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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board for Contractors
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 50-22
<b>Regulation title</b>	Board for Contractors Regulations
<b>Action title</b>	Amending Regulations to add/modify specialties.
<b>Date this document prepared</b>	September 23, 2010

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board for Contractors (the Board) seeks to amend its current Regulations to add Accessibility Services Contracting as a new specialty and to amend the definition of Modular/manufactured building contracting in order to comply with new HUD requirements.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 54.1-1102(A) of the Code of Virginia provides the authority for the Board for Contractors to promulgate regulations for the licensure of contractors.

Section 54.1-1106(C) of the Code of Virginia provides the authority for the Board for Contractors to issue Class A licenses to specialty contractors.

Section 54.1-1108(C) of the Code of Virginia provides the authority for the Board for Contractors to issue Class B licenses to specialty contractors.

Section 54.1-1108.2(B) of the Code of Virginia provides the authority for the Board for Contractors to issue Class C licenses to specialty contractors.

**Need**

*Please detail 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, delineate any potential issues that may need to be addressed as the regulation is developed.*

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On July 1, 2010, Chapter 81 of the Acts of the General Assembly created the Certified Accessibility Mechanic (CAM) program as an individual certification under the authority of the Board for Contractors. The CAM program was created as a restricted companion to the Certified Elevator Mechanic Program, in that the CAM program is authorized to perform some of, but not all of, the work that the statutes and regulations allow a Certified Elevator Mechanic to perform.

The implementation of this new program requires that a new specialty be added to the current specialty licenses listed in 18 VAC 50-22-30.

On July 1, 2009, The Department of Housing and Urban Development (HUD) implemented new requirements for individuals installing manufactured homes. These new requirements, administered by the Department of Housing and Community Development, provide that the installer of manufactured homes complete certain certification requirements. In order to ensure compliance with HUD, the regulations must be amended to only permit contractors holding the manufactured housing specialty to provide installation services.

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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The new specialty Accessibility Services Contracting and a definition of the scope of practice for this specialty will be added to the current regulations.

The definition of Manufactured/Modular Building Contracting will be amended to add the provisions of the current HUD requirements.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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These amendments are the least burdensome and most cost-effective way to implement these required program changes.

### Public participation

*Please indicate the agency is seeking comments on the intended regulatory action, to include 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 on this notice.*

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives, and 3) 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 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Adrienne Mayo, c/o Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233; email: [contractor@dpor.virginia.gov](mailto:contractor@dpor.virginia.gov); fax (866) 430-1033. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

### Participatory approach

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

The agency is using the participatory approach in the development of the proposal.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

These amendments will have no impact on the institution of the family or family stability.