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HOUSE BILL NO. 405

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact §§ 54.1-2343 and 54.1-2344 of the Code of Virginia, relating to the Fair Housing Board; fair housing certification program.

 Patron—Oder

 Referred to Committee on General Laws

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 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 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 combinations of residential dwelling units occupied by five or more families. "Person in the business or activity of selling or renting dwellings" shall not include any person involved in the sale of a dwelling or interest therein pursuant to a deed of trust or other lien on such.

§ 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 *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 regulations shall provide that such persons take a minimum of two hours of fair housing training every two years to maintain the required 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 dedicated special revenue fund of the Department of Professional and Occupational Regulation. The Board shall post on its website the requirements for certification and 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 their 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

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