



Department of Professional and Occupational Regulation

FAIR HOUSING BOARD
REGULATORY REVIEW MEETING
TENTATIVE AGENDA
Wednesday, March 27, 2024 -10:00 a.m.
2nd Floor – Board Room # 3
9960 Mayland Drive
Richmond, Virginia 23233
804-367-8526

Mission: Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

II. APPROVAL OF DRAFT AGENDA

III. REVIEW AND DISCUSS FAIR HOUSING BOARD CERTIFICATION REGULATIONS TO DETERMINE NEEDED AMENDMENTS

IV. OTHER BUSINESS

V. PUBLIC COMMENT PERIOD: *FIVE MINUTE PUBLIC COMMENT, PER PERSON*

VI. NEW BUSINESS

VII. ADJOURN

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And are not to be construed as regulation or official board position
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Total Number of Requirements: 60

Part I. General

18VAC62-20-10. Applicability. (0)

This chapter is applicable to persons subject to the Fair Housing Law (§ 36-96.1 et seq. of the Code of Virginia) who are in the business of selling or renting dwellings as defined in this chapter, except those individuals who hold a valid license issued by the Real Estate Board. (0)

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

18VAC62-20-20. Definitions. (0)

The following words and terms when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Board" means the Fair Housing Board.

"Certificate holder" means any person in the business of selling or renting dwellings holding a valid certificate issued by the board.

"Certification" means the process by which the board issues a certificate to a person certifying completion of the entry requirements established by this chapter.

"Hour" means 50 minutes.

"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 or (ii) is the owner of any dwelling designed or intended for occupancy by or occupied by five or more families.~~ **TIE TO STATUTORY DEFINITION**

"Proprietary school" means (i) a privately owned school; (ii) a real estate professional association; or (iii) other entities, not under the authority of the Department of Education but approved by the Fair Housing Board to teach fair housing courses.

Commented [HJ(1)]: Several of the provisions in this regulation are repetitive and could be consolidated.

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"Provider" means an accredited university, college, community college or high school offering adult distributive education courses, or a school offering fair housing related courses.

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

Part II. Entry Requirements

18VAC62-20-30. Qualifications for certification. +4

A. Every applicant for fair housing certification shall have the following qualifications:

1. The applicant shall complete two hours of fair housing training approved by the board or the Real Estate Board. **(+1) (R/D)**

2. The applicant shall have taken the two-hour fair housing training within two years of the date of application. **(+1) (R/D)**

3. If the applicant has in the last five years been found in a court or an administrative body ~~of competent jurisdiction~~ to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed, then the applicant shall disclose said violations. **(+1) (R/D)** ~~and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations. (+1) (R/D)~~

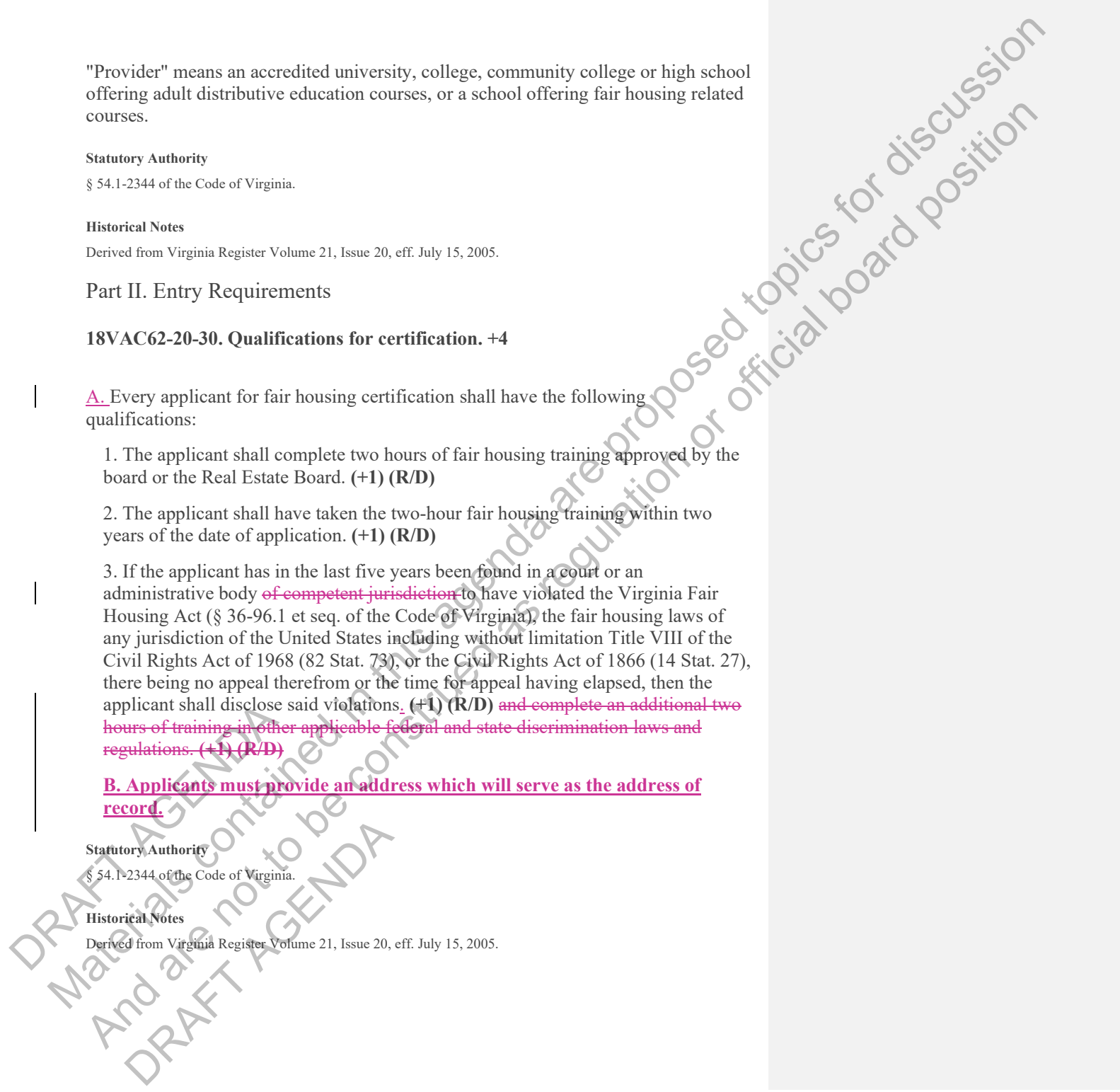
B. Applicants must provide an address which will serve as the address of record.

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

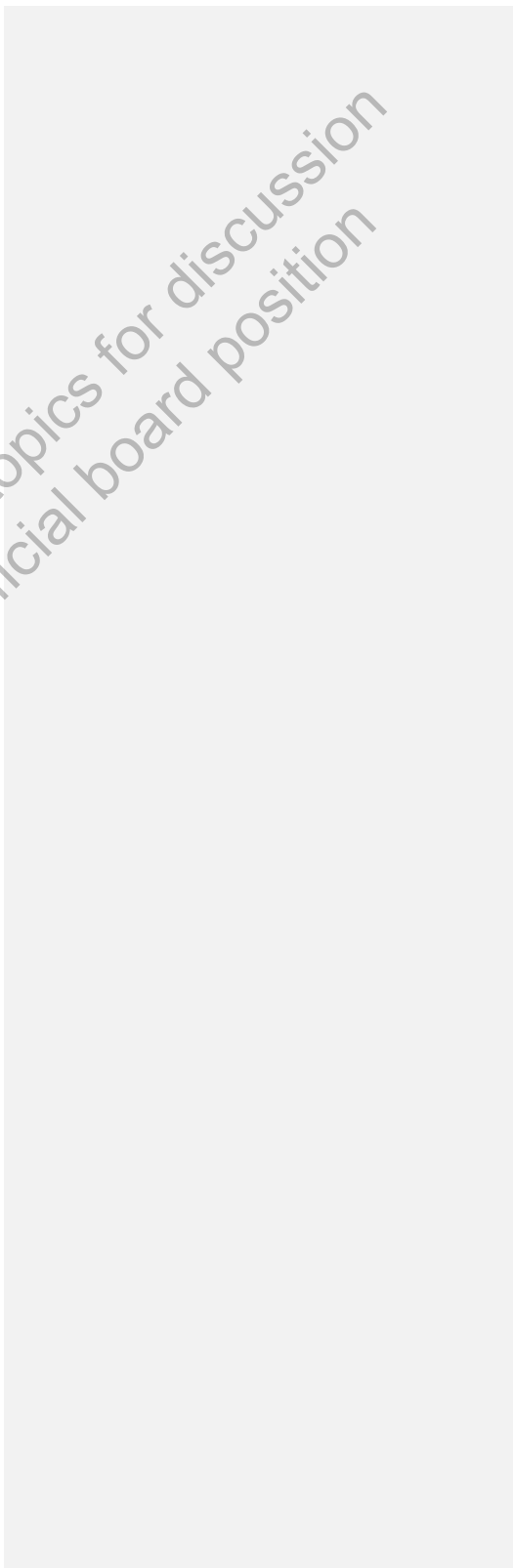
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18VAC62-20-40. Application fees. +4

A. All application fees are nonrefundable (+1) (G/D) and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received. (+1) (G/D) (+1) (R/D)

B. The application fee for certification shall be \$25. (+1) (R/D)

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

Part III. Renewal of Certification

18VAC62-20-50. Renewal required. (0)

Certificates issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the certificate. (0)

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

18VAC62-20-60. Qualification for renewal. +6

A. As a condition of renewal, all certificate holders shall be required to satisfactorily complete two hours of fair housing training approved by the board or the Real Estate Board within the preceding two years. (+1) (R/D)

~~B. As a condition of renewal, all certificate holders shall have taken the two-hour fair housing training within two years of the date of renewal application. (+1) (R/D)~~

~~C. Each certificate holder desiring to renew the certificate shall return to the board the renewal application form (+1) (R/D) and the appropriate fee as outlined in 18VAC62-20-90. (+1) (R/D)~~

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D. If the certificate holder has in the last two years been found in a court or an administrative body ~~of competent jurisdiction~~ to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed, then the certificate holder shall disclose said violations **(+1) (R/D)** ~~and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations.~~ **(+1) (R/D)**.

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

18VAC62-20-70. Procedures for renewal. +2

The board will ~~mail send~~ a renewal notice to the certificate holder ~~at the last known address.~~ **(+1) (G/D)** ~~Failure of the certificate holder to receive these notices does not relieve the certificate holder of the obligation to renew.~~ **(+1) (R/D)**

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

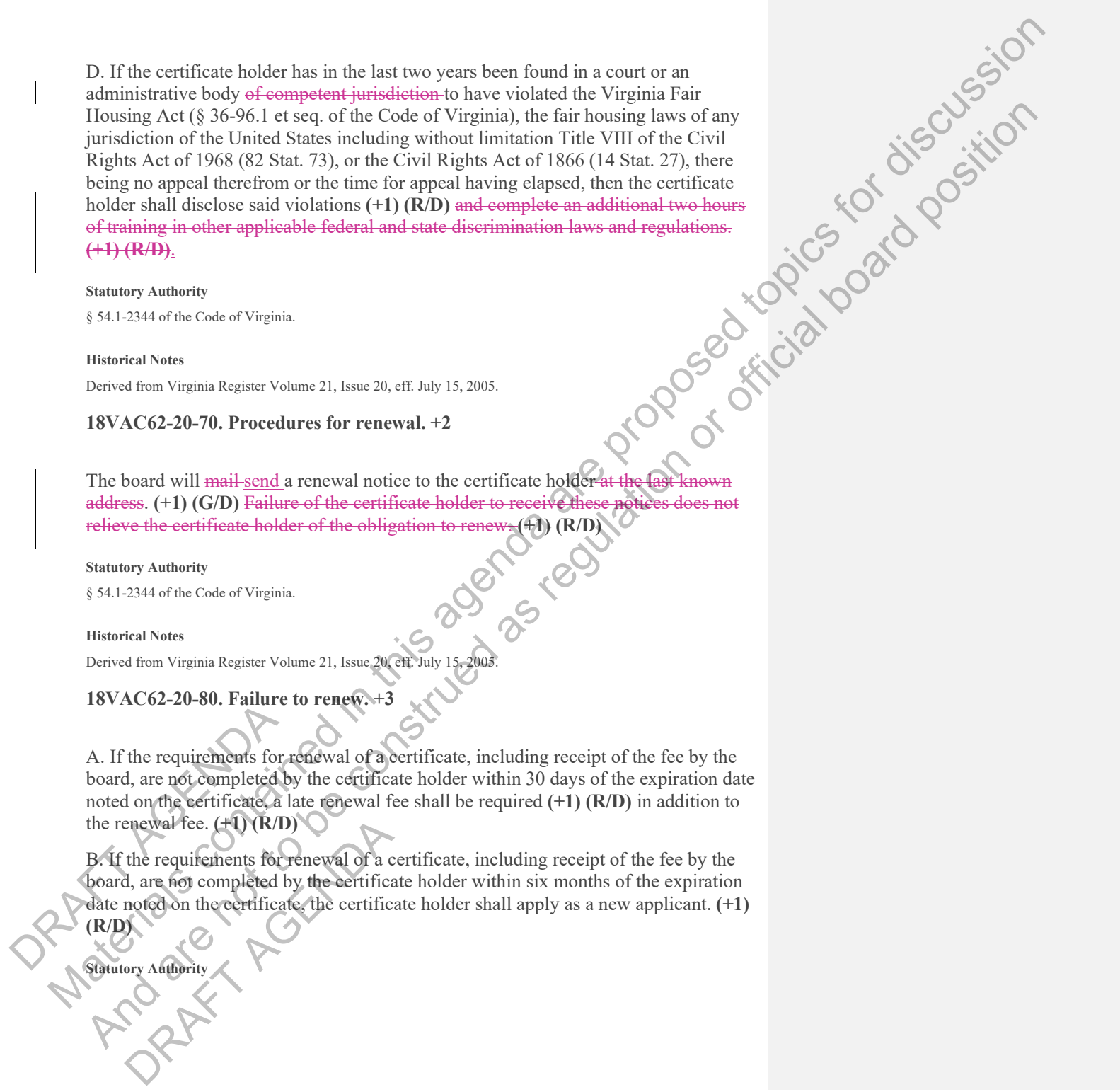
Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

18VAC62-20-80. Failure to renew. +3

A. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within 30 days of the expiration date noted on the certificate, a late renewal fee shall be required **(+1) (R/D)** in addition to the renewal fee. **(+1) (R/D)**

B. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within six months of the expiration date noted on the certificate, the certificate holder shall apply as a new applicant. **(+1) (R/D)**

Statutory Authority



§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

18VAC62-20-90. Fees for renewal. +3 COMBINE WITH APPLICATION FEE SECTION

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A. All fees for renewal are nonrefundable **(+1) (G/D)**, and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received. **(+1) (G/D) (+1) (R/D)**

B. Renewal fees are as follows: **(0)**

Renewal fee	\$25
Late renewal fee	\$25

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

~~**18VAC62-20-100. Board discretion to deny renewal. (0)**~~

~~The board may deny renewal of a certificate for the same reasons as it may refuse initial certification. **(0)**~~

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

Part IV. Standards of Conduct

18VAC62-20-110. Maintenance of certificates. +8

~~A. A certificate holder shall keep the board informed of his current address at all times. **(+1) (R/D)** Changes of address shall be reported to the board in writing **(+1)**~~

(R/D) within ~~30-60~~ calendar days after such change. (+1) (R/D) A ~~physical~~ address is required; ~~a post office box is not acceptable.~~ (+1) (R/D) The board shall not be responsible for the certificate holder's failure to receive notices, communications and correspondence caused by the certificate holder's failure to promptly notify the board of any change of address. (0)

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Commented [KS(2)]: Duplicative of Renewal Language

B. A certificate holder shall notify the board in writing of a name change (+1) (R/D) within ~~30-60~~ calendar days of any change in the certificate holder's legal name. (+1) (R/D) Such notification shall be accompanied by a copy of a marriage certificate, divorce decree, or court order ~~or other documentation~~ that verifies the name change. (+1) (R/D)

~~C. Proof of certification shall be accessible in the place of business.~~ (+1) (R/D)

Commented [HJ(3)]: Consider whether this requirement is necessary.

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

Part V. Education

18VAC62-20-120. ~~Proprietary school standards; e~~Course requirements; instructor requirements. +12

~~A. Every applicant to the board for a proprietary school approval shall submit evidence of financial responsibility to ensure that these schools protect the public health, safety and welfare.~~ (+1) (R/D)

Commented [HJ(4)]: Not clear what this requirement entails. What evidence is acceptable?

~~BA.~~ Every applicant to the board for approval as an instructor shall have the following qualifications:

1. The applicant shall be a qualified expert in a field related to fair housing (+1) (R/D) who will teach only in the area of his expertise. (+1) (R/D) Each applicant will be required to state his area of expertise (+1) (R/D) and furnish proof of his expertise including, but not limited to, educational transcripts, professional certificates and letters of reference that will verify the applicant's expertise. (+1) (R/D) **PARKING LOT**

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2. The applicant shall disclose whether in the last five years he has been found in a court or an administrative body ~~of competent jurisdiction~~ to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation

Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed. (+1) (R/D)

C. Providers of fair housing courses shall submit all subjects to the board for approval prior to initially offering the course. (+1) (R/D) The board shall approve each course based on the relevance of the subject to fair housing. (+1) (G/D) Those providers that propose to offer courses must submit the course (+1) (R/D) along with any required documentation on an application provided by the board. (+1) (R/D)

INCORPORATE DOCUMENTS 1, 2, 3, 5, 6 FROM APPLICATION

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D. All ~~instructors-provider~~ shall provide each student with a document that the student may use as proof of course completion. (+1) (R/D) ~~The document shall contain the number of hours completed. (+1) (R/D)~~

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

~~18VAC62-20-130. School renewal procedures. +4~~

~~A. Approval of a proprietary school shall expire two years from the last day of the month in which it was issued, as indicated on the proprietary school approval. (+1) (G/D)~~

~~B. The board will mail a renewal notice to the proprietary school at the last known address. (+1) (G/D) Failure of the proprietary school to receive the notice does not relieve the proprietary school of the obligation to renew. (+1) (R/D)~~

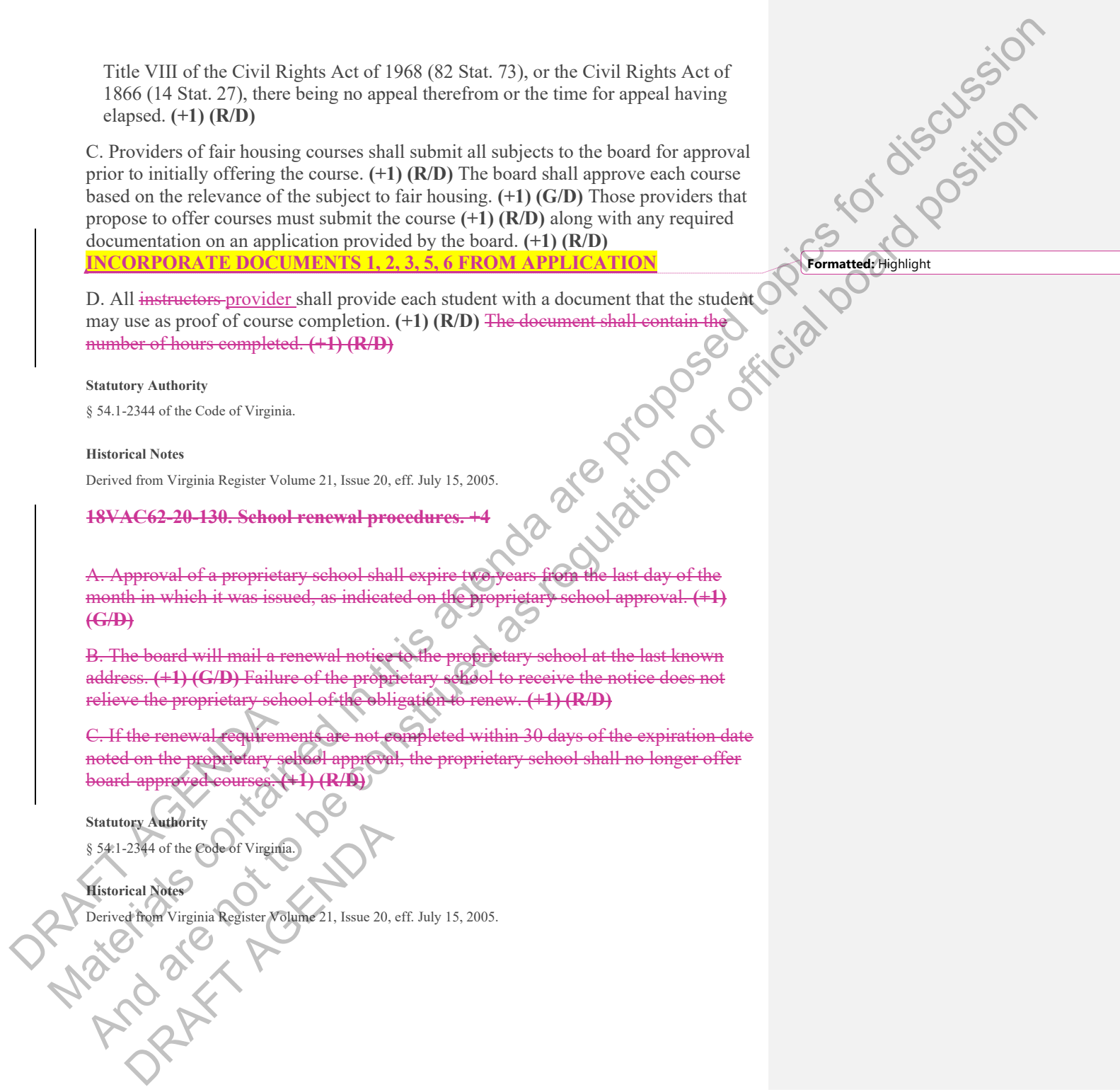
~~C. If the renewal requirements are not completed within 30 days of the expiration date noted on the proprietary school approval, the proprietary school shall no longer offer board approved courses. (+1) (R/D)~~

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.



18VAC62-20-140. Course renewal procedures. +3

A. Approval of a course shall expire two years from the last day of the month in which it was issued, as indicated on the approval document. **(0)**

B. The board will mail-send a renewal notice to the course provider ~~at the last known address.~~ **(+1) (G/D)** Failure of the course provider to receive the notice does not relieve the course provider of the obligation to renew. **(+1) (R/D)**

C. If the renewal requirements are not completed within 30 days of the expiration date noted on the course approval, the course shall no longer be offered eligible for renewal. as a board approved course. **(+1) (R/D)**

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

18VAC62-20-150. Instructor renewal procedures. +8

A. Approval of an instructor shall expire two years from the last day of the month in which it was issued, as indicated on the approval document. **(0)**

B. The board will mail-send a renewal notice to the instructor ~~at the last known address.~~ **(+1) (G/D)** Failure of the instructor to receive the notice does not relieve the instructor of the obligation to renew. **(+1) (R/D)**

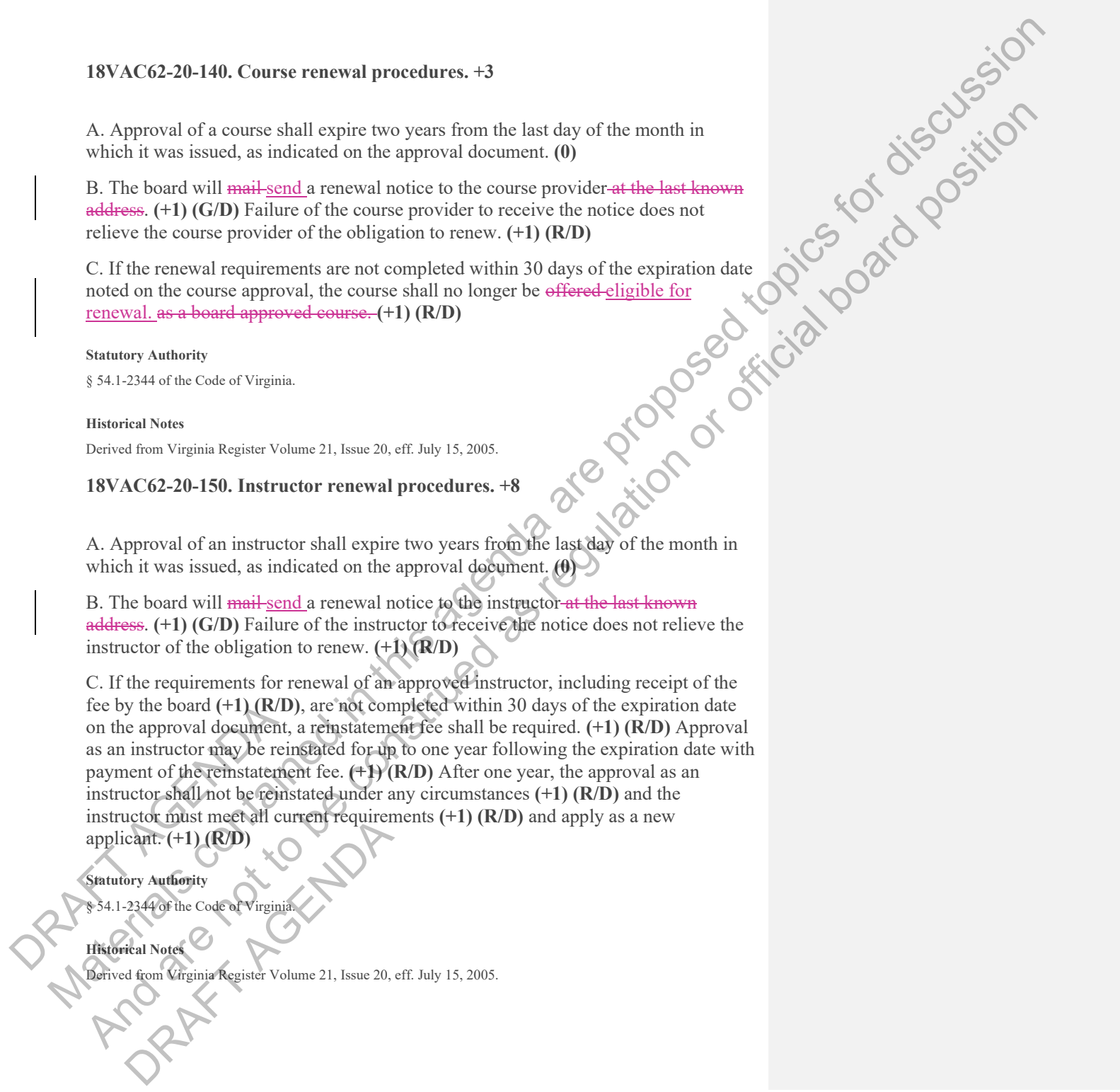
C. If the requirements for renewal of an approved instructor, including receipt of the fee by the board **(+1) (R/D)**, are not completed within 30 days of the expiration date on the approval document, a reinstatement fee shall be required. **(+1) (R/D)** Approval as an instructor may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. **(+1) (R/D)** After one year, the approval as an instructor shall not be reinstated under any circumstances **(+1) (R/D)** and the instructor must meet all current requirements **(+1) (R/D)** and apply as a new applicant. **(+1) (R/D)**

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.



18VAC62-20-160. Fees. (0) ~~CONSOLIDATE WITH OTHER FEES.~~

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~~A. The application fee for approval of a proprietary school shall be \$100.~~

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~~B. The renewal fee for proprietary school approval shall be \$100.~~

C. The application for approval as an instructor shall be \$100.

D. The renewal fee for an instructor shall be \$100.

E. The reinstatement fee for an instructor shall be \$50.

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

~~18VAC62-20-170. Posting of instructor approval. +1~~

~~Copies of the instructor approval shall be available at the location where a course is taught. (+1) (R/D)~~

Statutory Authority

§ 54.1-2344 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 20, eff. July 15, 2005.

18VAC62-20-180. Withdrawal of approval. +2

The board may withdraw approval of any ~~proprietary school~~, approved instructor or course for the following reasons:

1. The ~~proprietary school~~, instructor or course no longer meets the standards established by the board. (+1) (R/D)
2. Where the instructor has been found to have violated or cooperated with others in violating any provision of Chapter 5.1 (§ 36-96.1 et seq.) of Title 36 of the Code of Virginia, the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27). (+1) (R/D)

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Statutory Authority

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Historical Notes

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