



Department of Professional and Occupational Regulation

**FAIR HOUSING BOARD
TENTATIVE AGENDA**

Wednesday, August 28, 2024 -10:00 a.m.
2nd Floor – Board Room # 2
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

- A. Emergency Egress
 - B. Determination of Quorum
-

II. APPROVAL OF DRAFT AGENDA

III. APPROVAL OF MINUTES

- A. Fair Housing Board Meeting, June 05, 2024
-

IV. WELCOME AND INTRODUCTIONS

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

VI. FAIR HOUSING REPORTS

- A. Fair Housing Administrator's Report
-

VII. FAIR HOUSING CASES

1. Nelly Washington v. Watergate at Landmark Condominium Unit Owners Association LLC and FirstService Residential Silver Spring LLC
FHB File Number: 2024-02439
HUD File Number: 03-24-4701-8
Appointment- Nelly Washington, complainant
2. Onji McEachin v. Tri Pointe Homes DC Metro, Inc., dba Winchester Homes, Tri Pointe Homes and Tri Pointe Homes DC
FHB File Number: 2024-01948
HUD File Number: 03-24-4490-8

3. Jonathan and Jessica Melin v. Matt Burgess
FHB File Number: 2024-01761
HUD File Number: 03-24-4675-8
Appointment- Jonathan and Jessica Melin, complainants
4. Yzavia Haney v. Atlantic Housing Foundation, Inc. and AHF Afton Gardens LLC
FHB File Number: 2024-01399
HUD File Number: 03-24-4254-8
5. Aura Cardenas-Turner v. Leesburg Manor East Owner, LLC, Westminster Pillar Management, LLC and Pablo (LNU)
FHB File Number: 2024-00652
HUD File Number: 03-23-3886-8
6. George Overholt v. Daniel A. Ferrell and Michelle L. Ferrell
FHB File Number: 2024-01515
HUD File Number: 03-24-4310-8
7. Karl Pridemore v. Shelly Arnoldi and Daniel J. Leary
FHB File Number: 2022-01281
HUD File Number: 03-22-0235-8
{Referred to OAG for Official Consultation}
8. Haley Corbin and Courtney Segretto v. Walter Muzo
FHB File Number: 2020-02409
HUD File Number: 03-20-5136-8
{Conciliation}
9. Patrick Levesque v. Bonaventure Property Management Services, LLC and BPMS Cove Pointe, LLC
FHB File Number: 2024-01709
HUD File Number: 03-23-4390-8
{Conciliation}

VIII. NEW BUSINESS

- A. Litigation update
- B. Regulatory update
 1. Proposed Fair Housing Certification Regulations
- C. Election of Officers

IX. EDUCATION

- A. Education Committee Report

X. OTHER BOARD BUSINESS

- A. EpicX Update
- B. Board Financial Statement
- C. Board Member Training Conference October 10-11, 2024

XI. COMPLETION OF PAPERWORK

- A. Travel Voucher
- B. Conflict of Interest Form

XII. ADJOURNMENT

NEXT MEETING SCHEDULED FOR TUESDAY, DECEMBER 3, 2024

** 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.

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

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

DETERMINATION OF QUORUM:

- The Fair Housing Board, consist of twelve members, adheres to the requirement that a quorum, defined as the minimum number of members necessary to conduct official business, is constituted by seven board members in accordance with [§ 54.1-2344](#).

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APPROVAL OF DRAFT AGENDA

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APPROVAL OF MINUTES

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VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

June 5, 2024

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Scott Astrada, Chair
Amanda Buyalos, Vice-Chair
Shion Fenty
Stuart Gilchrist
Dean Lynch
Morton "Tracy" Marks, III
Angelo Phillos
Steven Rivera
John Scott

Board members absent from the meeting:

Owen R. Morgan
Angela West
Rachel Wright

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

Brian Wolford, Chief Deputy Director
Stephen Kirschner, LRPD Deputy Director
Tom Payne, CID Deputy Director
Anika Coleman, Executive Director
Lizbeth Hayes, Fair Housing Administrator
Breanne Lindsey, Regulatory Operations Administrator
Donnitria Mosby, Fair Housing Investigator
Rachel Harris, Administrative Coordinator
Mia Quimpo, Licensing Specialist

Todd Shockley from the Office of the Attorney General was present.

Mr. Astrada called the meeting to order at 10:09 A.M.

CALL TO ORDER

Ms. Coleman reviewed the emergency evacuation procedures.

**EMERGENCY
EGRESS**

Mr. Astrada determined that a quorum was present.

**DETERMINATION
OF QUORUM**

Mr. Lynch moved to approve the agenda. Ms. Fenty seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

**APPROVAL OF
AGENDA**

Mr. Marks moved to approve the minutes from the February 21, 2024, Board meeting. Ms. Buyalos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

**APPROVAL OF
MINUTES**

Mr. Lynch moved to approve the minutes from the April 8, 2024, Regulatory Review Committee meeting. Mr. Marks seconded the motion which was unanimously approved by

members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

Mr. Astrada welcomed staff and guests of the audience. Ms. Coleman introduced Board staff to the Board members.

**WELCOME AND
INTRODUCTIONS**

Board members considered the following resolutions for Myra Howard, Christine Martine, and Emily Trent.

RESOLUTIONS

Myra Howard

WHEREAS, **Myra Howard** did faithfully and diligently serve the Fair Housing Board, and the Department of Professional and Occupational Regulation from 2014 to 2024;

WHEREAS, **Myra Howard**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Myra Howard**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Fair Housing Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Fair Housing Board this fifth day of June 2024, that **Myra Howard** be given all honors and respect due her for her outstanding service to this Board and the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Christine Martine

WHEREAS, **Christine Martine** did faithfully and diligently serve the Fair Housing Board, and the Department of Professional and Occupational Regulation from 2001 to 2023;

WHEREAS, **Christine Martine**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Christine Martine**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and

these professions; and

WHEREAS, the Fair Housing Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Fair Housing Board this fifth day of June 2024, that **Christine Martine** be given all honors and respect due her for her outstanding service to this Board and the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Emily Trent

WHEREAS, **Emily Trent** did faithfully and diligently serve the Fair Housing Board, and the Department of Professional and Occupational Regulation from 2007 to 2023;

WHEREAS, **Emily Trent**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Emily Trent**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Fair Housing Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Fair Housing Board this fifth day of June 2024, that **Emily Trent** be given all honors and respect due her for her outstanding service to this Board and the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Mr. Lynch moved to adopt the resolutions as written.. Ms. Buyalos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

There were no members of the public present to address the Board.

PUBLIC COMMENT

Lizbeth Hayes, Fair Housing Administrator, updated the Board on the current investigative

FAIR HOUSING

case load.

In the matter of **Melissa Kelly v. Catholic Charities, Diocese of Arlington, FHB File Number: 2021-02594**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Dawn Boyce, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Lynch to find no reasonable cause to believe the respondent discriminated against the complainant by imposing discriminatory terms and conditions, refusing to make a reasonable accommodation, or by otherwise making housing unavailable based on the complainant's disability. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

In the matter of **Eric Jones and Rosa Michelle Jones v. Allen Darden, FHB File Number: 2024-01048**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Eric Jones and Rosa Michelle Jones were present and addressed the Board. A motion was made by Mr. Lynch to find no reasonable cause to believe the respondent discriminated against the complainants by engaging in coercion, intimidation, or harassment based on the complainants' race (Black). Mr. Gilchrist seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

In the matter of **Victoria Gaskin v. Chesterfield County Department of Social Services and Virginia Housing, FHB File Number: 2020-02734**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis, and Official Consultation Memorandum from the Office of Attorney General. Alicia Penn, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Lynch finding the evidence is legally insufficient. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

In the matter of **Haley Corbin and Courtney Segretto v. Walter Muzo, FHB File Number: 2020-02409**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis, and Official Memorandum from the Office of Attorney General. Walter Muzo and Heather R. Steele, attorney for the respondent, were present and addressed the Board.

At 10:55 A.M., Mr. Marks moved that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the Code of Virginia. The following non-members were in attendance to reasonably aid the consideration of the topic: Todd Shockley, Brian Wolford, Steve Kirschner, Tom Payne, Anika Coleman, and Lizbeth Hayes.

Mr. Lynch seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

This motion was made with respect to the matter(s) identified as agenda item(s):

ADMINISTRATOR'S REPORT

Melissa Kelly v. Catholic Charities, Diocese of Arlington FHB File Number: 2021-02594 HUD File Number: 03-21-8608-8

Eric Jones and Rosa Michelle Jones v. Allen Darden FHB File Number: 2024-01048 HUD File Number: 03-24-4381-8

Victoria Gaskin v. Chesterfield County Department of Social Services and Virginia Housing FHB File Number: 2020-02734 HUD File Number: 03-20-5558-8

Haley Corbin and Courtney Segretto v. Walter Muzo FHB File Number: 2020-02409 HUD File Number: 03-20-5136-8

Closed Session

Haley Corbin and Courtney Segretto v. Walter Muzo
FHB File Number: 2020-02409
HUD File Number: 03-20-5136-8

At 11:10 A.M., the Board members agreed by consensus to adjourn the closed meeting and reconvene in an open meeting.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification of Closed Meeting**

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 9-0

AYES: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Owen Morgan, Angela West, and Rachel Wright

Upon reconvening in an open session, a motion was made by Ms. Buyalos to find reasonable cause to believe the Respondent discriminated against the Complainants by offering them discriminatory terms and conditions, refusing to rent or otherwise making housing unavailable, failure to make reasonable accommodation, retaliating against them, and making a discriminatory statement to them based on complainant Corbin's disability.

Reconvene in Open Session

Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

In the matter of **Diamond, Alicia v. Elderspirit Development Corporation, FHB File Number 2021-01726**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Neither the complainant or respondents attended the Board meeting in person, by counsel nor by any other qualified representative. A motion was made by Mr. Gilchrist to find no reasonable cause to believe the respondents discriminated against the complainant by denying reasonable accommodation requests, imposing different terms, conditions, or privileges, otherwise making housing unavailable to her, or by retaliating or otherwise interfering with the Complainant's enjoyment of rights because of her disability, race, or color. Mr. Phillos seconded the motion which was unanimously approved by members:

Diamond, Alicia v. Elderspirit Development Corporation FHB File Number: 2021-01726, HUD File Number: 03-21-7719-8

Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

In the matter of **Lenoux Chiles v. Cambridge Management Inc., SF Reflections LLC., and Tawanna Simms**, FHB File Number: 2024-00823, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Neither the complainant or respondents attended the Board meeting in person, by counsel nor by any other qualified representative. A motion was made by Ms. Buyalos to find no reasonable cause to believe the respondents discriminated against the complainant in the terms and conditions of a rental or by making discriminatory statements based on the complainant's source of funds (housing choice voucher). Mr. Lynch seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

Lenoux Chiles v. Cambridge Management Inc., SF Reflections LLC., and Tawanna Simms, FHB File Number: 2024-00823 HUD File Number: Not Eligible

In the matter of **James Crumpler Jr. v. Moorefield Station West Homeowners Association**, FHB File Number: 2024-00655, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Neither the complainant or respondents attended the Board meeting in person, by counsel nor by any other qualified representative. A motion was made by Mr. Scott to find no reasonable cause to believe the respondent discriminated against the complainant by failing to make a reasonable accommodation based on the complainant's disability. Ms. Buyalos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

James Crumpler Jr. v. Moorefield Station West Homeowners Association, FHB File Number: 2024-00655 HUD File Number: 03-24-4536-8

In the matter of **Willie McLucas v. Grace Street Limited Partnership, Beacon Residential Management LP, Lori Benton, and Nichole Wright**, FHB File Number 2024-00769, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Neither the complainant or respondents attended the Board meeting in person, by counsel nor by any other qualified representative. A motion was made by Ms. Buyalos to find no reasonable cause to believe the respondents discriminated against the complainant by failing to make a reasonable accommodation or by imposing discriminatory terms and conditions based on the complainant's disability. Ms. Fenty seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

Willie McLucas v. Grace Street Limited Partnership, Beacon Residential Management LP, Lori Benton, and Nichole Wright, FHB File Number: 2024-00769 HUD File Number: 03-23-3925-8

In the matter of **Alexandra Sloan v. CMG Leasing Inc**, FHB File Number 2024-00454, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Neither the complainant or respondents attended the Board meeting in person, by counsel nor by any other qualified representative. A motion was made by Mr. Gilchrist to find no reasonable cause to believe the respondents discriminated against the complainant by failing to make a reasonable accommodation or by imposing discriminatory terms and conditions based on the complainant's disability. Ms. Buyalos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

Alexandra Sloan v. CMG Leasing Inc., FHB File Number: 2024-00454 HUD File Number: 03-23-3823-8

A motion was made by Mr. Scott to take FHB File Number: 2023-01359 and FHB File Number: 2020-01149 as a block vote.

BLOCK VOTE OF CONCILIATION AGREEMENTS

Mr. Lynch seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

In the matter of **Equal Rights Center v. Heartland Manassas Limited Partnership and Heartland Realty Investors, Inc. FHB File Number: 2023-01359**, a motion was made by Mr. Scott to approve the conciliation agreement as agreed to by the parties. Mr. Lynch seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

Equal Rights Center v. Heartland Manassas Limited Partnership and Heartland Realty Investors, Inc. FHB File Number: 2023-01359 HUD File Number: Not Eligible

In the matter of **Linda Jackson v Jackie Ray Atkinson, Jr. and Jennifer K. Atkinson FHB File Number: 2020-01149**, a motion was made by Mr. Scott to approve the conciliation agreement as agreed to by the parties. Mr. Lynch seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Gilchrist, Lynch, Marks, Phillos, Rivera, and Scott.

Linda Jackson v Jackie Ray Atkinson, Jr. and Jennifer K. Atkinson FHB File Number: 2020-01149 HUD File Number: 03-19-3720

END OF BLOCK VOTE

Mr. Shockley provided the Board with the litigation update.

Litigation Summary

Ms. Coleman provided the Board with an update on the Fair Housing Certification Regulations' current stage within the regulatory process. Ms. Coleman informed the Board that the Notice of Intended Regulatory Action (NOIRA) was filed on April 12, 2024, and the regulations are under review with the Governor's Office.

Regulatory Update

Ms. Coleman provided a report from the June 5, 2024, Fair Housing Education Committee meeting. The Board by consensus adopted the June 5, 2024, Fair Housing Education Committee meeting report.

Education Committee Report

The Board reviewed the financial statement. There was no action taken by the Board.

Board Financial Statement

Ms. Coleman informed the Board that the Board Member Training Conference will take place October 10-11, 2024.

Board Member Training Conference

Mr. Astrada reminded the Board members to complete and sign the conflict-of-interest forms and travel vouchers.

Completion of Paperwork

The Board adjourned at 11:24 A.M.

ADJOURN

Scott Astrada, Chair

Brian P. Wolford, Interim Secretary

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Public Comment Period

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FAIR HOUSING CASES FOR AUGUST 28, 2024 FHB AGENDA

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Litigation update

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REGULATORY UPDATE

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1 **Project 7820 - NOIRA**

2 **Fair Housing Board**

3 **General Review of Fair Housing Certification Regulations**

4 Chapter 20

5 Fair Housing Certification Regulations

6 Part I

7 General

8 **18VAC62-20-10. Applicability.**

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

12 **18VAC62-20-20. Definitions.**

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

15 "Board" means the Fair Housing Board.

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

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

20 "Hour" means 50 minutes.

21 "Person in the business or activity of selling or renting dwellings" means any person who (i)
22 ~~within the preceding 12 months has participated as principal in three or more transactions~~

23 involving the sale or rental of any dwelling or any interest therein or (ii) is the owner of any dwelling
24 designed or intended for occupancy by or occupied by five or more families is the owner of any
25 combination of residential dwelling units occupied by five or more families. "Person in the business
26 or activity of selling or renting dwellings" will not include any person involved in the sale of a
27 dwelling or interest therein pursuant to a deed of trust, or in full or partial satisfaction of a debt
28 that was secured by such dwelling or interest therein, or other lien on such property.

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

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

34 Part II

35 Entry Requirements

36 **18VAC62-20-30. Qualifications for certification.**

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

38 1. The applicant shall must complete two hours of fair housing training approved by the
39 board or the Real Estate Board.

40 2. The applicant shall must have taken the two-hour fair housing training within two years
41 of the date of application.

42 3. If the applicant has in the last five years been found in a court or an administrative body
43 of competent jurisdiction to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq.
44 of the Code of Virginia), the fair housing laws of any jurisdiction of the United States
45 including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil

46 Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal
47 having elapsed, then the applicant shall must disclose said violations and ~~complete an~~
48 ~~additional two hours of training in other applicable federal and state discrimination laws~~
49 ~~and regulations.~~

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

51 **18VAC62-20-40. Application fees Fees.**

52 A. All application fees are nonrefundable and the date of actual receipt by the board or its
53 agent is the date that will be used to determine whether it is timely received.

54 B. The application fee for certification shall will be \$25.

55 C. All fees for renewal are nonrefundable, and the date of actual receipt by the board or its
56 agent is the date that will be used to determine whether it is timely received.

57 D. Renewal fees are as follows:

| | |
|-------------------------|-------------|
| <u>Renewal fee</u> | <u>\$25</u> |
| <u>Late renewal fee</u> | <u>\$25</u> |

58 E. The application for approval as an instructor will be \$100.

59 F. The renewal fee for an instructor will be \$100.

60 G. The reinstatement fee for an instructor will be \$50.

61 Part III

62 Renewal of Certification

63 **18VAC62-20-50. Renewal required.**

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

66 **18VAC62-20-60. Qualification for renewal.**

67 A. As a condition of renewal, all certificate holders ~~shall~~ will be required to satisfactorily
68 complete two hours of fair housing training approved by the board or the Real Estate Board within
69 the preceding two years.

70 ~~B. As a condition of renewal, all certificate holders shall have taken the two-hour fair housing~~
71 ~~training within two years of the date of renewal application.~~

72 ~~C. B. Each certificate holder desiring to renew the certificate shall must return to the board the~~
73 ~~renewal application form and the appropriate fee as outlined in ~~48VAC62-20-90~~ 18VAC62-20-40.~~

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

81 **18VAC62-20-70. Procedures for renewal.**

82 The board will ~~mail~~ send a renewal notice to the certificate holder ~~at the last known address.~~
83 ~~Failure of the certificate holder to receive these notices does not relieve the certificate holder of~~
84 ~~the obligation to renew.~~

85 **18VAC62-20-80. Failure to renew.**

86 A. If the requirements for renewal of a certificate, including receipt of the fee by the board, are
87 not completed by the certificate holder within 30 days of the expiration date noted on the
88 certificate, a late renewal fee ~~shall~~ will be required in addition to the renewal fee.

89 B. If the requirements for renewal of a certificate, including receipt of the fee by the board, are
90 not completed by the certificate holder within six months of the expiration date noted on the
91 certificate, the certificate holder shall must apply as a new applicant.

92 **18VAC62-20-90. Fees for renewal. (Repealed.)**

93 ~~A. All fees for renewal are nonrefundable, and the date of actual receipt by the board or its~~
94 ~~agent is the date that will be used to determine whether it is timely received.~~

95 B. Renewal fees are as follows:

| | |
|------------------|------|
| Renewal fee | \$25 |
| Late renewal fee | \$25 |

96 **18VAC62-20-100. Board discretion to deny renewal. (Repealed.)**

97 ~~The board may deny renewal of a certificate for the same reasons as it may refuse initial~~
98 ~~certification.~~

99 Part IV
100 Standards of Conduct

101 **18VAC62-20-110. Maintenance of certificates.**

102 A. ~~A certificate holder shall keep the board informed of his current address at all times.~~
103 Changes of address shall must be reported to the board in writing within ~~30~~ 60 calendar days
104 after such change. A physical An address is required; ~~a post office box is not acceptable.~~ The
105 board shall will not be responsible for the certificate holder's failure to receive notices,
106 communications and correspondence caused by the certificate holder's failure to promptly notify
107 the board of any change of address.

108 B. A certificate holder shall must notify the board in writing of a name change within ~~30~~ 60
109 calendar days of any change in the certificate holder's legal name. Such notification shall must

110 be accompanied by a copy of a marriage certificate, divorce decree, or court order ~~or other~~
111 ~~documentation~~ that verifies the name change.

112 ~~C. Proof of certification shall be accessible in the place of business.~~

113 Part V

114 Education

115 **18VAC62-20-120. ~~Proprietary school standards; course~~ Course requirements; instructor**
116 **requirements.**

117 ~~A. Every applicant to the board for a proprietary school approval shall submit evidence of~~
118 ~~financial responsibility to ensure that these schools protect the public health, safety and welfare.~~

119 ~~B.~~ A. Every applicant to the board for approval as an instructor shall must have the following
120 qualifications:

121 1. The applicant shall must be a qualified expert in a field related to fair housing who will
122 teach only in the area of his the applicant's expertise. Each applicant will be required to
123 state his the applicant's area of expertise and furnish proof of his the applicant's expertise
124 including, ~~but not limited to,~~ educational transcripts, professional certificates and letters of
125 reference that will verify the applicant's expertise. The applicant must have completed at
126 least eight hours of fair housing courses, including two hours within the last 12 months.

127 2. The applicant shall must disclose whether in the last five years he the applicant has
128 been found in a court or an administrative body of ~~competent jurisdiction~~ to have violated
129 the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing
130 laws of any jurisdiction of the United States including without limitation Title VIII of the Civil
131 Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being
132 no appeal therefrom or the time for appeal having elapsed.

133 C. Providers of fair housing courses ~~shall~~ must submit all subjects to the board for approval
134 prior to initially offering the course. The board ~~shall~~ will approve each course based on the
135 relevance of the subject to fair housing. ~~Those providers that propose to offer courses must submit~~
136 ~~the course along with any required documentation on an application provided by the board. A~~
137 provider seeking approval of a course must submit an application for course approval on a form
138 provided by the board. In addition to the appropriate fee provided in 18VAC62-20-40, the
139 application must include:

- 140 1. A course syllabus listing the main points of the course;
- 141 2. A copy of current Fair Housing Board Instructor Certification from each instructor;
- 142 3. A comprehensive, timed course outline indicating course subjects and the number of
143 minutes of instruction for each subject;
- 144 4. A copy of the course materials used or distributed including books, handouts,
145 pamphlets, overhead slides, and detailed lecture notes; and
- 146 5. A copy of the proposed course completion certificate, which includes:
 - 147 a. Course name;
 - 148 b. Course number;
 - 149 c. Course date;
 - 150 d. Student name;
 - 151 e. Proprietary school name; and
 - 152 f. A statement that the course is approved for Fair Housing Certification by the Virginia
153 Fair Housing Board.

154 D. All ~~instructors shall~~ providers must provide each student with a document that the student
155 may use as proof of course completion. ~~The document shall contain the number of hours~~
156 ~~completed.~~

157 **18VAC62-20-130. School renewal procedures. (Repealed.)**

158 A. ~~Approval of a proprietary school shall expire two years from the last day of the month in~~
159 ~~which it was issued, as indicated on the proprietary school approval.~~

160 B. ~~The board will mail a renewal notice to the proprietary school at the last known address.~~
161 ~~Failure of the proprietary school to receive the notice does not relieve the proprietary school of~~
162 ~~the obligation to renew.~~

163 C. ~~If the renewal requirements are not completed within 30 days of the expiration date noted~~
164 ~~on the proprietary school approval, the proprietary school shall no longer offer board approved~~
165 ~~courses.~~

166 **18VAC62-20-140. Course renewal procedures.**

167 A. Approval of a course ~~shall~~ will expire two years from the last day of the month in which it
168 was issued, as indicated on the approval document.

169 B. The board will ~~mail~~ send a renewal notice to the course provider ~~at the last known address.~~
170 Failure of the course provider to receive the notice does not relieve the course provider of the
171 obligation to renew.

172 C. If the renewal requirements are not completed within 30 days of the expiration date noted
173 on the course approval, the course ~~shall~~ will no longer be ~~offered as a board approved course~~
174 eligible for renewal.

175 **18VAC62-20-150. Instructor renewal procedures.**

176 A. Approval of an instructor ~~shall~~ will expire two years from the last day of the month in which
177 it was issued, as indicated on the approval document.

178 B. The board will ~~mail~~ send a renewal notice to the instructor ~~at the last known address~~. Failure
179 of the instructor to receive the notice does not relieve the instructor of the obligation to renew.

180 C. If the requirements for renewal of an approved instructor, including receipt of the fee by the
181 board, are not completed within 30 days of the expiration date on the approval document, a
182 reinstatement fee ~~shall~~ will be required. Approval as an instructor may be reinstated for up to one
183 year following the expiration date with payment of the reinstatement fee. After one year, the
184 approval as an instructor ~~shall~~ will not be reinstated under any circumstances and the instructor
185 must meet all current requirements and apply as a new applicant.

186 **18VAC62-20-160. Fees. (Repealed.)**

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

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

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

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

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

192 **18VAC62-20-170. Posting of instructor approval. (Repealed.)**

193 ~~Copies of the instructor approval shall be available at the location where a course is taught.~~

194 **18VAC62-20-180. Withdrawal of approval.**

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

197 1. The ~~proprietary school~~, instructor or course no longer meets the standards established
198 by the board.

199 2. Where the instructor has been found to have violated or cooperated with others in
200 violating any provision of Chapter 5.1 (§ 36-96.1 et seq.) of Title 36 of the Code of Virginia,
201 the fair housing laws of any jurisdiction of the United States including without limitation
202 Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14
203 Stat. 27).

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Agency Department of Professional and Occupational Regulation

Board Fair Housing Board

Chapter Fair Housing Certification Regulations [18 VAC 62 - 20]

| | |
|-----------------------|---|
| Action | <u>General Review of Fair Housing Certification Regulations</u> |
| Stage | <u>NOIRA</u> |
| Comment Period | Ended on 8/14/2024 |

Back to List of Comments

Commenter: Anonymous

7/26/24 10:29 am

Consider reducing barriers for owners to obtaining certifications

Previously the agency offered free training to the public, this made obtaining regular training affordable and easy to access. Now, with the loss of the trainer for DPOR there is no free training available. This is a barrier for owners who will need to spend money for access to approved training programs which are often cumbersome and limits the type of learning available. Online learning is not the best form for all people, and the budgetary constraints make it hard for owners to ensure ongoing regular training.

Many of the property management systems offer a LMS with Fair Housing training but may not be specific to Virginia. It is typical that nonstate specific training will warn that there may be state and local restrictions that further expand the federal protections. Virginia also has cities that expand protection to additional segments of the population, like Newport News with expanded protection for Age.

Can the requirement for Fair Housing Training include any training offered through a credible agency that meets a minimum standard of hours for training?

CommentID: **227227**

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VIRGINIA FAIR HOUSING BOARD

Summary of Comments for the General Review of the Fair Housing Certification Regulations

Following is the summary of comments received during the public comment period (July 15, 2024 to August 14, 2024) regarding the Board’s regulatory action for the general review of the Fair Housing Certification Regulations (18VAC62-20). The comments below represent comments received on the regulation.

| | Regulation *# | Summary of Comment(s) | Draft Board Response |
|---|---|---|--|
| | Commenter | | |
| 1 | 62-20 Anonymous (Posted to Town Hall) | The agency’s previous free training has ended, leaving property owners to pay for often cumbersome and not always state-specific training programs. Many LMS platforms offer Fair Housing training, but they may not cover Virginia’s additional local protections. Can the Fair Housing Training requirement be satisfied with training from any credible agency that meets a minimum hour standard? | Anyone who seeks to receive a Fair Housing certification can attend any two-hour fair housing overview course that is approved by the Virginia Fair Housing or Real Estate Board. The approved courses can be found here: <u>Virginia Fair Housing Office Virginia Department of Professional and Occupational Regulation</u> |

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ELECTION OF OFFICERS

- § 54.1-2344.B, The Board shall elect a chairman from its membership.

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EDUCATION:

- August 28, 2024 Education Committee Report

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OTHER BOARD BUSINESS

- EpicX Update
- Board Financial Statement
- Board Member Training Conference, October 10-11, 2024

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

**Fair Housing Board
954630**

2022-2024 Biennium

May 2024

| | May 2024 Activity | Biennium-to-Date Comparison | |
|---|----------------------|-----------------------------|-------------------------|
| | | July 2020 - May 2022 | July 2022 - May 2024 |
| Cash/Revenue Balance Brought Forward | | | 949,415 |
| Revenues | 3,075 | 59,455 | 62,795 |
| Cumulative Revenues | | | 1,012,210 |
| Cost Categories: | | | |
| Board Expenditures | 555 | 13,831 | 18,335 |
| Board Administration | 0 | 0 | 0 |
| Administration of Exams | 0 | 0 | 0 |
| Enforcement | 104,588 | 1,508,067 | 1,135,739 |
| Legal Services | 25,993 | 204,997 | 264,754 |
| Information Systems | 0 | 0 | 0 |
| Facilities and Support Services | 74 | 1,413 | 1,003 |
| Agency Administration | 0 | 0 | 0 |
| Other / Transfers | 0 | (719,438) | (679,071) |
| Total Expenses | 131,209 | 1,008,870 | 740,761 |
| Transfer To/(From) Cash Reserves | 0 | 0 | (111,235) |
| Ending Cash/Revenue Balance | | | 382,684 |

| | | | |
|---------------------------------------|-------------|---|-------------|
| Cash Reserve Beginning Balance | (1,060,649) | 0 | (949,415) |
| Change in Cash Reserve | 0 | 0 | (111,235) |
| Cash Reserve Ending Balance | (1,060,649) | 0 | (1,060,649) |

Number of Regulators

| | |
|---------------------------|-------|
| Current Month | 2,135 |
| Previous Biennium-to-Date | 1,968 |



SAVE THE DATE!

2024 Board Member
Training Conference

*The Spirit of Service & Innovation:
Advancing Regulatory Excellence*

October 10-11, 2024

Great Wolf Lodge in Williamsburg.

The conference will include high profile guest speakers,
relevant training sessions, breakout sessions,
and networking opportunities.

Stay tuned— additional information regarding
registration and reservations will be provided
as we get closer to the date.



549 E. Rochambeau Drive

Williamsburg, VA 23188

<https://www.greatwolf.com/williamsburg>

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Complete Conflict of Interest forms and Travel Vouchers

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ADJOURNMENT

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