



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	135
VAC Chapter Number:	10
Regulation Title:	Real Estate Board Public Participation Guidelines
Action Title:	Periodic Review
Date:	12/14/00

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The Real Estate Board Public Participation Guidelines (PPGs) mandate public participation in the promulgation process of regulations. The agency will maintain a mailing list to notify persons and organizations of intended regulatory action. The agency will mail such documents as “Notice of Intended Regulatory Actions,” “Notice of Comment Period” and a notice that final regulations have been adopted. The PPGs outline the necessary procedures for being placed on or deleted from the mailing list. The Notice of Intended Regulatory Action will provide for a comment period of at least 30 days and will state whether or not a public hearing will be held. The PPGs give specific instances on when the agency must hold a comment period and when the agency must reevaluate the regulations. The PPGs establish the procedures to be taken when substantial changes have been made prior to final adoption of the regulations. The use of and input from advisory committees to formulate regulations are established in the PPGs. The PPGs specify what meetings and notices will be published in *The Virginia Register*.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The statutory authority for the Real Estate Board to promulgate the Public Participation Guidelines is found in Sections 9-6.14:7.1 and 54.1-2105 of the *Code of Virginia*. The Board is empowered to promulgate regulations setting the standards for initial licensure, continuing licensure and conduct for real estate licensees. In addition, the Board is authorized to promulgate regulations to fulfill the requirements of the Consumer Real Estate Settlement Protection Act, the Condominium Act, the Real Estate Time-Share Act, the Real Estate Cooperative Act; and the Virginia Fair Housing Law.

The Public Participation Guidelines implement the requirements of the administrative Process Act by establishing procedures to be followed by the Board in soliciting, receiving and considering public comments.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment was received.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The purpose of the Public Participation Guidelines is to provide the public with the advantage of participating in the revision and development of Real Estate regulations. The Real Estate Board has taken its licensing regulations through the regulatory process three times since the effective date of the Public Participation Guidelines (June 1, 1994). All three times the public submitted comment which was considered by the Real Estate Board and in some instances resulted in revisions to the regulations.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The Public Participation Guidelines meet the statutory mandate set forth in the Administrative Process Act, §§ 9-6.14:1, et seq. None of the provisions exceed the mandate. Therefore, the least burdensome alternative is already in place.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Real Estate Board is recommending that the regulation stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

The Public Participation Guidelines do not have an impact on the institution of the family and family stability. They do not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; they do not 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; they do not strengthen or erode the marital commitment; and they do not increase or decrease disposable family income.