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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Common Interest Community Board
Virginia Administrative Code (VAC) citation(s)	18 VAC 48-50
Regulation title(s)	Common Interest Community Manager Regulations
Action title	Amendment to Training Program Provisions
Date this document prepared	December 28, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

Section 54.1-2349 (A) (7) of the *Code of Virginia* requires the formation of an education based certification program for persons who are involved in the business or activity of providing management services to common interest communities, and authorizes the board to approve training courses and instructors. The board previously adopted regulations establishing training program requirements. The intent of this amendment serves to plainly identify who must take said training programs and clarify training program content.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and(2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The promulgating entity is the Virginia Common Interest Community Board.

Section 54.1-201 (E)states in part that regulatory boards shall promulgate regulations in accordance with the Administrative Process Act necessary to assure continued competence, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

The imperative form of the verb “shall” is used, making the board’s authority to regulate mandatory rather than discretionary.

Section 54.1-2349 (A) (7) states in part that the board shall establish an education-based certification program for persons who are involved in the business or activity of providing management services to common interest communities, and authorizes the board to approve training courses and instructors.

Purpose

Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

The General Assembly determined that an education-based certification program for persons who are involved in the business or activity of providing management services for compensation to common interest communities was essential to protect the health, safety, and welfare of the citizens of Virginia. The current regulations require clarification to achieve their intended objective in the most efficient manner.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

Sections 18 VAC 48-50-253 and 255 outline the qualifications of both common interest community law and regulation training programs and fair housing training programs, respectively. The board would amend the regulations to only require certain training for individuals renewing certifications, as is current practice, and clarify training course content in reference to Virginia laws and regulations directly related to common interest communities. In the course of reviewing the training program provisions prior to submittal of the proposed regulations, the Board may make additional amendments to the training program provisions found in Part VI (18VAC48-50-230 et seq.) if it identifies other changes that are necessary and appropriate.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

No viable alternatives have been identified at this time.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

A panel will not be used.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Trisha L. Henshaw, Executive Director, Common Interest Community Board, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233, fax to (866) 490-2723, or email to cic@dpor.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.