

# FAIR HOUSING BOARD



## CERTIFICATION REGULATIONS

Last Updated July 15, 2005

### STATUTES

Title 54.1, Chapter 21

*Virginia*



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**NOTICE**  
**SUMMARY OF SIGNIFICANT CHANGES**

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Fair Housing Board is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)).

This document is a complete, edited (unofficial) copy of the 2005 Regulations. Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://leg1.state.va.us/000/reg/TOC.HTM>.

## STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your Fair Housing certification. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 21. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to obtain and keep your certification. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR CERTIFICATION.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Fair Housing Board  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233

or call the Agency at (804) 367-8500.

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**VIRGINIA FAIR HOUSING BOARD**  
**FAIR HOUSING CERTIFICATION REGULATIONS**

**PART I**  
**GENERAL**

**18 VAC 62-20-10. Applicability.**

This chapter is applicable to persons subject to the Fair Housing Law 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.

**18 VAC 62-20-20. Definitions.**

The following words and terms when used in this part, 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.

“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.

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

## **PART II**

### **ENTRY**

#### **18 VAC 62-20-30. Qualifications for certification.**

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.
2. The applicant shall have taken the two-hour fair housing training within 2 years of the date of application.
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 and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations.

#### **18 VAC 62-20-40. Application fees.**

- A. All applications fees are nonrefundable 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.
- B. The application fee for certification shall be \$25.00.

## **PART III**

### **FEES, RENEWAL AND REINSTATEMENT REQUIREMENTS**

#### **18 VAC 62-20-50. Renewal required.**

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.

#### **18 VAC 62-20-60. Qualification for renewal.**

- 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.
- 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.
- C. Each certificate holder desiring to renew the certificate shall return to the board the renewal application form and the appropriate fee as outlined in 18 VAC 62-20-90.
- 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 and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations.

#### **18 VAC 62-20-70. Procedures for renewal.**

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

#### **18 VAC 62-20-80. Failure to renew.**

- 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 in addition to the renewal fee.

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.

**18 VAC 62-20-90. Fees for renewal.**

A. All fees for renewal are nonrefundable, 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.

B. Renewal are as follows:

Renewal fee	\$25.00
Late renewal fee	\$25.00

**18 VAC 62-20-100. Board discretion to deny renewal.**

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

## **PART IV**

### **STANDARDS OF PRACTICE AND CONDUCT**

#### **18 VAC 62-20-110. Maintenance of certificates.**

- A. A certificate holder shall keep the board informed of his current address at all times. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A physical address is required; a post office box is not acceptable. 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.
- B. A certificate holder shall notify the board in writing of a name change within 30 calendar days of any change in the certificate holder's legal name. Such notification shall be accompanied by a copy of a marriage certificate, divorce decree, court order or other documentation that verifies the name change.
- C. Proof of certification shall be accessible in the place of business.

**PART V**  
**EDUCATION**

**18 VAC 62-20-120. Proprietary school standards, course requirements, instructor requirements.**

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.

B. 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 who will teach only in the area of his expertise. Each applicant will be required to state his area of expertise and furnish proof of his expertise including, but not limited to, educational transcripts, professional certificates and letters of reference which will verify the applicant's expertise.

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.

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

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

**18 VAC 62-20-130. School renewal, procedures.**

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.

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

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.

**18 VAC 62-20-140. Course renewal procedures.**

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.

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

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 as a board approved course.

**18 VAC 60-20-150. Instructor renewal procedures.**

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.

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

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

**18 VAC 62-20-160. Fees.**

A. The application fee for approval for a proprietary school shall be \$100.00.

B. The renewal fee for proprietary school approval shall be \$100.00.

C. The application for approval as an instructor shall be \$100.00.

D. The renewal fee for an instructor shall be \$100.00.

E. The reinstatement fee for an instructor shall be \$50.00.

**18 VAC 62-20-170. Posting of instructor approval.**

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

**18 VAC 62-20-180. Withdrawal of approval.**

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.
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 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).

## NOTICE

Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Fair Housing Board. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2007 session. Any changes made during the 2007 session became effective July 1, 2007, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

### TITLE 54.1, CHAPTER 21

#### § 54.1-2343. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Fair Housing Board.

"Fair Housing Law" means the provisions of Chapter 5.1 (§ [36-96.1](#) et seq.) of Title 36.

#### § 54.1-2344. Fair Housing Board; membership; terms; chairman; powers and duties.

A. The Fair Housing Board shall be composed of 12 members, to be appointed by the Governor, as follows: one representative of local government, one architect licensed in accordance with Chapter 4 (§ [54.1-400](#) et seq.) of this title, one representative of the mortgage lending industry, one representative of the property and casualty insurance industry, two representatives of the residential property management industry not licensed in accordance with Chapter 21 (§ [54.1-2100](#) et seq.) of this title, at least one of whom is a member of a property owners' association or condominium unit owners' association, one contractor licensed in accordance with Chapter 11 (§ [54.1-1100](#) et seq.) of this title, one representative of the disability community, one representative of the residential land lease industry subject to Chapter 13.3 (§ [55-248.41](#) et seq.) of Title 55, and three citizen members selected in accordance with § [54.1-107](#). Initial terms of Board members shall be as follows: four members shall be appointed for a term of four years; four members shall be appointed for a term of three years, and three members shall be appointed for a term of two years. Thereafter, all terms of Board members shall be for terms of four years.

B. The Board shall elect a chairman from its membership.

C. The Board shall adopt a seal by which it shall authenticate its proceedings.

D. The Board shall be responsible for the administration and enforcement of the Fair Housing Law. However, the Board shall have no authority with respect to a real estate broker, real estate salesperson, real estate brokerage firm licensed in accordance with Chapter 21 (§ [54.1-2100](#) et seq.), or their agents or employees who have allegedly violated, or who have in fact violated, the Fair Housing Law.

The Board shall have the power and duty to establish, by regulation, an education-based certification or registration program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter.

No education-based program established by the Board shall require Board certification or registration where an individual holds a valid license issued by the Real Estate Board. Any courses approved by the Real Estate Board to meet the fair housing requirement of § [54.1-2105.03](#) and the instructors approved by the Real Estate Board to teach continuing education courses in accordance with § [54.1-2105.02](#) shall not require additional approval by the Fair Housing Board to meet any education requirements in this section and in the regulations of the Fair Housing Board.

(2003, c. [575](#); 2007, cc. [809](#), [874](#).)