained at any place of business where the dwelling is offered for sale or rental, and (ii) a fair housing poster shall be posted and maintained at the dwelling, except that with respect to a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, the fair housing poster may be posted and maintained at the model dwellings or at a conspicuous location instead of at each of the individual dwellings.

c. With respect to those dwellings to which subdivision 1 b of this subsection applies, the fair housing poster must be posted at the beginning of construction and maintained throughout the period of construction and sale or rental.

2. The poster requirement does not apply to vacant land, or any single-family dwelling, unless such dwelling (i) is being offered for sale or rental in conjunction with the sale or rental of other dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in subdivision 1 b (ii) of this subsection, or (ii) is being offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in subdivision 1 a of this subsection.

3. All persons subject to § [36-96.4](#) of the Virginia Fair Housing Law, Discrimination in Residential Real Estate-Related Transactions, shall post and maintain a fair housing poster at all their places of business which participate in the covered activities.

4. All persons subject to [18VAC135-50-140](#), Discrimination in the Provision of Brokerage Services, shall post and maintain a fair housing poster at all their places of business.

5. Location of posters. All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or seeking to engage in residential real estate-related transactions or brokerage services.

6. Availability of posters. All persons subject to this part may obtain fair housing posters from the Virginia Department of Professional and Occupational Regulation. A facsimile may be used if the poster and the lettering are equivalent in size and legibility to the poster available from the Department of Professional and Occupational Regulation. Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the administrator pursuant to Part III ([18VAC135-50-300](#) et seq.) of this chapter.

DRAFT AGENDA
Materials contained
herein are for discussion
and are not to be construed
as regulation or official Board position.

DRAFT AGENDA
Materials contained
herein are for discussion
and are not to be construed
as regulation or official Board position.

18VAC135-50-120. Discriminatory Representations on the Availability of Dwellings.

A. It shall be unlawful, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran, to provide inaccurate or untrue information about the availability of dwelling for sale or rental.

B. Prohibited actions under this section include, ~~but are not limited to~~:

1. Indicating through words or conduct that a dwelling which is available for inspection, sale, or rental has been sold or rented, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

2. Representing that covenants or other deed, trust, or lease provisions which purport to restrict the sale or rental of dwellings because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran preclude the sale or rental of a dwelling to a person.

3. Enforcing covenants or other deed, trust, or lease provisions which preclude the sale or rental of a dwelling to any person because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

4. Limiting information by word or conduct regarding suitably priced dwellings available for inspection, sale or rental, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

5. Providing false or inaccurate information regarding the availability of a dwelling for sale or rental to any person, including testers, regardless of whether such person is actually seeking housing, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

18VAC135-50-130. Blockbusting.

A. It shall be unlawful to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, status as a veteran, or with a ~~handicap~~ disability.

B. Prohibited actions under this section include, ~~but are not limited to:~~

1. Engaging in conduct (including uninvited solicitations for listing) which conveys to a person that a neighborhood is undergoing or is about to undergo a change in the race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran of persons residing in it, in order to encourage the person to offer a dwelling for sale or rental.

2. Encouraging any person to sell or rent a dwelling through assertions that the entry or prospective entry of persons of a particular race, color, religion, sex, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, status as a veteran, or with ~~handicaps~~ disabilities, can or will result in undesirable consequences for the project, neighborhood or community, such as a lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities.

DRAFT AGENDA
Materials contained in this
DRAFT AGENDA

Proposed for discussion and are not to be construed as regulation or official Board position.

18VAC135-50-140. Discrimination in the Provision of Brokerage Services.

Prohibited actions under this section include, ~~but are not limited to:~~

1. Setting different fees for access to or membership in a multiple listing service based on race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
2. Denying or limiting benefits accruing to members in a real estate brokers' organization because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
3. Imposing different standards or criteria for membership in a real estate sales, rental, or exchange organization because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
4. Establishing geographic boundaries or office location or residence requirements for access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

not to be construed as regulation or official Board position.

18VAC135-50-160. Discrimination in the Making of Loans and in the Provision of Other Financial Assistance.

A. It shall be unlawful for any person or entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available loans or other financial assistance for a dwelling, or which is or is to be secured by a dwelling, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

B. Prohibited practices under this section include, but are not limited to, failing or refusing to provide to any person, in connection with a residential real estate-related transaction, information regarding the availability of loans or other financial assistance, application requirements, procedures or standards for the review and approval of loans or financial assistance, or providing information which is inaccurate or different from that provided others, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

DRAFT AGENDA
Materials contained in this agenda are for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

18VAC135-50-170. Discrimination in the Purchasing of Loans.

A. It shall be unlawful for any person or entity engaged in the purchasing of loans or other debts or securities which support the purchase, construction, improvement, repair or maintenance of a dwelling, or which are secured by residential real estate, to refuse to purchase such loans, debts, or securities, or to impose different terms or conditions for such purchases, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

B. Unlawful conduct under this section includes, ~~but is not limited to:~~

1. Purchasing loans or other debts or securities which relate to, or which are secured by dwellings in certain communities or neighborhoods but not in others because of the race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran of persons in such neighborhoods or communities.

2. Pooling or packaging loans or other debts or securities which relate to, or which are secured by, dwellings differently because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

3. Imposing or using different terms or conditions on the marketing or sale of securities issued on the basis of loans or other debts or securities which relate to, or which are secured by, dwellings because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

C. This section does not prevent consideration, in the purchasing of loans, of factors justified by business necessity, including requirements of federal law, relating to a transaction's financial security or to protection against default or reduction of the value of the security. Thus, this provision would not preclude considerations employed in normal and prudent transactions, provided that no such factor may in any way relate to race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

DRAFT AGENCY MATERIALS CONFIDENTIAL
DRAFT AGENCY MATERIALS
this agenda item is proposed for discussion and may not be considered for action or official Board position.

18VAC135-50-180. Discrimination in the Terms and Conditions for Making Available Loans or Other Financial Assistance.

A. It shall be unlawful for any person or entity engaged in the making of loans or in the provision of other financial assistance relating to the purchase, construction, improvement, repair or maintenance of dwellings or which are secured by residential real estate to impose different terms or conditions for the availability of such loans or other financial assistance because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

B. Unlawful conduct under this section includes, ~~but is not limited to:~~

1. Using different policies, practices or procedures in evaluating or in determining credit worthiness of any person in connection with the provision of any loan or other financial assistance for a dwelling or for any loan or other financial assistance which is secured by residential real estate because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity or status as a veteran.

2. Determining the type of loan or other financial assistance to be provided with respect to a dwelling, or fixing the amount, interest rate, duration or other terms for a loan or other financial assistance for a dwelling or which is secured by residential real estate because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

Materials contained in this agenda are for discussion purposes only and are not to be construed as regulation or official Board position.

18VAC135-50-190. Unlawful Practices in the Selling, Brokering, or Appraising of Residential Real Property.

A. It shall be unlawful for any person or other entity whose business includes engaging in the selling, brokering or appraising of residential real property to discriminate against any person in making available such services, or in the performance of such services, because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

B. For the purposes of this section the term "appraisal" means an estimate or opinion of the value of a specified residential real property made in a business context in connection with the sale, rental, financing or refinancing of a dwelling or in connection with any activity that otherwise affects the availability of a residential real estate-related transaction, whether the appraisal is oral or written, or transmitted formally or informally. The appraisal includes all written comments and other documents submitted as support for the estimate or opinion of value.

C. Practices which are unlawful under this section include, but are not limited to, using an appraisal of residential real property in connection with the sale, rental, or financing of any dwelling where the person knows or reasonably should know that the appraisal improperly takes into consideration race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, sexual orientation, gender identity, or status as a veteran.

DRAFT AGENDA
Materials compiled
DRAFT AGENDA

this document and any proposed amendments are not to be construed as regulation or official Board position.

18VAC135-50-200. General Prohibitions Against Discrimination Because of Handicap Disability.

A. Definitions. As used in this section unless a different meaning is plainly required by the context:

"Accessible," when used with respect to the public and common use areas of a building containing covered multi-family dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical disabilities. The phrase "readily accessible to and usable by" is synonymous with "accessible." A public or common use area that complies with the appropriate requirements of ANSI A117.1-1986 or with any other standards adopted as part of regulations promulgated by HUD at 24 CFR Part 100 providing accessibility and usability for physically ~~handicapped~~ disabled people is accessible within the meaning of this section.

"Accessible route" means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts. A route that complies with the appropriate requirements of ANSI A117.1-1986, or with any other standards adopted as part of regulations promulgated by HUD at 24 CFR Part 100, is an "accessible route."

"ANSI A117.1" means ANSI A117.1-1986, the American National Standard for buildings and facilities providing accessibility and usability for physically ~~handicapped~~ disabled people, or an equivalent or stricter standard. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 USC § 552(a) and 1 CFR Part 51. Copies may be obtained from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 90112.

"Building" means a structure, facility or portion thereof that contains or serves one or more dwelling units.

"Building entrance on an accessible route" means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available. A building entrance that complies with ANSI A117.1 or a comparable standard complies with the requirements of this paragraph.

"Common use areas" shall include, but not be limited to, rooms, spaces, or elements inside or outside of a building which are not part of the dwelling unit and which are made available for the use of residents of a building or the guests thereof. These areas

include hallways, lounges, lobbies, laundry rooms, refuse rooms, mailrooms, recreational areas and passageways among and between buildings.

"Controlled substance" means any drug or other substance as defined in Virginia or federal law.

~~"Disability" or "disabled" means, and is synonymous with, the term "handicap" as defined in the Virginia Fair Housing Law.~~

"Dwelling unit" means a single unit of residence for a family or one or more persons. Examples of dwelling units include: a single family home; an apartment unit within an apartment building; and in other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling, rooms in which people sleep. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for homeless persons.

"Entrance" means any access point to a building or portion of a building used by residents for the purpose of entering.

"Exterior" means all areas of the premises outside of an individual dwelling unit.

"First occupancy" means a building that has never before been used for any purpose.

"Ground floor" means a floor of a building with a building entrance on an accessible route. A building may have more than one ground floor.

The following terms, as used in the definition of "handicap disability" contained in § [36-96.1:1](#) of the Code of Virginia, shall mean:

"Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" means:

1. Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or
3. Has none of the impairments defined in "physical or mental impairment" but is treated by another person as having such an impairment.

"Interior" means the spaces, parts, components or elements of an individual dwelling unit.

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

"Modification" means any change to the public or common use areas of a building or any change to a dwelling unit.

"Physical or mental impairment" includes:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

"Premises" means the interior or exterior spaces, parts, components or elements of a building, including individual dwelling units and the public and common use areas of a building.

"Public use areas" means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

"Site" means a parcel of land bounded by a property line or a designated portion of a public right of way.

B. General prohibitions against discrimination because of handicap disability. It shall be unlawful to make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that person, has a handicap disability or to make inquiry as to the nature or severity of a handicap disability of such a person. However, this subdivision does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they have handicaps disabilities:

1. Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;

2. Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with ~~handicaps~~ disabilities or to persons with a particular type of ~~handicap~~ disability;

3. Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with ~~handicaps~~ disabilities or to persons with a particular type of ~~handicap~~ disability;

4. Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance;

5. Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

C. Reasonable modifications of existing premises.

1. It shall be unlawful for any person to refuse to permit, at the expense of a ~~handicapped~~ disabled person, reasonable modifications of existing premises, occupied or to be occupied by a ~~handicapped~~ disabled person, if the proposed modifications may be necessary to afford the ~~handicapped~~ disabled person full enjoyment of the premises of a dwelling. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for ~~handicapped~~ disabled persons any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

2. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

3. Except as otherwise provided, the Joint Statement of the Department of Housing and Urban Development and the Department of Justice "Reasonable Modifications under the Fair Housing Act" dated March 5, 2008, is hereby incorporated by reference to provide guidance regarding the rights and obligations of persons with

disabilities and housing providers relating to reasonable modifications. A copy of the joint statement may be obtained from the Virginia Fair Housing Office.

D. Reasonable accommodations.

1. It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a ~~handicapped~~ disabled person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

2. Except as otherwise provided, the Joint Statement of the Department of Housing and Urban Development and the Department of Justice "Reasonable Accommodations under the Fair Housing Act" dated May 17, 2004, is hereby incorporated by reference to provide guidance regarding the rights and obligations of persons with disabilities and housing providers relating to reasonable accommodations. A copy of this joint statement may also be obtained from the Virginia Fair Housing Office.

E. Design and construction requirements. Covered multi-family dwellings for first occupancy after March 13, 1991, shall be designed and constructed to have at least one building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site. The burden of establishing impracticality because of terrain or unusual site characteristics is on the person or persons who designed or constructed the housing facility.

DRAFT AGENDA
Materials contained
herein are for discussion
purposes only and are not
to be construed as regulation
or official Board position.

Materials contained here
in are for discussion
purposes only and are
not to be construed as
regulation or official
Board position.

18VAC135-50-220. Interference, Coercion or Intimidation.

A. This section provides the board's interpretation of the conduct that is unlawful under § [36-96.5](#) of the Virginia Fair Housing Law.

B. It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Virginia Fair Housing Law and these regulations.

C. Conduct made unlawful under this section includes, ~~but is not limited to,~~ the following:

1. Coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.
2. Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of the race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran, of such persons, or of visitors or associates of such persons.
3. Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of the race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran, of that person or of any person associated with that person.
4. Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise, rights granted or protected by this part.
5. Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the fair housing law.

18VAC135-50-270. Use of Words, Phrases, Symbols and Visual Aids.

The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory preferences or limitations. In considering a complaint under the fair housing law, the board will consider the use of these and comparable words, phrases, symbols, and forms to determine a possible violation of the law and to establish a need for further proceedings on the complaint, if it is apparent from the context of the usage that discrimination within the meaning of the law is likely to result.

1. Words descriptive of dwelling, landlord and tenants. White private home, Colored home, Jewish home, Hispanic residence, adult building.
2. Words indicative of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, or national origin, ~~including but not limited to~~ source of funds, sexual orientation, gender identity, or status as a veteran include:
 - a. Race: African-American, Negro, Black, White, Caucasian, Oriental, Asian, American Indian, Native American, Arab.
 - b. Color: White, Black, Colored.
 - c. Religion: Protestant, Christian, Catholic, Jewish, Muslim, Islamic.
 - d. National origin: Mexican American, Puerto Rican, Philippine, Polish, Hungarian, Irish, Italian, Chicano, African, Hispanic, Chinese, Indian, Latino.
 - e. Sex: The exclusive use of words in advertisements, including those involving the rental of separate units in a single or multi-family dwelling, stating or intending to imply that the housing being advertised is available to persons of only one sex and not the other, except where the sharing of living areas is involved. Nothing in this section restricts advertisements of dwellings used exclusively for dormitory facilities by educational institutions.
 - f. ~~Handicap~~ Disability: crippled, blind, deaf, mentally ill, retarded, impaired, handicapped, physically fit. Nothing in this section restricts the inclusion of information about the availability of accessible housing in advertising of dwellings.
 - g. Familial status: adults, children, singles, mature persons. Nothing in this section restricts advertisements of dwellings which are intended and operated for occupancy by older persons and which constitute "housing for older persons" as defined in [18VAC135-50-210](#).

h. Elderliness: elderly, senior citizens, young, old, active, available to those between 25 and 55.

i. Sexual orientation: lesbian, gay, bisexual, queer, same-sex couples.

j. Gender identity: transgender, trans.

k. Source of funds: vouchers, section 8, social security, disability income, government benefits.

3. Catch words. Words and phrases used in a discriminatory context should be avoided, e.g., "restricted," "exclusive," "private," "integrated," "traditional," "board approval," "membership approval."

4. Symbols or logotypes. Symbols or logotypes which imply or suggest race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

5. Colloquialisms. Words or phrases used regionally or locally which imply or suggest race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran.

6. Directions to real estate for sale or rent (use of maps or written instructions). Directions can imply a discriminatory preference, limitation, or exclusion. For example, references to real estate location made in terms of racial or national origin significant landmarks, such as an existing black development (signal to blacks) or an existing development known for its exclusion of minorities (signal to whites). Specific directions which make reference to a racial or national origin significant area may indicate a preference.

7. Area (location) description. Names of facilities which cater to a particular racial, national origin or religious group, such as country club or private school designations, or names of facilities which are used exclusively by one sex may indicate a preference.

18VAC135-50-290. Fair Housing Policy and Practices.

In the investigation of complaints, the board will consider the implementation of fair housing policies and practices provided in this section as evidence of compliance with the prohibitions against discrimination in advertising under the fair housing law.

1. Use of equal housing opportunity logotype, statement, or slogan. All advertising of residential real estate for sale, rent, or financing should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the homeseeking public that the property is available to all persons regardless of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran. The choice of logotype, statement, or slogan will depend on the type of media used (visual or auditory) and, in space advertising, on the size of the advertisement. See Appendix I to 24 CFR Part 109, Ch. 1 (4/1/2000 edition) for suggested use of the logotype, statement, or slogan and size of logotype and copies of the suggested equal housing opportunity logotype, statement and slogan. A copy of Appendix I to 24 CFR Part 109, Ch. 1 (4/1/2000 edition) is posted on the Fair Housing Office's website or may be obtained by contacting the Fair Housing Office.

2. Use of human models. Human models in photographs, drawings, or other graphic techniques may not be used to indicate exclusiveness because of race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran. If models are used in display advertising campaigns, the models should be clearly definable as reasonably representing majority and minority groups in the metropolitan area, both sexes and, when appropriate, families with children. Models, if used, should portray persons in an equal social setting and indicate to the general public that the housing is open to all without regard to race, color, religion, sex, ~~handicap~~ disability, familial status, elderliness, ~~or~~ national origin, source of funds, sexual orientation, gender identity, or status as a veteran, and is not for the exclusive use of one such group. Human models include any depiction of a human being, paid or unpaid, resident or nonresident.