



**Virginia
Regulatory
Town Hall**

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	Real Estate Board
VAC Chapter Number:	18 VAC 135-50-20
Regulation Title:	Fair Housing Regulations
Action Title:	Amendment to Fair Housing Regulations
Date:	02/15/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Board is proposing to amend existing fair housing regulations that among other things describe certain discriminatory housing practices and outline investigative and other procedures. Specifically, the Board is proposing to amend and clarify certain regulations as they relate to the law and to eliminate duplicative regulations. The Board notes that it last reviewed its regulations in 1991. The Board will seek public comment on its regulations in their entirety and will consider amendments to any provision that public comments suggest are necessary or appropriate.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Virginia's Fair Housing Office is under the auspices of the Department of Professional and Occupational Regulation. It investigates allegations of housing discrimination and functions as the investigative arm of Virginia's Real Estate Board. Chapter 21 of Title 54.1 of the Code of Virginia (specifically § 54.1-2105.A) provides that the Board may do all things necessary and convenient for carrying into effect the provisions of the chapter and may promulgate necessary regulations. Furthermore, since this explanation addresses the Real Estate Board's authority to amend fair housing regulations, reference is made to Title 36, Chapter 5.1, § 36.96.20.C which states that "the Board shall perform all acts necessary and proper to carry out the provisions of this chapter and may promulgate and amend regulations." The Board's authority is discretionary.

One of the fundamental needs of all citizens is for safe and affordable housing. It is the stated law of the Commonwealth, "to provide for fair housing throughout the Commonwealth, to all its citizens regardless of race, color, religion, national origin, sex, elderliness, familial status or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by a person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all inhabitants of the Commonwealth may be protected and insured. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth." § 36-96.1, Code of Virginia. Fair Housing regulations are therefore among the most important because they safeguard one of our most fundamental needs, housing.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

This is a periodic review. These regulations have not been reviewed since 1991.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The Board's objective is to evaluate the burden and intrusion that its regulations have, if any, on commerce and to evaluate from public comments whether its regulatory scheme is appropriate or needs revision. The Board will consider each regulation in order to identify a less burdensome and less intrusive alternative.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Current fair housing regulations serve to protect families as defined under the fair housing law, including families with children, by prohibiting certain practices that discriminate against families with children. The Board's review of its fair housing regulations will include reviewing whether current or proposed regulations strengthen or erode parental rights and marital commitment.