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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Board for Asbestos, Lead and Home Inspectors
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC15-40
<b>VAC Chapter title(s)</b>	Home Inspector Licensing Regulations
<b>Action title</b>	2021 Home Inspector Temporary Fee Reduction
<b>Final agency action date</b>	November 4, 2021
<b>Date this document prepared</b>	November 29, 2021

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

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Virginia Board for Asbestos, Lead, and Home Inspectors has adopted a temporary reduction in the renewal and reinstatement fees for home inspector licenses and home inspector with NRS specialty licenses. Fee reductions will remain effective until February 2024.

In addition, this action also corrects for technical errors in the regulation.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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Section 54.1-113 of the Code of Virginia (“the Callahan Act”) states, in part:

A. Following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions maintained under § 54.1-308 or 54.1-2505 shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the board, it shall revise the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

At the close of each biennium, the Department of Professional and Occupational Regulation is required to review each board’s financial position to determine whether fees need to be adjusted to ensure that revenues are sufficient, but not excessive, to cover the board’s operating expenses. This regulatory change was prompted by a Department review of the Board’s current financial position, and projected revenues and expenses for the current (2020-2022) and next (2022-2024) biennia. The purpose of the fee reductions is to reduce an accumulated budget surplus and remain in compliance with the Callahan Act.

This regulatory action is exempt from the Administrative Process Act pursuant to §§ 2.2-4006(A)(3) and 2.2-4006(A)(6) of the Code of Virginia.

### **Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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The Virginia Board for Asbestos, Lead and Home Inspectors authorized an exempt action for the Home Inspector Licensing Regulations on November 4, 2021.