

FAIR HOUSING REGULATORY REVIEW COMMITTEE MEETING

MINUTES

Members of the Fair Housing Regulatory Review Committee met on April 15, 2008 at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Marjorie Clark, Member, Real Estate Board, Committee Chairman
Stephen McMaster, Member, Fair Housing Board
David Rubinstein, Chairman, Fair Housing Board

Staff present for all or part of the meeting were:

Lizbeth Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator

R. Thomas Payne, II, Assistant Attorney General and counsel for the Fair Housing Board and Real Estate Board was present.

Ms. Clark called the meeting to order at 1:11 p.m.

Call to Order

There was no attendance by the public.

Public Comment

The committee reviewed the minutes of the March 19, 2008 meeting. No changes or corrections were noted.

Review of Meeting Minutes

Mr. Payne provided a copy of 24 CFR Part 109.30 Appendix I to Part 109 obtained from the National Fair Housing Advocate Online website. Mr. Payne informed the committee that 24 CFR Part 109 is no longer part of the Code of Federal Regulations. The regulation is referenced in 18VAC135-50-110.D, Publisher's notice. The committee agreed to retain the reference to the federal regulation as it is still referenced in other parts of the federal fair housing regulations.

Discussion of Previous Recommended Changes

Mr. Payne suggested adopting Table III of 24CFR109.30, the publisher's notice. Mr. McMaster and Mrs. Clark noted that elderliness will need to be added as a protected class in the notice. They also noted that elderliness will need to be added as a protected class in the equal housing opportunity statement. The committee agreed to add elderliness to the statement and the publisher's notice.

Mr. Rubinstein and Mr. McMaster suggested adding language in 18VAC135-50-290 that the suggested equal housing opportunity logotype, statement and slogan can be obtained by either contacting the agency or from the agency's website. The committee agreed to add the language.

Mr. Payne suggested adding language to the definition of handicap that the term handicap is synonymous with disability. The committee agreed with the addition of the statement to the definition of handicap.

Ms. Hayes read that HUD published a proposed rule to adopt the 2003 ANSI in July 2007. The proposed regulation referenced that HUD recognizes the 2003 edition of ANSI and the 2006 IBC as safe harbors for compliance with the design and construction requirements of the federal fair housing act. Mrs. Clark suggested replacing "ANSI A117.1-1986" with "ANSI A117.1" so that any subsequent edition of ANSI A117.1 is recognized in the fair housing regulations. Mr. McMaster suggested adding language referencing compliance with ANSI A117.1 and any other regulations adopted by HUD. The committee recognized that the language is currently included in the regulations.

Mr. Rubinstein suggested creating a separate paragraph to list examples of for the definition of physical or mental impairment. The committee agreed that a separate paragraph should be created.

Mr. Payne suggested going through the Dept of Housing and Urban Development and Department of Justice's Joint Statement on Reasonable Accommodations to give guidance under 18VAC135-50-200.D, Reasonable accommodations. Mr. Payne stated that he would draft language for the committee to review at its next meeting.

Mr. Rubinstein suggested removing 18VAC135-50-217, good faith defense against civil money damages, from the regulations. The committee agreed to remove the regulation.

The committee agreed to finish its review of Part II, Regulated Conduct, and to discuss Part III, Investigations and Conciliation of Complaints, 18VAC135-50-300 through 18VAC135-50-420 at its May 7th meeting. The committee agreed to schedule a meeting in June to finish its discussion of the remainder of the regulations.

There being no further business, the meeting was adjourned at

Discussion of Part II, Regulated Conduct

Open Discussion

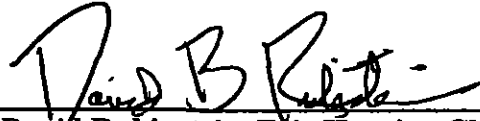
Adjourn

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3:10 p m.



David Rubinstein, Fair Housing Chair