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## HOUSE BILL NO. 192

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology  
on February 17, 2010)

(Patron Prior to Substitute—Delegate Cosgrove)

A BILL to amend and reenact §§ 54.1-2343 and 54.1-2344 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 23.2 of Title 54.1 a section numbered 54.1-2344.1, relating to the Virginia Fair Housing Board; Fair Housing Certification program.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2343 and 54.1-2344 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 23.2 of Title 54.1 a section numbered 54.1-2344.1 as follows:

§ 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.

"Person in the business or activity of selling or renting dwellings" means any person who (i) within each of the preceding two years has participated as a principal in transactions involving the sale or rental of three or more dwellings or any interest therein without engaging a real estate broker or (ii) is the owner of any combination of residential dwelling units occupied by five or more families. Any person involved in the sale of a dwelling unit or interest therein pursuant to a deed of trust or other lien on such property shall be exempted.

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

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 *and mandate*, 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 regulation shall provide that such persons take a minimum of two hours of fair housing training every two years to maintain such certification.* The Board shall have the authority to approve training courses and instructors in furtherance of the provisions of this chapter, *which shall include an update on current cases and administrative decisions under fair housing laws. The regulations shall further provide that a person required to be certified who fails to obtain or maintain certification as provided herein shall be subject to a civil penalty imposed by the Board of not more than \$250. Civil penalties assessed under this section shall be paid into the Fair Housing Fund established pursuant to § 54.1-2344.1. The Board shall post on its website the requirements for certification and shall include notice on the certificates of the dates for which the certification shall remain valid. The Board shall provide at least 45 days' notice to the person certified that his certification is due for renewal.*

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

60 not require additional approval by the Fair Housing Board to meet any education requirements in this  
61 section and in the regulations of the Fair Housing Board.

62 § 54.1-2344.1. *Fair Housing Fund established.*

63 *There is hereby created in the state treasury a special nonreverting fund to be known as the Fair*  
64 *Housing Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the*  
65 *Comptroller. All civil penalties for noncompliance with the Fair Housing Law certification requirement*  
66 *established in § 54.1-2344 shall be paid into the state treasury and credited to the Fund. Interest earned*  
67 *on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the*  
68 *Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but*  
69 *shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of improving the*  
70 *educational programs on fair housing law. Expenditures and disbursements from the Fund shall be*  
71 *made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the*  
72 *chairman of the Board.*