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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Board for Asbestos, Lead and Home Inspectors
Virginia Administrative Code (VAC) citation(s)	18 VAC15-30
Regulation title(s)	Virginia Lead-Based Paint Activities Regulations
Action title	Lead Firm Licensure - Amend Trade or Fictitious Name Requirement
Final agency action date	February 6, 2020
Date this document prepared	February 20, 2020

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapter 594 of the 2017 Acts of Assembly amended the requirements for transacting business in Virginia under an assumed or fictitious name in § 59.1-69 of the Code of Virginia. Under the legislation, any person that seeks to transact business in Virginia under an assumed or fictitious name must file a certificate of assumed or fictitious name with the State Corporation Commission (SCC). Previously, the statute required a person seeking to transact business under an assumed or fictitious name to file a certificate with the clerk of the court in the locality where business was to be conducted.

The change in statute became effective January 1, 2020. This action amends general licensure requirements for business entities (lead abatement contractors) to conform to the current requirements in

statute. Firms seeking licensure will be required to register any trade or fictitious names with the SCC. The action also makes a related technical change.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory change was prompted by an internal staff review of the regulation following notification of the statutory change that became effective on January 1, 2020.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Virginia Board for Asbestos, Lead, and Home Inspectors authorized an exempt action for the Virginia Lead-Based Paint Activities Regulations on February 6, 2020.

Periodic Review Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This action is not the result of a periodic review or small business impact review.

Commenter	Comment	Agency response
N/A	N/A	N/A