

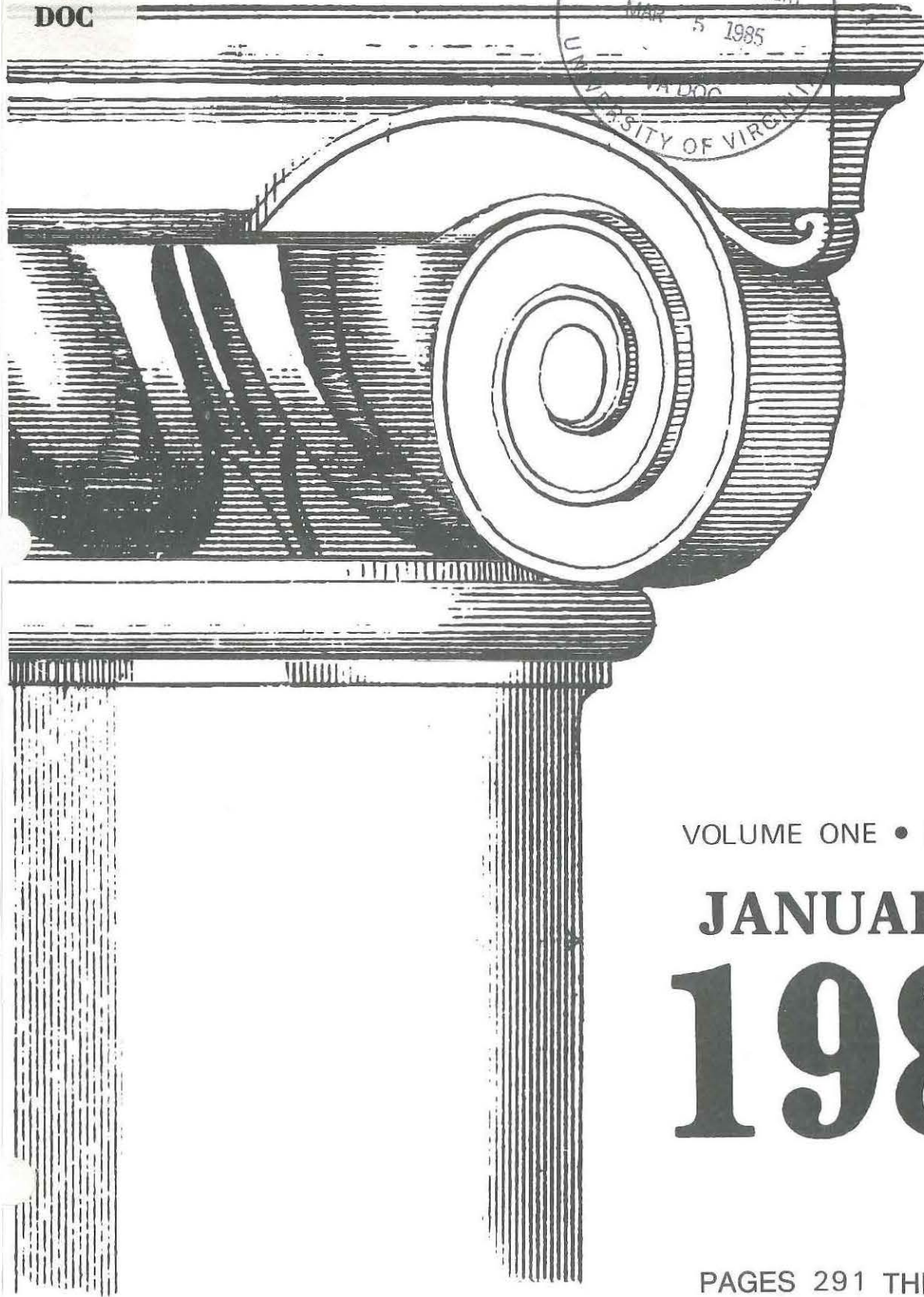
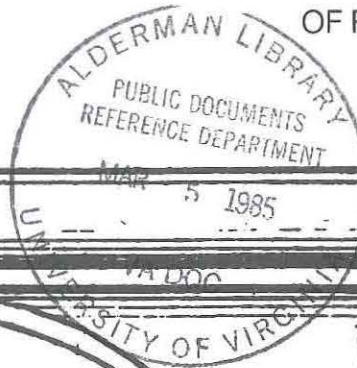
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# THE VIRGINIA REGISTER

OF REGULATIONS

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JANUARY 7

# 1985

PAGES 291 THROUGH 334

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the Virginia Register a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

## EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

The Virginia Register is cited by volume, issue, page number, and date. **1:3 VA.R. 75-77 November 12, 1984** refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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**Staff of the Virginia Register:** Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

**Citizen Participation in the Rule-Making Process**

As required by the Administrative Process Act, each agency of the Commonwealth is required to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations.

Citizens may participate in the process by which administrative regulations are adopted, amended, or repealed by submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see General Notices and Calendar of Events section of the *Virginia Register*).

**How to Follow State Agency Regulatory Action in the Virginia Register**

Under the provisions of the Administrative Process Act, state agencies must publish in the *Virginia Register* the full text of proposed rules and regulations, if substantive, as well as a summary statement.

In addition, the agency is required to provide a public comment period and hold a public hearing. A notice of hearing will be published sixty days prior to the hearing. Such notices are published in the CALENDAR OF EVENTS section of the *Virginia Register*. Proposed regulations and adopted regulations are published in separate sections of the *Virginia Register*.

All executive orders and comments on regulations issued by the Governor are published under the GOVERNOR section.

The CALENDAR OF EVENTS section not only contains the notices of public comment periods and hearings but also all notices of meetings required to be open under the provisions of the Freedom of Information Act.

**VIRGINIA REGISTER OF REGULATIONS  
PUBLICATION DEADLINES AND SCHEDULES**

ISSUE DATE	MATERIAL SUBMITTED BY 4:30 p.m. Friday	Will be included in PUBLICATION MAILED on Friday
Oct. 15 .....	Sept. 28 .....	Oct. 12
Oct. 29 .....	Oct. 12 .....	Oct. 26
Nov. 12 .....	Oct. 26 .....	Nov. 9
Nov. 26 .....	Nov. 9 .....	Nov. 23
Dec. 10 .....	Nov. 23 .....	Dec. 7
Dec. 24 .....	Dec. 7 .....	Dec. 21
Jan. 7 .....	Dec. 21 .....	Jan. 4
Jan. 21 .....	Jan. 4 .....	Jan. 18
		Quarterly Index
Feb. 4 .....	Jan. 18 .....	Feb. 1
Feb. 18 .....	Feb. 1 .....	Feb. 15
Mar. 4 .....	Feb. 15 .....	Mar. 1
Mar. 18 .....	Mar. 1 .....	Mar. 15
Apr. 1 .....	Mar. 15 .....	Mar. 29
Apr. 15 .....	Mar. 29 .....	Apr. 12
		Quarterly Index
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		Quarterly Index
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Aug. 19 .....	Aug. 2 .....	Aug. 16
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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see information page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

## STATE CORPORATION COMMISSION

Note: The State Corporation Commission is exempted from the Administrative Process Act, (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations. Amendments to existing regulations are published below as received by the Registrar of Regulations.

### NOTICE

The State Corporation Commission, pursuant to the provisions of Title 12.1, Chapter 5, proposes to adopt the following amendments to its present Rules of Practice and Procedure.

Part V: Amend Rule 5:9 to include "exceptions" as pleadings in formal proceedings.

Amend Rule 5:11 by inserting the word "except" in the second line before the clause "by leave of the Commission". The word was previously omitted through error.

Amend Rule 5:12 by changing the title to read "Copies and Paper Size Required".

Amend Rule 5:12(b) to require petitions to be filed in original with five (5) copies, but with fifteen (15) copies in all utility proceedings - in lieu of the present requirement of an original with four (4) copies.

Amend Rule 5:12(d) to include "exceptions" and to require that this document be filed in original with fifteen (15) copies.

Add new Rule 5:12(e) to read as follows:

Rule 5:12(e). All documents, of whatever nature, filed with the Clerk of the Commission (Document Control Center) shall be produced on pages 8 1/2 x 11 inches in size. This Rule shall not apply to tables, charts, plats, photographs, and other material that cannot be reasonably reproduced on paper of that size.

In addition, all documents filed with the Clerk of the Commission (Document Control Center) shall be fully collated and assembled into complete and proper sets ready for distribution and use, without the need for further assembly, sorting or rearrangement.

(To clarify the intent of the above sentence, it has come to the attention of the Commission that multiple copies of

some documents have occasionally been delivered to the Clerk without having been fully assembled and ready for use. In utility rate case applications for example, 15 copies of one witness' testimony may be delivered in one box by the filing party, while 15 copies of another witness' testimony are in a different box, etc., thus requiring Document Control Center to sort and rearrange such documents before they can be distributed.)

Amend Rule 5:13 to insert the mailing address of the Document Control Center at the end of the first sentence and to delete reference to ". . . one of his [Clerk's] assistants . . ." in the second sentence.

Amend present Rule 5:16 to include "exception" as a responsive pleading in any formal proceeding.

Add new Rule 5:16(e) to read as follows:

(e) Exceptions: An exception is the proper responsive pleading to a Report of a Hearing Examiner, and is for the purpose of noting a party's objections to any of the rulings, findings of facts or recommendations made by the Examiner in that Report.

Part VI, amend Rule 6:4, second paragraph to require answers and objections to be filed within fifteen (15) days after the service of interrogatories in lieu of the present twenty-one (21) days.

Part VII, will be re-entitled "Proceedings Before a Hearing Examiner", and will contain the following new rule, identified as Rule 7:1, to read as follows:

### PART VII PROCEEDINGS BEFORE A HEARING EXAMINER

7:1 The Commission may, by order, assign any matter pending before it to a Hearing Examiner for handling, in the discretion of the Commission. In such event, and unless otherwise ordered, the Examiner shall conduct all further proceedings in this matter on behalf of the Commission, concluding with the filing of the Examiner's final Report to the Commission. In the discharge of such duties, the Hearing Examiner shall exercise all the inquisitorial powers possessed by the Commission, including, but not limited to, the power to administer oaths, require the appearance of witnesses and parties and the production of documents, schedule and conduct pre-hearing conferences, admit or exclude evidence, grant or deny continuances, and rule on motions, matters of law and procedural questions. Any party objecting to any ruling or action of said Examiner shall make known its objection with

reasonable certainty at the time of the ruling, and may argue such objections to the Commission as a part of its exceptions to the final report of said Examiner; provided, however, if any ruling by the Examiner denies further participation by any party in interest in a proceeding not thereby concluded, such party shall have the right to file a written motion with the Examiner for his immediate certification of such ruling to the Commission for its consideration. Pending resolution by the Commission of any ruling so certified, the Examiner shall retain procedural control of the proceeding. Unless otherwise ordered, these Rules of Practice and Procedure shall apply to all proceedings conducted by Hearing Examiners in like manner as proceedings conducted by the Commission.

## NEW PART VIII "FORMAL HEARING"

Present Part VII will be renumbered Part VIII and Rules 7:1 through 7:10, will be shown as Rules 8:1 through 8:10.

A complete text of the proposed revisions may be examined at the office of the Clerk of the Commission, 12th Floor, Jefferson Building, Bank and Governor Streets, Richmond, Virginia.

All comments on the proposed changes must be in writing and received by the Clerk of the Commission within 21 days from the date of this publication. Anyone wishing to be heard orally with regard to the changes must likewise notify the Clerk in writing within the same 21 days. Direct mail to Clerk of the Commission, P. O. Box 1197, Richmond, Virginia 23209.

George W. Bryant, Jr., Clerk  
State Corporation Commission

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

*Note: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.*

**Title of Regulation:** VR 400-02-0009. Procedures, Instructions and Guidelines for Virginia Homesteading Program.

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia.

### Summary:

The proposed Procedures, Instructions and Guidelines set forth the requirements and procedures relating to the Virginia Homesteading Program which involves (1) acquisition by the Authority of eligible single-family

homes owned by certain federal agencies, local governments or the Authority, (2) the sale of these homes to eligible lower-income families for a price of \$1.00, (3) the temporary financing by the Authority of the rehabilitation of these homes and the permanent financing to be provided primarily by the Farmers' Home Administration and (4) the imposition of certain conditions and restrictions upon the purchasers with respect to their ownership of these homes.

VR 400-02-0009. Procedures, Instructions and Guidelines for Virginia Homesteading Program.

### § 1. Definitions.

*The following words and terms, when used herein, shall have the following meaning, unless the context indicates otherwise.*

*"Executive Director" means the Executive Director of VHDA or any other officer or employee of VHDA who is authorized to act on behalf of VHDA pursuant to a resolution of the Board of Commissioners.*

*"FmHA" means the Farmer's Home Administration of the U. S. Department of Agriculture.*

*"HUD" means the U. S. Department of Housing and Urban Development.*

*"Locality" means any unit of local government in which a Virginia Homesteading Program is implemented.*

*"PHA" means any state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development and operation of low income housing.*

*"VHDA" means the Virginia Housing Development Authority.*

*These definitions supplement those contained in 24 CFR Part 590.5 and other applicable sections of the Code of Federal Regulations. Only those terms not defined in the Federal Code or used differently herein have been defined.*

### § 2. Purpose and Applicability.

*The following procedures, instructions and guidelines are applicable to all Program activities carried out by VHDA with funds provided by HUD or other source for the purpose of carrying out the Virginia Homesteading Program (herein referred to as "the Program") for the benefit of lower-income families and persons.*

*These procedures, instructions and guidelines supplement and clarify rather than supercede the requirements of the federal Urban Homesteading Program as described in 24 CFR Part 590. VHDA is fully bound by*

# Proposed Regulations

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all applicable requirements of 24 CFR Part 590, as well as governing federal and state laws in the administration of use of funds received from HUD under the federal Urban Homesteading Program.

Notwithstanding anything to the contrary herein, the Executive Director is authorized with respect to any homesteading project to waive or modify any provisions herein where deemed appropriate by him for a good cause, to the extent not inconsistent with VHDA's Act, Rules and Regulations, and any applicable federal laws and regulations.

All reviews, analyses, evaluations, inspections, determinations, and other actions by VHDA pursuant to the provisions of these procedures, instructions, and guidelines, shall be made for the sole and exclusive benefit and protection of VHDA, and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of VHDA or Program participants under the agreements and documents executed in connection with the Program.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of this Program and are not intended to include all actions involved or required in the administration of funds under the Program. These procedures, instructions and guidelines are subject to change at any time by VHDA and may be supplemented by policies, procedures, instructions, and guidelines adopted by VHDA from time to time with respect to the Program. These procedures, instructions and guidelines are adopted under Rules 103 and Part V of VHDA's Rules and Regulations adopted on January 17, 1984, pursuant to § 36-55.30:3 of the Code of Virginia. The effective date of these procedures, instructions and guidelines is January 15, 1985.

### § 3. General Program Description.

Under the Program VHDA will acquire foreclosed properties from the FmHA, HUD, and VA. VHDA may also utilize properties from its own inventory of foreclosures or may acquire units which are owned by local governments. The acquisition of these properties will be financed using Section 810 Funds supplied by HUD. The emphasis will be on properties located in rural areas and in small towns. These properties will be acquired in groups which are concentrated geographically, preferably within the same subdivision or neighborhood. The properties will also be properties which are in need of a significant amount of rehabilitation in order to bring them into compliance with VHDA, FmHA, and the statewide building code requirements.

A pool of eligible applicants from within the locality and surrounding area will be developed, with a priority being given to lower-income families. In the case where the demand from eligible families exceeds the supply of properties available, applicants for specific properties will be selected on the basis of a lottery. Upon sale of the

property to an applicant for the price of \$1.00, the applicant becomes a Homesteader. The Homesteader will be required to rehabilitate the property in accordance with a work plan developed by VHDA.

VHDA will provide a temporary construction-period loan to the Homesteader to cover the cost of rehabilitation. Permanent financing will be provided primarily by the FmHA. Other sources of permanent financing may also be used, including VHDA, FHA, Section 312 of the Housing Act of 1964, as amended, loan programs operated by the locality or local PHA, and conventional sources of financing.

Title to the property is not conveyed to the Homesteader at the time of purchase. Instead, VHDA will sell the property by means of an installment sales contract, which has a five-year term, during which time VHDA retains title to the property. Over the five-year period, VHDA will monitor the Homesteader and the property to assure that certain Program requirements are met. These are as follows:

- A. The Homesteader must complete the rehabilitation of the property in accordance with the VHDA work plan and within the period of time prescribed by VHDA;
- B. The Homesteader must maintain the property in good condition;
- C. The Homesteader must keep payments for any financing on the property current;
- D. The Homesteader may not sell or rent the property;
- E. The Homesteader must continue to occupy the property as his principal residence; and
- F. The Homesteader must permit inspections of the property at reasonable times by employees or designated agents of VHDA.

Upon satisfactorily completing five years of occupancy, VHDA will provide the Homesteader with a deed to the property and will terminate its monitoring function.

The purpose of the Program is two-fold. First, the Program will provide homeownership opportunities to lower-income families in rural areas who have relatively few housing options, particularly with respect to homeownership. Secondly, the Program will address the problem of vacant and deteriorating properties and the impact which they have on neighborhood viability. Often, these types of properties contribute to the decline of neighborhoods by creating a cycle where other homeowners feel they have no incentive to maintain their own properties due to declining values in the area which are caused primarily by the vacant and deteriorating houses. By rehabilitating these problem properties and placing stable families in them, it is possible to stabilize or reverse negative trends in the entire neighborhood.

## § 4. Program Eligibility.

### A. Eligible Localities.

VHDA may operate the Program within any jurisdiction in the state which does not currently operate its own program. Priority shall be given to those areas of the state which are eligible for participation in FmHA programs.

### B. Eligible Neighborhoods.

Any neighborhood shall be eligible for participation in the Program, provided that it is located in an eligible jurisdiction and contains vacant and eligible housing units.

### C. Eligible Properties.

Any single-family house (including single-family detached, townhouse, or condominium) which meets the following conditions is eligible for acquisition under the Program:

1. Foreclosed properties which are being held in the inventories of FmHA, HUD, VA, VHDA, local PHA's or other agencies of federal, state, or local government, as well as properties which have been acquired by units of local government as a result of tax delinquency or other actions are eligible.

2. The house must be in need of rehabilitation which is substantial in nature and cost. The intent of the Program is to select houses which require the correction of serious deficiencies in one or more of the functional systems of the house. These include structural, electrical, plumbing, heating/cooling, and roofing. In order to be eligible, the house must evidence a serious defect in at least one of these major housing component systems. The one exception to this would be the case of a house which exhibits a significant amount of deferred maintenance in a number of areas. If considered individually, these improvements would not be viewed as substantial rehabilitation, but when taken as a whole, they do constitute a substantial rehabilitation of the housing unit.

There is no cost threshold with respect to the level of rehabilitation required, however, in most cases it is expected that rehabilitation costs will, at a minimum, exceed 25% of the after-rehabilitation value of the property.

### D. Eligibility of Improvements.

Most general types of property improvements will be eligible under this Program. As noted above, cosmetic improvements are eligible when undertaken in conjunction with improvements of a more substantial nature. Cosmetic improvements alone will not be allowed under any circumstances. In addition, luxury type improvements (i.e.,

swimming pools) will not be allowed.

Upon completion, the house must meet or exceed all FmHA standards with respect to property rehabilitation, including thermal performance standards, all VHDA requirements with respect to substantial rehabilitation, as well as the statewide and local building code requirements.

There will be an emphasis placed upon improvements to the property which have an impact on the exterior appearance of the house and the entire subdivision. These would include improvements such as exterior painting, adding additional trimwork to the exterior (i.e., shutters), porches, carports, garages, yard landscaping (i.e., lawn seeding, shrubs, trees), improvements to driveways, improvements to drainage structures, fencing, etc. These types of improvements will be included in individual loans only to the extent that they are located entirely on the subject property.

VHDA will endeavor to work with the local government, as well as other federal and state agencies to encourage other public improvements which would benefit the neighborhood as a whole. These would include activities such as street, water, sewer, recreational, and other types of improvements. Further, VHDA will endeavor to work with appropriate units of local government and other agencies in order to improve both governmental and private services which are available to the residents of the neighborhood (i.e., local transportation service, increased law enforcement patrol activity, housing counseling).

### E. Eligibility of Applicants.

The eligibility of families and persons under this Program shall be limited to those households with incomes less than 80% of the median for the jurisdiction in which the housing is located. VHDA, in conjunction with the unit of local government, may establish priorities within this group. These priorities shall include the federal requirement to give special consideration to the applicant's need for housing and his ability to make, or cause to be made, the required property improvements.

In cases where the permanent mortgage financing available on the completed houses will be limited to certain programs (i.e., FmHA Section 502 and HUD 312 programs), then applicants would be prescreened to select those persons and families who meet the threshold criteria for those programs.

## § 5. Application and Processing.

### A. Selection of Units.

From time to time, VHDA will request the FmHA, HUD, VA, or other agencies to supply a list of properties currently in their inventory of foreclosed housing units. From this list, VHDA will determine if there are concentrations of properties which are suitable for the implementation of the Program. This determination will be



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made on the basis of physical examination of the properties and the neighborhoods and will include an evaluation of the selection criteria mentioned above, including the geographical proximity of the units, the number of units available, the condition of the units and required level of rehabilitation, evaluation of the local market for the units, and evaluation of the ability of the local government to contribute to community improvements and increased services.

As soon as the properties have been selected, VHDA will notify the appropriate agency and request that no sales contracts be taken for those units until such time as acquisition can be arranged utilizing Section 810 Funds from HUD.

## B. Marketing.

As soon as eligible properties have been selected and the agencies which own the properties have agreed to reserve them for use under the Program, VHDA will undertake a marketing effort in the locality in which the units are located. These activities may include newspaper advertising and public notices, public meetings, coordination with the local PHA, outreach to local housing groups, civic organizations, churches, etc.

Applications will be accepted for a specified period of time. The length of this application period will be determined by local conditions, including the number of properties and the size of the local market. Initial screening of applicants will then take place to determine which persons and families meet the threshold criteria for the Program. After that, the applications will be prioritized according to the standards mutually agreed to by VHDA and the unit of local government, as well as those which are federally mandated.

## C. Lottery.

If the prequalified applicants exceed the number of properties available, all of these applicants will participate in a lottery to determine who will have the first opportunity to purchase one of the properties. A drawing will be held for each property with applicants able to submit their names to be considered for any or all of the properties. Any applicants who are selected for more than one of the properties would be required to choose which of the properties would be their first choice.

## D. Application Preparation.

For each property, approximately five names will be selected in the lottery. Then, beginning with the first, VHDA staff will prepare a FmHA (or other applicable lending institution) mortgage loan application. This application will be submitted to FmHA along with a copy of the rehabilitation plans and specifications. If, during the process of preparing the application, the applicant is found to be ineligible or if the application is rejected by FmHA, then the process would be repeated with the second

person or family on the lottery selection list.

## E. Rehabilitation Contract.

As soon as the permanent mortgage loan application has been approved, VHDA staff will, with the concurrence of the Homesteader, put the rehabilitation contract out for bid, or negotiate with a local rehabilitation contractor. The lowest responsible bidder will be awarded the contract. Rehabilitation contractors will be subject to an investigation by VHDA in order to determine their competence to perform the work.

The contract for rehabilitation will run between the Homesteader and the contractor. VHDA will not be a party to this contract. VHDA, however, will act as a technical adviser to the Homesteader in the preparation of the work plan, selection of the contractor, inspection of the property during the construction, disbursement of construction funds, and final inspection after completion.

## F. Loan Closing.

Once an acceptable rehabilitation contract has been obtained through bid or negotiation, the property will go to loan closing. At loan closing, the Homesteader will sign the installment sales contract with VHDA, a homesteading agreement with VHDA and a construction loan note and agreement with VHDA. The Homesteader will also execute the rehabilitation contract with the contractor selected.

The VHDA construction loan is provided for a term not to exceed 180 days and at an interest rate to be determined by the Executive Director. The amount of the construction loan shall not exceed the amount of the permanent mortgage loan commitment and shall include the cost of rehabilitation and any associated soft costs, including a pro rata share of VHDA's administrative expenses incurred in the implementation of the Program.

## G. Rehabilitation Construction.

Rehabilitation construction shall commence within 30 days of loan closing. VHDA shall monitor the rehabilitation construction and authorize all disbursements made to the contractor during the rehabilitation period, including the final disbursement upon completion. Such disbursements shall not exceed the value of the work in place, less a 10% retainage. The Homesteader shall be required to sign off on all inspections and disbursements. Upon completion, VHDA shall request inspection of the property by FmHA or other applicable permanent mortgage lender. Upon approval by the permanent mortgage lender, final disbursement shall be made to the contractor, including retainage. The permanent mortgage loan closing will take place shortly thereafter, at which time VHDA's construction loan will be paid off.

## H. Post-Occupancy Monitoring.

VHDA shall monitor the Homesteader with respect to

*the provisions in § 3.A-E above for a period of five years. Upon successful completion of this period, VHDA shall provide the Homesteader with a deed to the property.*

*If the Homesteader does not comply with the required provisions at any time during the five-year period, the Homesteader shall receive a warning from VHDA and be given a grace period during which to correct the deficiency. The length of this grace period will be dependent upon the nature of the deficiency and shall be determined by VHDA for each individual case. If the deficiency is not corrected, VHDA may declare the Homesteader to be in default of the installment sales agreement and take back possession of the property pursuant to such agreement. In this case, the property would be made available to another applicant. If this second Homesteader also defaults in complying with the provisions required in § 3.A-E above, VHDA may dispose of the property in any manner which it determines to be appropriate.*

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# FINAL REGULATIONS

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For information concerning Final Regulations, see information page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**Title of Regulations:** VR 394-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.

**Statutory Authority:** § 9-6.14:7 of the Code of Virginia.

**Effective Date:** February 6, 1985.

### Summary:

These guidelines have been adopted by the Board of Housing and Community Development to comply with § 9-6.14:7.1 of the Administrative Process Act, as amended by the 1984 session of the General Assembly. The guidelines provide for soliciting the input of interested parties in the formation and development of its regulation. They will be used prior to the formation and drafting of a proposed regulation, and also during the entire formation, promulgation and final adoption process. Methods are set out for the identification and notification of interested parties and specific means of seeking input from interested persons or groups in the guidelines. The guidelines also provide for the use, whenever appropriate, of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency.

### User Assistance

Information about the guidelines may be obtained from:

Division of Building Regulatory Services  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Telephone (804) 786-4751

**Comments Solicited:** Under the Administrative Process Act, the Board of Housing and Community Development is required to evaluate the effectiveness of any regulation that it adopts. As part of its evaluation plan, the agency invites suggestions for improvements to these regulations at any time.

VR 394-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations.

### Part I General Provisions

#### § 1.1 Definitions.

The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

“BOARD” means Board of Housing and Community Development.

“DEPARTMENT” means Department of Housing and Community Development.

“GUIDELINES” means the regulations adopted by the Board of Housing and Community Development for public participation in the formulation, promulgation and adoption of regulations.

“STAFF” means employees of the Department of Housing and Community Development or Board of Housing and Community Development.

#### § 1.2 Application.

These guidelines apply to all regulations adopted by the Board. They will be used whenever regulations are hereafter adopted, amended or deleted.

#### § 1.3 Periodic review.

It is the intent of the Board to conduct a periodic review of all regulations that have been adopted under state law. Such reviews will be undertaken at appropriate intervals as needed to keep the regulations up-to-date. These guidelines will be used in the review process.

### Part II Public Participation

#### § 2.1 Mailing lists.

The Department will maintain lists of individuals, businesses, associations, agencies, and public interest groups which have expressed an interest, or which could reasonably be expected to have an interest, in the Board's regulations. The lists will be updated and expanded as new interested parties are identified. Deletions will be made when lack of interest is determined.

#### § 2.2 Notification.

The lists will be used to notify and solicit input to the regulatory revision process from interested parties. Selected mailings will be made independently of notices in

the Virginia Register of Regulations and of notices in newspapers. Advertising in Department newsletters, in trade and professional publications, and in public interest group publications will be used when appropriate.

## § 2.3 Solicitation of input.

The staff of the Department will continually receive, retain and compile all suggestions for changes and improvements to the regulations. In addition, a notice of intent to adopt or amend regulations will be published in the Virginia Register to solicit public input before drafting the proposals.

## § 2.4 Regulatory review workshops.

Before adoption or revision of the regulations, the Board may conduct one or more meetings for the general public to explain the review process and to solicit proposals for needed changes. At least thirty days' notice of such meetings will be published in the Virginia Register of Regulations and in a newspaper of general circulation published in the region in which the meeting is to be held, and in a newspaper of general circulation published at the State Capital. Press releases and other media will be used as needed. Selected interested persons and groups will be notified by mail.

## § 2.5 Preparation of preliminary draft.

The Board will prepare a preliminary draft of proposed amendments to the regulations based on public input received and on the results of its own study of the regulations.

## § 2.6 Ad hoc committee review.

The Board may establish an ad hoc advisory committee consisting of invited representatives of all groups believed to be affected by the regulations and the proposed amendments. The Board will give consideration to recommendations received from the committee, and will make appropriate revisions to the draft.

## § 2.7 Public hearings.

After completion of a final draft, the Board will convene at least one public hearing in accordance with the procedures required by the Administrative Process Act and the Virginia Register Act.

### Part III

#### Action on Comments of Governor and Legislature

## § 3.1 When Governor suspends process.

If the Governor suspends the regulatory process to require solicitation of additional public comment, the Board will do so in the manner prescribed by the Governor. If no specific method is required, the Board will

employ one or more of the following procedures, as deemed necessary:

1. Consult with affected persons and groups.
2. Reconvene the ad hoc review committee for further consultation.
3. Advertise and conduct an additional public hearing under the procedures prescribed by the Administrative Process Act and the Virginia Register Act.

## § 3.2 Other legislative and executive comments.

If the Governor does not require solicitation of additional public comment, but does provide suggestions, or if further suggestions are received from the required legislative review during the thirty-day final adoption period, the Board will determine whether solicitation of additional public comment should be undertaken. If needed, one or more of the procedures described above may be used.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**Title of Regulations:** VR 395-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations

**Statutory Authority:** § 9-6.14:7 of the Code of Virginia.

**Effective Date:** February 6, 1985.

### Summary:

These guidelines have been adopted by the Director, Department of Housing and Community Development, to comply with § 9-6.14:7.1 of the Administrative Process Act, as amended by the 1984 session of the General Assembly. The guidelines provide for soliciting the input of interested parties in the formation and development of its regulation. They will be used prior to the formation and drafting of a proposed regulation, and also during the entire formation, promulgation and final adoption process. Methods are set out for the identification and notification of interested parties and specific means of seeking input from interested persons or groups in the guidelines. The guidelines also provide for the use, whenever appropriate, of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency.

### User Assistance

Information about the guidelines may be obtained from:

Division of Building Regulatory Services  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Telephone (804) 786-4751

# Final Regulations

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**Comments Solicited:** Under the Administrative Process Act, the Director of the Department of Housing and Community Development is required to evaluate the effectiveness of any regulation that the Department adopts. As part of its evaluation plan, the Director invites suggestions for improvements to these regulations at any time.

VR 395-01-1. Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations

## Part I General Provisions

### § 1.1 Definitions.

The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"DEPARTMENT" means Department of Housing and Community Development.

"DIRECTOR" means the Director of the Housing and Community Development.

"GUIDELINES" means the regulations adopted by the Director for public participation in the formulation, promulgation and adoption of regulations.

"STAFF" means employees of the Department of Housing and Community Development.

### § 1.2 Application.

These guidelines apply to all regulations adopted by the Director. They will be used whenever regulations are hereafter adopted, amended or deleted.

### § 1.3 Periodic review.

It is the intent of the Director to conduct a periodic review of all regulations that have been adopted under state law. Such reviews will be undertaken at appropriate intervals as needed to keep the regulations up-to-date. These guidelines will be used in the review process.

## Part II Public Participation

### § 2.1 Mailing lists.

The Department will maintain lists of individuals, businesses, associations, agencies, and public interest groups which have expressed an interest, or which could reasonably be expected to have an interest, in the Director's regulations. The lists will be updated and expanded as new interested parties are identified. Deletions will be made when lack of interest is determined.

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The staff of the Department will continually receive, retain and compile all suggestions for changes and improvements to the regulations. In addition, a notice of intent to adopt or amend regulations will be published in the Virginia Register to solicit public input before drafting the proposals.

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Before adoption or revision of the regulations, the Director may conduct one or more meetings for the general public to explain the review process and to solicit proposals for needed changes. At least thirty days' notice of such meetings will be published in the Virginia Register of Regulations and in a newspaper of general circulation published in the region in which the meeting is to be held, and in a newspaper of general circulation published at the State Capital. Press releases and other media will be used as needed. Selected interested persons and groups will be notified by mail.

### § 2.5 Preparation of preliminary draft.

The Director will prepare a preliminary draft of proposed amendments to the regulations based on public input received and on the results of its own study of the regulations.

### § 2.6 Ad hoc committee review.

The Director may establish an ad hoc advisory committee consisting of invited representatives of all groups believed to be affected by the regulations and the proposed amendments. The Director will give consideration to recommendations received from the committee, and will make appropriate revisions to the draft.

### § 2.7 Public hearings.

After completion of a final draft, the Director will convene at least one public hearing in accordance with the procedures required by the Administrative Process Act and the Virginia Register Act.

## Part III Action on Comments of Governor and Legislature

### § 3.1 When Governor suspends process.

If the Governor suspends the regulatory process to require solicitation of additional public comment, the

Director will do so in the manner prescribed by the Governor. If no specific method is required, the Director will employ one or more of the following procedures, as deemed necessary:

- A. Consult with affected persons and groups.
- B. Reconvene the ad hoc review committee for further consultation.
- C. Advertise and conduct an additional public hearing under the procedures prescribed by the Administrative Process Act and the Virginia Register Act.

## § 3.2 Other legislative and executive comments.

If the Governor does not require solicitation of additional public comment, but does provide suggestions, or if further suggestions are received from the required legislative review during the thirty-day final adoption period, the Director will determine whether solicitation of additional public comment should be undertaken. If needed, one or more of the procedures described above may be used.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Note: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all proposed and final regulations. These regulations are numbered to conform to the new classification system by the Virginia Code Commission.

**Title of Regulations:** VR 400-02-0003. Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income

**Subtitle:** Calculations of Loan Amounts - Mortgage Insurance Requirements

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia.

**Effective Date:** December 18, 1984.

### Summary and Analysis:

The amendment (i) modifies and establishes the maximum principal amount of single-family mortgage loans and (ii) clarifies the amount of private mortgage insurance coverage required by the Authority for its single-family mortgage loans.

VR 400-02-0003. Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income.

As authorized by Rule 103 of the Rules and

Regulations of the Virginia Housing Development Authority (the "Authority") adopted on January 17, 1984, pursuant to § 36-55.30:3 of the Code of Virginia, the Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income approved by the Authority on January 17, 1984, are hereby amended as follows:

1. The first paragraph of § 1.6, Calculations of Loan Amount in the Processing and Disbursing Guide, is amended to state as follows:

"Single-family detached residence and townhouse (fee simple ownership) - ~~98% of the first \$25,000 and 95% of all in excess of \$25,000 of the sales price or appraised value, whichever is less. Maximum of 95% of the lesser of the sales price or appraised value, except as may otherwise be approved by the Authority.~~"

2. The first sentence in § 1.7, Mortgage Insurance Requirements in the Processing and Disbursing Guide, is amended to state as follows:

"Unless the loan is insured or guaranteed by FHA or VA, the borrower is required to purchase at time of loan closing full private mortgage insurance (at least ~~25% coverage~~ 25% to 100% coverage, as the Authority shall determine) on all loans which exceed 80% of the lesser of sales price or appraised value."

**Title of Regulations:** VR 400-02-0008. Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia.

**Effective Date:** December 18, 1984.

### Summary and Analysis:

This regulation establishes procedures, instructions and guidelines for the implementation and administration of the Virginia Rental Rehabilitation Program.

VR 400-02-0008. Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program.

### § 1. Definitions

The following words and terms, when used herein, shall have the following meaning, unless the context indicates otherwise.

"Executive Director" means the Executive Director of VHDA or any other officer or employee of VHDA who is authorized to act on behalf of VHDA pursuant to a resolution of the Board.

"Grantee" means any unit of local government that

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enters into a grant agreement with VHDA to administer a rental rehabilitation grant.

"HUD" means the U. S. Department of Housing and Urban Development.

"Section 8" means Section 8 of the United States Housing Act of 1937, as amended, and the applicable rules and regulations promulgated thereunder.

"VHDA" means Virginia Housing Development Authority.

These definitions supplement those contained in 24 CFR 511.2 and other applicable sections of the Code of Federal Regulations. Only those terms not defined in the Federal Code or used differently herein have been defined.

## § 2. Purpose and Applicability

These procedures, instructions and guidelines are adopted pursuant to Rule 103 of the VHDA Rules and Regulations adopted on January 17, 1984, pursuant to § 36-55.30:3 of the Code of Virginia. The effective date of these procedures, instructions and guidelines is December 18, 1984.

The following procedures, instructions and guidelines are applicable to all grants made by VHDA to units of local government with funds allocated to VHDA by HUD for the purpose of carrying out local rental rehabilitation programs for the benefit of lower income families and persons. Such grants are referred to herein as "rental rehabilitation grants".

These procedures, instructions and guidelines supplement and clarify rather than supercede federal program requirements. VHDA and all local grantees are fully bound by the applicable requirements of 24 CFR Part 511, as well as governing federal and state laws in the administration and use of funds received from HUD under the federal Rental Rehabilitation Program.

Notwithstanding anything to the contrary herein, the Executive Director is authorized with respect to any rental rehabilitation grant to waive or modify any provisions herein where deemed appropriate by him for good cause, to the extent not inconsistent with VHDA's Act, Rules and Regulations, and any applicable federal regulations.

All reviews, analyses, evaluations, inspections, determinations and other actions by VHDA pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of VHDA, and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of VHDA or the grantee under the agreements and documents executed in connection with a rental rehabilitation grant.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of VHDA's requirements and are not intended to include all actions involved or required in the administration of grants under the Virginia Rental Rehabilitation Program. These procedures, instructions and guidelines are subject to change at any time by VHDA and may be supplemented by policies, procedures, instructions and guidelines adopted by VHDA from time to time with respect to the Virginia Rental Rehabilitation Program.

## § 3. Program Eligibility

A. Eligible Localities - VHDA will accept applications for rental rehabilitation grants from any city, town or county determined by HUD to be eligible for participation in the Virginia Rental Rehabilitation Program. Eligible counties may only use rental rehabilitation grants in areas which have been determined by the federal government to be ineligible for housing assistance from the U. S. Farmers Home Administration. VHDA will maintain a current listing of eligible local governments.

B. Eligible Neighborhoods - Applicants must document that each neighborhood in which rental rehabilitation grants are used meets the following two conditions:

1. Neighborhood Income Level - According to the 1980 U. S. Census, the median household income in the neighborhood must be at or below 80% of the median household income for the housing market area.

2. Rent Stability/Affordability - Rents in the neighborhood must be stable and generally affordable to lower income persons. An applicant must document rent stability/affordability in one of the following three ways:

a. Rent Trends - An applicant may document that, according to the U. S. Census, the increase in average contract rent in the neighborhood between 1970 and 1980 was equal to or less than the increase in average contract rent in the housing market area;

b. Current Rent Survey - An applicant may survey current neighborhood rents to document that rents are generally at or below the Section 8 Fair Market Rent limits for existing housing; or

c. Other Evidence - An applicant may document that, according to the 1980 U. S. Census, the median gross rent in the neighborhood was at or below the Section 8 Fair Market Rent limit for an existing two-bedroom unit that was applicable for the housing market area in April, 1980, and provide some type of evidence that the neighborhood housing market has been stable since 1980 (e.g., assessed property values or building permit activity have not increased more rapidly than in the housing market area as a whole).

C. Eligible Projects - Rental rehabilitation grants may only be used to rehabilitate projects meeting the

requirements of 24 CFR 511.10(c).

## § 4. Allocation of Funds

A. **Types of Allocations** - VHDA will accept the following two types of applications from eligible local governments for rental rehabilitation grants:

1. **General Allocations** - VHDA will make allocations of funds to local governments on a first-come, first-served basis for use in carrying out locally-designed rental rehabilitation programs. The following conditions will apply:

a. Each local allocation will be limited to a specific dollar amount.

b. Once a local government has committed 80% of its funds to specific projects, it will be eligible to apply for an additional general allocation.

c. Initial allocations will expire 12 months from the date VHDA enters into a grant agreement with HUD, and any additional allocations will expire 15 months from the date VHDA enters into a grant agreement with HUD.

d. Upon the expiration of an allocation, any uncommitted grant funds will be recaptured.

e. VHDA will reserve the right to recapture monies from an additional general allocation prior to its expiration, if necessary, due to poor local performance and the need to commit state program funds in a timely manner.

2. **Funding for Specific Projects** - VHDA will fund, on a first-come, first-served basis, applications submitted by eligible local governments for specific projects. The following conditions will apply:

a. Total funding, including any prior general or project allocations, will be limited to a specific dollar amount.

b. A locality with an uncommitted general allocation will be expected to commit these funds to the project prior to requesting additional monies.

The funding limit for specific projects will be lifted only in the event that state grant monies are not being committed in a timely manner.

B. **Application Procedures** - VHDA will issue a notice of funds availability to all eligible units of local governments in each federal fiscal year in which grant funds are allocated to the Commonwealth. Such notice will include the applicable funding limits and a timetable for the submission and review of applications for each type of funds allocation.

Specific application requirements and review procedures will be provided in application packets and

through such workshops/training sessions as VHDA deems appropriate. Applications for grant funds will be expected to include the following types of information:

1. **General Allocations** - Applications for general allocations will include an identification and description of program neighborhoods; the locality's method of identifying and selecting projects; a description of local program operating procedures; a description of steps to be taken to ensure adequate maintenance and operation of projects receiving rental rehabilitation funds; a description of steps to be taken to encourage the use of minority and women-owned businesses; a description of the anticipated form of assistance to be provided to property owners and the means by which the amount of assistance will be determined; an indication of the anticipated source of matching funds; a description of any assistance to be provided to property owners in obtaining matching funds; an affirmative marketing plan (see § 5.1.2.); an agreement to comply with all federal and state program requirements; and other information as requested by VHDA in the application packet.

2. **Funding for Specific Projects** - An application for funding for a specific project will include information concerning the project's conformance with neighborhood standards; a description of local program operating procedures; a description of steps to be taken to ensure adequate project maintenance and operation; a description of steps to be taken to encourage the use of minority and women-owned businesses; a description of the project's financing package; an affirmative marketing plan; information concerning expected displacement/relocation of lower income persons; an agreement to comply with all federal and state program requirements; and other information as requested by VHDA in the application packet.

C. **Grant Agreement** - Upon the approval of an application for funding, VHDA will enter into a grant agreement with the local government stating the terms and conditions under which funds will be provided.

## § 5. Program Requirements

A. **Lower Income Benefit** - Each grantee must use at least 70% of its rental rehabilitation grant to benefit lower income families in accordance with 24 CFR 511.10(a)(4). This benefit standard must be maintained by each grantee in its program at all times unless waived by VHDA. A waiver will only be approved when true hardship exists and when such a waiver will not prevent VHDA from achieving an overall 70% benefit standard in the Virginia Rental Rehabilitation Program.

B. **Family Benefit** - Each grantee must use at least 70% of its rental rehabilitation grant to rehabilitate units containing two or more bedrooms in accordance with 24 CFR 511.10(k). This standard must be maintained by each grantee in its program at all times unless waived by VHDA. A waiver will only be approved when true



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hardship exists and when such a waiver will not prevent VHDA from achieving an overall 70% standard in the Virginia Rental Rehabilitation Program, except in cases where VHDA has applied for and received from HUD a special waiver from the 70% standard.

C. *Funding Priorities* - Each grantee must include the following priorities in its method for selecting projects to receive rental rehabilitation funds.

1. *Units Occupied by Very Low Income Families* - Each grantee must give funding priority to projects which contain substandard units which, prior to rehabilitation, are occupied by very low income families. This priority may include unoccupied units if:

a. the units could be expected to be occupied by very low income families but for the units' substandard condition; and

b. the grantee agrees to assign Section 8 certificates and/or vouchers for at least 70% of the rehabilitated units in order to enable it to be occupied by very low income families.

2. *Efficient Use of Grant Funds* - Each grantee must give funding priority to projects which require a minimum percentage of rental rehabilitation grant subsidy.

Proposed projects meeting these priorities, which are financially feasible and which meet all other program requirements, must be selected for funding prior to projects which do not meet the priorities. In cases where these priorities conflict, the first priority must be given precedence by grantees.

D. *Adequate Maintenance and Operation of Rehabilitated Units* - Each grantee must adopt one or more of the following measures to ensure adequate maintenance and operation of projects receiving rental rehabilitation funds:

1. establishment of minimum equity requirements for investors;

2. assignment of priority to projects in which private investors and lenders are taking a long-term financial risk in project success;

3. restriction of funding to investors with a satisfactory record of maintaining and operating rental housing (the applicant must have standards and procedures for assessing an investor's record); or

4. establishment of other reasonable standards and/or procedures for ensuring adequate maintenance and operation of rehabilitated units.

E. *Project Funding Limits* - Each grantee must comply with the maximum project funding limits set by 24 CFR 511.10(e).

VHDA will seek a waiver from HUD of the \$5,000 average per unit funding limit for a specific project at the request of a grantee if the grantee can document a need for such a waiver in accordance with 24 CFR 511.10(e)(2).

F. *Minimum Level of Rehabilitation* - A grantee may establish a minimum level of rehabilitation to be required for participation in its rental rehabilitation program in excess of that established in 24 CFR 511.10(f).

G. *Eligible Rehabilitation Costs* - A grantee may use a rental rehabilitation grant only to cover costs permitted under 24 CFR 511.10(g). No more than 20% of the rental rehabilitation funds assigned to a project may be used to make relocation payments to tenants who are displaced by rehabilitation activity.

H. *Displacement and Tenant Assistance* - A grantee must provide any lower income family displaced from a project assisted by a rental rehabilitation grant with financial and advisory assistance as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601. A family will be determined to be displaced in accordance with the definitions contained in 24 CFR 511.10(h)(1). No tenant will be considered displaced if the tenant has been offered a decent, safe and sanitary dwelling unit in the project at an affordable rent.

I. *Affirmative Marketing* - Each grantee must ensure the affirmative marketing of units in rehabilitated projects for a period of seven years beginning on the date on which all the units in a projects are completed, in accordance with 24 CFR 511.10(1)(2). "Affirmative Marketing" is defined as adherence to federal, state and local fair housing laws, and positive efforts to ensure that persons of similar income levels in the same housing market area are made aware of a housing project and its benefits regardless of race, creed, religion, national origin, sex or handicap. All fair housing laws must be scrupulously observed by those who participate in the Virginia Rental Rehabilitation Program. Failure to comply with affirmative marketing requirements will subject the grantee and/or property owner to sanctions.

In order to meet its affirmative marketing responsibilities, each grantee must comply with, or ensure property owner compliance with, the following requirements and procedures:

1. *General Requirement* - In conjunction with the marketing of all rehabilitated units, except for units occupied by families receiving Section 8 certificates or vouchers, the following five specific requirements must be met:

a. all advertising, brochures, leaflets and other printed material must include the Equal Housing Opportunity logo and the slogan or statement, and all advertising depicting persons must depict persons of majority and minority groups, including both sexes;

b. the Equal Housing Opportunity slogan, "Equal Housing Opportunity"; utilized in the newspaper classified advertisements should be at least eight (8) point boldface type, and display advertising must include the Equal Housing logo and slogan;

c. if other logotypes are used in the advertisement, then the Equal Opportunity logotype should be of a size equal to the largest of other logotypes;

d. all signs, off-site and on-site, must prominently display the logo and slogan, or the statement in a size that would not be smaller than the largest letters used on the sign; and

e. the logo and slogan, or the statement and the HUD Equal Housing Opportunity Poster (HUD Form 928.1 dated 7-75), must be prominently displayed in the on-site office or wherever applications are being taken.

2. Affirmative Marketing Plan - Any local government making application to VHDA for a rental rehabilitation grant must submit as part of its application, on a form supplied by VHDA, a local affirmative marketing plan covering the leasing of all rehabilitated units, except for those occupied by families receiving Section 8 certificates or vouchers. Such plan must include the following information for each neighborhood in which the local government proposes to operate a rental rehabilitation program:

a. an identification of the predominant racial/ethnic composition of the neighborhood;

b. an identification of the group(s) in the housing market area that are least likely to apply for housing in the neighborhood because of its location and other factors without special outreach efforts;

c. an identification of the types of advertising and outreach procedures (e.g., use of community contacts) which participating property owners may use to meet their affirmative marketing responsibilities;

d. a description of the information to be provided to participating property owners, their staff or managing agents to enable them to carry out their affirmative marketing and fair housing responsibilities; and

e. the anticipated results of the local affirmative marketing plan (i.e., the percent of vacancies expected to be filled by the identified target group(s)).

3. Affirmative Marketing Agreements - Any property owner applying for rental rehabilitation funds from a grantee must submit to such grantee a description of its proposed affirmative marketing procedures which must conform with the grantee's affirmative marketing plan. This description must be in a form prescribed by the grantee, and must include the form(s) of advertising and community contacts to be used by the owner or the

owner's managing agent in publicizing all vacancies, except for units rented to families receiving Section 8 certificates or vouchers, in order to attract the group(s) identified by the grantee as being least likely to apply.

Upon approval of proposed efforts, owners must enter into a compliance agreement with the grantee which must include:

a. an agreement to comply with federal, state and local fair housing law;

b. an agreement to carry out specified affirmative marketing procedures;

c. an agreement to maintain records on the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, records on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting affirmative marketing efforts in a form specified by the grantee;

d. an agreement to report such information to the grantee on an annual basis; and

e. sanctions to be imposed by the grantee in the event of noncompliance by the property owner.

Such agreement must be effective for a period of seven years beginning on the date on which the rehabilitation of the units in the projects is completed.

4. Grantee Requirements - Each grantee shall be responsible for:

a. informing property owners' staff and owners' managing agents of their responsibility to comply with federal, state and local fair housing laws;

b. informing property owners of the affirmative marketing requirements of the Virginia Rental Rehabilitation Program, as well as the provisions of the grantee's affirmative marketing plan;

c. reviewing and approving affirmative marketing procedures proposed by property owners;

d. entering into legally binding affirmative marketing agreements with property owners;

e. monitoring compliance by property owners with affirmative marketing agreements and imposing prescribed sanctions as necessary; and

f. collecting, and reporting to VHDA on an annual basis, information regarding the racial/ethnic and gender

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characteristics of tenants occupying units before and after rehabilitation, information on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting property owner compliance with affirmative marketing requirements (e.g., records of all advertisements, notices and marketing information).

**J. Use of Minority and Women's Business Enterprises** - Each grantee must encourage the use of minority and women's business enterprises in connection with activities funded with rental rehabilitation grant monies in accordance with 24 CFR 511.10(m)(1)(v). Such efforts must include the following activities.

1. **Targets** - Upon entering into a grant agreement with VHDA, each grantee must establish local dollar or other measurable targets based on factors that the grantee regards as appropriate and related to the purpose of its rental rehabilitation program. A copy of such targets must be forwarded to VHDA prior to the drawing down of any grant funds.

2. **List of Businesses** - Upon entering into a grant agreement with VHDA, each grantee must prepare a list of minority and women's business enterprises which are potential suppliers or rehabilitation services and materials to property owners receiving grant assistance. A grantee should make use of the services of the Virginia Office of Minority Business Enterprise and appropriate federal agencies, as needed, in preparing such a list. Each grantee must forward a copy of the list to VHDA prior to drawing down any grant funds.

3. **Bid Solicitation** - Each grantee must make reasonable efforts to include qualified minority and women's business enterprises on bid solicitation lists and to ensure that such businesses are solicited whenever they are potential sources of services and materials.

4. **Negotiated Contracts** - Whenever competitive bidding is not required of a property owner, the grantee must provide the property owner with a list of minority and women's business enterprises which are potential sources of services or materials.

5. **Subcontracts** - Each grantee must ensure that property owners require that all subcontractors be provided with a list of minority and women's business which are potential suppliers of materials or services.

6. **Records** - Each grantee must keep records of the number and dollar amount of participation by minority and women's business enterprises, including subcontractors and owners of rental properties, in connection with activities funded with rental rehabilitation grant monies.

**K. Use of Local Area and Minority Contractors, Suppliers and Employees** - Each grantee must encourage the use of local area and minority contractors, suppliers and employees in connection with activities funded with rental rehabilitation grant monies in accordance with 24 CFR 511.10(m)(1)(v). Such activities must include the development of a plan that includes the following elements:

1. **Area Definition** - The plan must include a definition of the local area in which residents and businesses are the intended beneficiaries of rental rehabilitation activities (usually the applicant locality or, in the case of a town or small city, the locality plus the adjacent county).

2. **Procedures** - The plan must include procedures to be followed to encourage the use of local area and minority contractors, suppliers and employees in connection with activities funded with rental rehabilitation grant monies.

A copy of this plan (such federally required plans are often referred to as "Section 3 Plans") must be forwarded to VHDA prior to the drawing down of any grant funds.

**L. Architectural Barriers to the Handicapped** - Each grantee must ensure that, in the case of projects involving the rehabilitation of 25 or more units where the cost of rehabilitation is greater than or equal to 75% of the value of the project after rehabilitation, the owner improves any unit occupied by a handicapped person prior to rehabilitation in a manner which removes architectural barriers in accordance with the requirements of 24 CFR 511.10(m)(1)(ii).

**M. Age Discrimination in Employment** - Each grantee must ensure that property owners do not discriminate against employees based on age, nor that property owners use contractors who so discriminate, in accordance with 24 CFR 511.10(m)(1)(ii).

**N. Labor Standards** - Each grantee must ensure that all laborers and mechanics, except laborers and mechanics employed by a local government acting as the principal contractor on the project, employed in the rehabilitation of a project receiving rental rehabilitation grant assistance that contains 12 or more units, are paid at the prevailing wage rates set under the Davis Bacon Act, 40 USC 276a, and that contracts involving their employment are subject to the provisions of the Contract Work Hours and Safety Standards Act, 40 USC 327, in accordance with the requirements of 24 CFR 511.11(a).

**O. Environmental and Historic Reviews** - Each grantee must comply with the environmental and historic review requirements contained in 24 CFR Part 58. Grantees must submit requests for release of funds to VHDA for review. VHDA will forward its recommendation, together with the request, the environmental certification and the objections, to HUD. All approvals for release of funds will be made by HUD.

**P. Conflicts of Interest** - Each grantee must comply with the conflict of interest requirements contained in 24 CFR 511.11(e).

**Q. Lead-Based Paint** - Each grantee must ensure that any property owner receiving rental rehabilitation grant assistance takes steps to remove the hazards of lead-based paint in accordance with the requirements of 24 CFR Part 35.

**R. Use of Debarred, Suspended or Ineligible Contractors** - Each grantee must comply with the requirements of 24 CFR Part 24 in the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors with rental rehabilitation grant funds.

**S. Legal Agreement with Property Owner** - Each grantee must execute an agreement with the owner of a property receiving rental rehabilitation assistance, including a cooperative or mutual housing association, under which the owner:

1. agrees, for a period of at least 10 years beginning on the date on which the rehabilitation of the units in the project is completed, not to:

a. discriminate against prospective tenants on the basis of their receipt of, or eligibility for, housing assistance under any federal, state or local housing assistance program;

b. discriminate against prospective tenants on the basis that the tenants have a minor child or children who will be residing with them, except for housing projects for elderly persons; and

c. convert the units to condominium ownership or any form of ineligible cooperative ownership.

2. agree, for a period of seven years beginning on the date on which the rehabilitation of the units in the project is completed, to:

a. comply with federal, state or local fair housing laws;

b. carry out specified affirmative marketing procedures; and

c. maintain records on the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, records on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting affirmative marketing efforts in a form specified by the grantee, and to report such information to the grantee on

an annual basis (see § 5 I 3).

Such agreement must contain sanctions to be imposed by the grantee in the event of noncompliance by the property owner. Guidelines are contained in 24 CFR 511.10(i) and (j).

## § 6. Grant Administration

**A. Responsibility for Grant Administration** - Grantees are responsible for ensuring that rental rehabilitation grants are administered in accordance with the requirements of these procedures, instructions and guidelines, all applicable sections of 24 CFR Part 511 and other applicable state and federal laws.

**B. Records to be Maintained** - Each grantee must maintain records specified by VHDA that clearly document its performance under each requirement of these procedures, instructions and guidelines. Required records must be retained for a period of three years from the date of final close-out of the rental rehabilitation grant. Public disclosure of records and documents must comply with the requirements of 24 CFR 511.72.

**C. Grant Management and Audit** - Each grantee must comply with the policies, guidelines and requirements of 24 CFR 511.11(c) in the acceptance and use of rental rehabilitation grant funds. Access to grantee records and files must be provided in accordance with the requirements of 24 CFR 511.73. The financial management systems used by grantees must conform to the requirements of 24 CFR 511.74.

**D. Disbursement of Funds/Cash Management Systems** - Grant monies will be disbursed to grantees for payment of eligible program costs in accordance with the following procedures:

1. **Project Accounts** - Grantees must identify to VHDA each project for which they wish to provide rental rehabilitation funds and the amount of grant monies to be committed to each project. Upon receipt of all necessary project information, VHDA will establish a project account with HUD.

2. **Disbursement of Funds** - Grant monies will be disbursed on a project-by-project basis by electronic funds transfer to a designated depository institution in accordance with HUD procedures and guidelines. VHDA will designate a depository institution and make all request to HUD for funds transfer, unless such authority is formally delegated to a grantee by VHDA. Grantees will notify VHDA of the need for grant funds to pay eligible rehabilitation costs. VHDA will in turn request HUD to transfer funds to VHDA. Upon receipt of such monies, VHDA will disburse grant funds to the grantee.

3. **Conditions for Requesting Draw-Downs of Funds** - Grantees must not request draw-downs of funds until such funds are actually needed for payment of eligible cost. A

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request for funds for payments of a contractor may only be made after the work has been inspected and found to be satisfactory. Grant funds must be drawn down at no greater proportion than the amount of rental rehabilitation funds in the project. For example, if on a \$10,000 rehabilitation project, \$5,000 of rental rehabilitation grant funds were provided and the construction was 50% complete, no more than \$2,500 in rental rehabilitation grant funds could be drawn down for the project. Disbursement of any grant funds is conditioned on the submission of satisfactory information by the grantee about the project and compliance with other procedures established by VHDA and HUD.

## § 7. Allocation and Administration of Section 8 Certificates and Vouchers.

A. Allocation of Rental Assistance - Subject to the availability (as determined by HUD) of contract and budget authority for certificates or vouchers under Section 8, VHDA will assign contract authority for up to one voucher or certificate for use in the Virginia Rental Rehabilitation Program for each \$5,000 of rental rehabilitation grant monies allocated to a grantee. Such rental assistance must be used in accordance with 24 CFR 511.41(a) and other governing HUD rules, regulations, procedures and requirements.

B. Administration of Rental Assistance - VHDA will enter into Annual Contributions Contracts with HUD to administer contract authority for Section 8 certificates or vouchers allocated to Virginia for use in the Virginia Rental Rehabilitation Program. VHDA will administer such contract authority in accordance with the applicable VHDA Procedures, Instructions and Guidelines.

## § 8. Annual Performance Review.

A. Performance Elements - VHDA will review the performance of all grantees in carrying out their responsibilities under these procedures, instructions and guidelines and under all the applicable requirements of 24 CFR Part 511 at least annually. These reviews will analyze whether the grantee has:

1. carried out its activities in a timely manner, including the commitment of rental rehabilitation grant funds to specific projects;
2. has carried out its activities in accordance with all state and federal requirements; and
3. has a continuing capacity to carry out its activities in a timely manner.

B. Grantee Reports to VHDA - Each grantee must submit the following reports to VHDA at such times and such formats as VHDA may prescribe:

1. Management Reports - Each grantee must submit reports to VHDA on the management of its rental

rehabilitation grant as requested by VHDA.

2. Annual Performance Report - Each grantee must submit an annual performance report to VHDA at such times as VHDA may prescribe. This report must contain such information and be in such form as prescribe by VHDA, and will include at least the elements prescribe in 24 CFR 511.81(2).

- C. Remedial Actions and Sanctions - In the event of failure by a grantee to carry out its responsibilities in administering its rental rehabilitation grant, VHDA will seek remedial actions on the part of the grantee and, if necessary, impose sanctions including the recapture of uncommitted rental rehabilitation grant funds and barring the local government from future participation in the Virginia Rental Rehabilitation Program.

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

Title of Regulation: **Guidelines for Public Participation in the Development and Promulgation of Regulations (VR 380-01-1).**

Agency: Council of Higher Education

Governor's Comment:

I have no objections to the proposed guidelines as presented.

Date: December 12, 1984

Title of Regulation: **Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations (VR 394-01-1).**

Agency: Board of Housing and Community Development

Governor's Comment:

I have no objections to the proposed guidelines as presented.

Date: December 12, 1984

Title of Regulation: **Public Participation Guidelines for Formation, Promulgation and Adoption of Regulations (VR 395-01-1).**

Agency: Department of Housing and Community Development

Governor's Comment:

I have no objections to the proposed guidelines as presented.

Date: December 12, 1984

### NOTICE TO ALL REGULATORY AGENCIES:

In the October 15, 1984 issue of the Virginia Register, Executive Order No. 51 was published. At that time, we failed to publish the form which is to be used in carrying out the procedures established and set forth in that Order. For your information, the form is published in this issue.

The "Regulation Review Summary" form is being incorporated into the set of forms to be used when processing regulations for submission to the Registrar for publication in the Virginia Register. It will be numbered RR08 and will be furnished to all regulatory agencies within the next week or two. Each agency is required to

use this form when submitting a regulatory review package to the Department of Planning and Budget as required by E. O. No. 51. Please note that the regulatory review package is to be submitted AT THE SAME TIME THE PROPOSED REGULATIONS ARE SUBMITTED TO THE REGISTRAR OF REGULATIONS.

**REGULATION REVIEW SUMMARY**

Agency Proposing Regulation:

Title of Regulation:

Purpose of Regulation:

Submission:    Initial\_\_\_\_            Modified\_\_\_\_            Final\_\_\_\_

Date of Publication in Virginia Register of Regulations: \_\_\_\_\_

Date of Public Hearing and/or Deadline for Public Comment: \_\_\_\_\_

Proposed Effective Date of Regulation: \_\_\_\_\_

Date Approved by Attorney General's Office: \_\_\_\_\_  
(Enclose copy of letter)

Agency Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**DEPARTMENT OF PLANNING AND BUDGET REVIEW AND COMMENTS**

Signature & Title: \_\_\_\_\_ Date: \_\_\_\_\_

If applicable, Secretary's comments attached \_\_\_\_\_

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**GOVERNOR'S REVIEW AND COMMENTS**

Governor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Date Comments Forwarded to Registrar of Regulations: \_\_\_\_\_

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# VIRGINIA TAX BULLETIN

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## VIRGINIA DEPARTMENT OF TAXATION

### Virginia Tax Bulletin

DATE: November 23, 1984

NO. 84-23

SUBJECT: Recent Virginia Supreme Court Opinion Relating to the Application of the Sales and Use Tax to Mining Operations

On September 7, 1984, the Virginia Supreme Court issued an opinion in the matter of Commonwealth v. Wellmore Coal Corporation, in which the department's interpretation of the sales and use tax law as it applies to various aspects of the mining industry was in question.

The issues at question in Wellmore were discussed previously in Virginia Tax Bulletin 84-17. Among the items contested were building materials used in the construction of a tippie (coal preparation plant), scales at a tippie used to weigh coal delivered from mines, methanometers and first-aid equipment, repair parts for trucks used to carry coal from mines to a tippie, machinery and supplies used to build and maintain coal haul roads, and supplies used in the reclamation of mined lands.

In its opinion, the Supreme Court concluded that materials used in the construction of a tippie (as opposed to the processing equipment within the tippie) were not used directly in mining or processing and were therefore taxable. The materials in question included concrete used in footings and floors, structural steel and corrugated steel siding and roofing. The court relied in Wellmore on its previous opinion in Webster Brick v. Department of Taxation (1978) in which was rejected "the taxpayer's contention that the entire manufacturing plant ... constituted a machine entitled to a blanket exemption".

In addition, the Supreme Court concluded that scales located at a tippie were used directly in coal processing and therefore exempt from sales and use tax. The scales in question were used to weigh coal prior to processing in order to assure the proper blending of various coal grades. The court found that a tax exemption was available for the scales under the definition of "processing" in Virginia Code § 58-441.3(p). Under that definition, "processing" begins with "the handling and storage of raw materials at the plant site".

Also, the court concluded that methanometers and first-aid equipment were exempt from the sales and use tax under departmental regulations.

Further, the Supreme Court found that materials used to build and maintain coal haul roads between mines and a tippie and parts and supplies used to repair coal hauling vehicles were used directly in mining and were exempt

from the sales and use tax. The court's conclusions with respect to transportation of finished products are applicable only to mining operations and not to manufacturers, processors, public utilities, etc. inasmuch as the court's opinion was based upon a portion of a departmental regulation relating only to miners. The applicable regulation states:

In the case of mining, the exemption generally ends at that point outside the excavation or well where the ore or mineral is entirely severed from the earth and is in such form as to be subject to transportation to another location other than for further mining processing. (emphasis added.)

The court relied on this regulation to extend the mining exemption to the transportation of mined materials for processing.

Lastly, the court upheld the taxation of tangible personal property used in mine reclamation. However, such items, effective July 1, 1984, enjoy a statutory sales and use tax exemption. Based upon the Supreme Court's opinion though, reclamation materials and equipment purchased before July 1, 1984 will be subject to the sales and use tax.

The department's sales and use tax regulation on mining and mineral processing (Regulation 630-10-65.2) will be revised to reflect the Supreme Court's opinion in Wellmore.



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# GENERAL NOTICES/ERRATA

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<b>Symbol Key †</b> † Indicates entries since last publication of the Virginia Register
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## VIRGINIA AUCTIONEERS BOARD

### NOTICES OF INTENDED REGULATORY ACTION

#### Notice of Intended Regulatory Action

#### VIRGINIA STATE BOARD OF ACCOUNTANCY

##### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Auctioneers Board intends to amend regulations entitled: **Rules and Regulations of the Virginia Auctioneers Board.**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Accountancy intends to amend regulations entitled: **Rules and Regulations of the Virginia State Board of Accountancy.**

The Board intends to consider proposals to revise rules and regulations for the Registration program and to consider proposals for certification of auctioneers and reciprocity with other jurisdictions.

The purpose of the proposed regulations is to conform with the Governor's Regulatory Review Program, by amending, deleting and clarifying regulations to the extent they are least burdensome to those in the profession of certified public accountancy.

Statutory Authority: §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia.

Statutory Authority: Chapter 5, (§ 54-84, et seq) of Title 54 of the Code of Virginia.

Written comments may be submitted until March 31, 1985 to Assistant Director, Virginia Auctioneers Board, 3600 West Broad Street, Richmond, Va. 23230.

Written comments may be submitted until January 21, 1985 to Assistant Director, Virginia State Board of Accountancy, 3600 West Broad Street, Richmond, VA 23230.

CONTACT: Jennifer S. Wester, Assistant Director, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8505, toll free 1-800-552-3016.

The Board would like to receive comments on the following issues:

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1. To what extent is there documented evidence that the term "public accountant" is or is not linked in the public's mind with the term "certified public accountant"?

#### † CRIMINAL JUSTICE SERVICES BOARD

2. What protections are afforded the public, if noncertified accountants are allowed to use the term "public accountant," from incompetent persons practicing as public accountants? If none are available, do the noncertified public accounts propose any regulatory changes to address this issue?

##### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with the agency's public participation guidelines that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Courthouse and Courtroom Security Officers.** The purpose of the proposed regulations is to amend and update existing regulations governing the training of courthouse and courtroom security officers. This is a part of a routine periodic review process.

CONTACT: Jennifer S. Wester, Assistant Director, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8505, toll free 1-800-552-3016.

Statutory Authority: § 9-170(5) of the Code of Virginia.

Written comments may be submitted until February 8, 1985 to Mr. L. T. Eckenrode, Division Director, Division of Training and Standards, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219.

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CONTACT: Joe Marshall, Executive Assistant, Department

of Criminal Justice Services, 805 E. Broad St., Richmond, Va., telephone (804) 786-4000.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Deputy Sheriffs Designated to Serve Process.** The purpose of the proposed regulations is to require minimum training for the protection of the public from incompetent or unqualified persons serving civil process affecting home, property, and lifestyles. This is part of a routine periodic review process.

Statutory Authority: § 9-170(5a) of the Code of Virginia.

Written comments may be submitted until February 8, 1985 to Mr. L. T. Eckenrode, Division Director, Division of Training and Standards, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219.

CONTACT: Joe Marshall, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to amend regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Private Security Services Business Personnel.** The purpose of the proposed regulation is to amend and update existing regulations governing persons engaged in Private Security Services Business and are required by the Code of Virginia to be registered. This is part of a routine periodic review process.

Statutory Authority: § 9-182 of the Code of Virginia.

Written comments may be submitted until February 8, 1985 to Mr. L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219.

CONTACT: J. R. Marshall, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000.

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† VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Housing Development Authority intends to adopt regulations entitled: **Procedures, Instructions and Guidelines for Virginia Homesteading Program.** The Procedures, Instructions and Guidelines govern the administration and implementation by the Authority of the Federal Homesteading Program as described in 24 CFR Part 590.

Purpose: To establish procedures, instructions and guidelines for the implementation and administration of the Virginia Homesteading Program.

Basis: Rule 103 of the Rules and Regulations of the Authority adopted pursuant to § 36-55.30:3 of the Code of Virginia.

Subject, Substance and Issues: The proposed procedures, instructions and guidelines will set forth the requirements and procedures relating to the Virginia Homesteading Program which involves (i) acquisition by the Authority of eligible single family homes owned by certain federal agencies, local governments or the Authority, (ii) the sale of these homes to eligible lower-income families for a price of \$1.00, (iii) the temporary financing by the Authority of the rehabilitation of these homes and the permanent financing to be provided primarily by the Farmers' Home Administration and (iv) the imposition of certain conditions and restrictions upon the purchasers with respect to their ownership of these homes. These procedures, instructions and guidelines will clarify and supplement the federal requirements contained in 24 CFR Part 590. Matters addressed by these procedures, instructions and guidelines will include eligibility requirements; procedures and requirements for the processing of applications, execution of the rehabilitation contract, closing of the Authority's temporary loan, and construction of the rehabilitation work; and restrictions and conditions imposed upon the purchase for a period of five (5) years after sale of the home with respect to the completion, maintenance, disposition and occupancy of the home and repayment of the permanent loan from Farmers' Home Administration or other lender.

Impact: Approximately 50 homes are expected to be rehabilitated and sold to lower-income families under the Virginia Homesteading Program during 1985. It is anticipated that there will be no material cost to the Authority or the public for the implementation of and compliance with the procedures, instructions and guidelines.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until January 14, 1985.

CONTACT: Robert Adams, Program Development Director, 13 South 13th Street, Richmond, Va. 23219, telephone (804) 782-1986.

# General Notices/Errata

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## VIRGINIA DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Mental Health and Mental Retardation intends to promulgate regulations entitled: **Policies and Procedures for the Certification of Drug Abuse Division/Education Programs.**

These proposed regulations will set forth minimum criteria for operating first offender drug abuse diversion/education programs.

Statutory Authority: § 18.2-251 of the Code of Virginia. Written comments may be submitted until January 31, 1985.

CONTACT: Frank S. Patterson, Assistant Director for Justice System Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1331.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Mental Health and Mental Retardation intends to promulgate regulations entitled: **Procedures for Staff Development Planning in the Mental Health and Mental Retardation System.**

The purpose of the proposed regulations is to facilitate coordination between existing training functions; promote the sharing of training and staff development resources; initiate new and innovative training and staff development strategies, and to develop a systemwide plan which supports adequate training for department and community services board staff so that quality services are delivered to mentally disabled and substance abusing clients in the Commonwealth.

Statutory Authority: § 37.1-198 of the Code of Virginia.

Written comments may be submitted until January 14, 1985.

CONTACT: Kenneth W. Howard, Assistant Director for Training Resource Development, Office of Prevention, Information, and Training Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-6133.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to promulgate and amend regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children with 2 modules (1) Mandatory Certification Standards for Treatment Programs for Residential Facilities for Children and (2) Rules and Regulations for the Licensure of Residential Treatment Facilities for Children.**

The purpose of these regulations is to establish minimum requirements for a children's residential environment to assure life safety; an organized management structure; qualifications of personnel; admission and discharge procedures; an individual program of treatment; a system of record keeping, and protection of rights of patients, residents, and clients.

Statutory Authority: §§ 37.1-179 and 37.1-199.

Written comments may be submitted until January 14, 1985.

CONTACT: Joseph W. Avellar, Ph.D., Director, Office of Quality Assurance, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-4837.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mental Health and Mental Retardation intends to promulgate regulations entitled: **Rules and Regulations for the Licensure of Correctional Psychiatric Treatment Facilities.**

The purpose of the proposed regulations is to establish minimum requirements for a residential environment to assure life safety; an organized management structure; qualifications of personnel; admission and discharge procedures; an individual program of treatment; a system of record keeping, and protection of the rights of patients.

Statutory Authority: § 37.1-179 of the Code of Virginia.

Written comments may be submitted until January 7, 1985.

CONTACT: R. Brooks Traweek, Director of Licensing, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472.

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† VIRGINIA DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Motor Vehicles intends to promulgate regulations entitled: **Motorcycle Rider Safety Training Courses**. The purpose of the proposed regulations is to provide standards and procedures for motorcycle rider safety course curriculum and accreditation, instructor qualification and certification, and geographic area in which each training center may operate.

Statutory Authority: § 46.1-564 et seq., of the Code of Virginia.

Written comments may be submitted until January 25, 1985.

CONTACT: Susan R. Metcalf, Coordinator, Motorcycle Safety Program, Driver Licensing and Information Department, Virginia Division of Motor Vehicles, P. O. Box 27412, Richmond, Va. 23269, telephone (804) 257-0326 OR Dan W. Byers, Manager, Driver Licensing and Information Department, Virginia Division of Motor Vehicles, P. O. Box 27412, Richmond, Va. 23269, telephone (804) 257-0410.

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DEPARTMENT OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **Lump Sum Ineligibility Period in the Aid to Dependent Children Program (ADC). (Proposal 1)**.

These regulations are being amended to allow local agencies to shorten the established period of ineligibility when (i) the standard of need changes and the amount to which the family would be entitled changes; (ii) the lump sum becomes unavailable to the family for a reason beyond control of the family; or (iii) the family incurs medical expenses during the period of ineligibility and uses the lump sum to pay for medical services rendered. The proposed regulation is contained in § 2632 of the Deficit Reduction Act of 1984, (P.L. 98-369).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 24, 1985, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **Lump Sum Ineligibility Period in the Aid to Dependent Children Program (ADC). (Proposal 2)**.

These regulations are being amended to allow local agencies to consider "windfall" lump sum payments from nonrecurring sources as resources. Any accumulation of benefits (i.e., Social Security or Veterans Benefits), however, will be considered as lump sum income. The basis for the proposed regulation is found in § 402(a)(7) of the Social Security Act and CFR, Title 45, § 233.20(a)(3)(ii)(A).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 24, 1985, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **Collection of Overpayments in the Aid to Dependent Children Program (ADC)**.

These regulations will be amended to allow local agencies to forego the collection of overpayments from individuals no longer receiving ADC, except in cases involving fraud, when the total overpayment is (i) less than \$35, or (ii) equal to or greater than \$35, when it has been determined that, after reasonable efforts to collect the overpayment, further efforts would not be cost effective. The proposed regulation is contained in § 2633 of the Deficit Reduction Act of 1984, (P.L. 98-369).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 24, 1985, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007

# General Notices/Errata

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Discovery Dr., Richmond, Va. 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

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## VIRGINIA STATE WATER CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Water Control Board intends to amend regulations entitled: **Water Quality Standards to Include a Chlorine Standard.**

The Board proposes to establish a Standard which: (i) sets forth an enforceable concentration limit for total residual chlorine in fresh water and chlorine produce oxidant in saline water that will protect aquatic life, and (ii) provides implementation criteria for the concentration limit.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until January 9, 1985.

CONTACT: Alan E. Pollock, Water Control Engineer, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0384.

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## GENERAL NOTICES

### DEPARTMENT OF HEALTH

#### Public Notice

The Office of Medical Assistance Services has filed the following amendments to the State Plan for Medical Assistance (Medicaid) with the Registrar of Regulations. Full copies of the amendments may be obtained from: Office of Medical Assistance Services, State Department of Health, 8th Floor, James Madison Building, 109 Governor Street, Richmond, Virginia 23219, telephone (804) 786-7933.

1. Increase in Medically Needy Resource Standards: Effective January 1, 1985, the resource standard for a medically-needy individual will increase to \$1,600.00. The standard for a medically-needy couple or for a two-person family will rise to \$2,400.00.

2. Responsibility of Parents for Blind or Disabled Children:

HCFA has requested further clarification of this section of the Medicaid Plan and the wording has been altered. This does not represent any change in the implementation of this portion of the plan.

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### NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

# CALENDAR OF EVENTS

## Symbol Key †

† Indicates entries since last publication of the Virginia Register

**NOTICE:** Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Register deadline may preclude a notice of such cancellation.

For information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## THE VIRGINIA CODE COMMISSION

### EXECUTIVE

#### STATE BOARD OF ACCOUNTANCY

**January 16, 1985 - 10 a.m. – Open Meeting**  
City Council Chambers, City Hall, Albemarle Drive and Holt Street, Alexandria, Virginia

A meeting to conduct an informal fact-finding procedure regarding Helen N. Smith vs. Devinder P. Goyal.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

† **January 21, 1985 - 10 a.m. – Open Meeting**  
† **January 22, 1985 - 10 a.m. – Open Meeting**  
3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the Board to accept grades of the November, 1984 CPA exam; consider applications for certification; to receive reports of Standing Committees; evaluate complaints; and to consider proposed Appendix to draft rules and regulations.

**Contact:** Jennifer S. Wester, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

#### † GOVERNOR'S ADVISORY BOARD ON AGING

**January 24, 1985 - 9 a.m. – Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. (Location accessible to handicapped.)

The Board will hold its regular quarterly business meeting.

**Contact:** Wilda M. Ferguson, Commissioner, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271 (Voice & TTY)

#### † STATE AIR POLLUTION CONTROL BOARD

**February 4, 1985 - 9 a.m. – Open Meeting**  
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Board.

**Contact:** Dick Stone, State Air Pollution Control Board, 9th St. Office Bldg., Richmond, Va. 23219, telephone (804) 786-5478

#### VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

**January 14, 1985 - 9 a.m. – Open Meeting**

† **January 28, 1985 - 9 a.m. – Open Meeting**

† **February 11, 1985 - 9 a.m. – Open Meeting**

† **February 25, 1985 - 9 a.m. – Open Meeting**  
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to receive and discuss reports on activities from staff members. Other matters not yet determined.

**Contact:** Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

#### VIRGINIA APPRENTICESHIP COUNCIL

**January 17, 1985 - 11 a.m. – Open Meeting**  
Virginia Department of Labor and Industry, Fourth Street Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia. (Location accessible

# Calendar of Events

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to handicapped.)

A quarterly meeting of the Virginia Apprenticeship Council.

**Contact:** Robert S. Baumgardner, Director of Apprenticeship Training, Division of Apprenticeship, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381

## VIRGINIA AUCTIONEERS BOARD

**January 10, 1985 - 8:30 a.m.** – Open Meeting  
Empire Motor Lodge Restaurant, Interstate 81 & 11, Abingdon, Virginia

The Board will consider status of registration program; status of certification proposal; and status of complaints. Persons planning to attend should contact the Board office.

**Contact:** Jennifer S. Wester, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

## VIRGINIA AVIATION COMMISSION

**January 8, 1985 - 10 a.m.** – Open Meeting  
Byrd International Airport, Airport Manager's Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular bi-monthly meeting to consider aviation matters.

**Contact:** Kenneth A. Rowe, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va., telephone (804) 786-6284

## VIRGINIA BOARD OF BARBER EXAMINERS

**January 28, 1985 - 9 a.m.** – Open Meeting  
3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia

The Board will meet to review applications for licensure; review investigative reports of complaints and determine disposition; and to consider general correspondence pertinent to the operation of the Board.

**Contact:** Gale G. Moyer, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

## VIRGINIA STATE BOARD FOR COMMUNITY COLLEGES

**January 16, 1985 - 12 noon** – Working Session  
**January 17, 1985 - 8:30 a.m.** – Open Meeting

**January 17, 1985 - 9:30 a.m.** – State Board Committee Meeting  
101 North 14th Street, Monroe Building, Board Room, 15th Floor, Richmond, Virginia

An agenda will be available January 10, 1985.

**Contact:** Mr. Don W. Galbreath or Nancy Finch, 101 N. 14th Street, Monroe Bldg., Richmond, Va., telephone (804) 225-2117

## † STATE BOARD FOR CONTRACTORS

**January 30, 1985 - 10 a.m.** – Open Meeting  
Council Chambers, 118 West Davis Street, Culpeper, Virginia

The Board will conduct a formal fact-finding proceeding regarding State Board for Contractors v. David G. Campbell.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

## † BOARD OF CORRECTIONS

**January 16, 1985 - 9 a.m.** – Open Meeting  
Mecklenburg Correctional Center, Rt. 386 South, Boydton, Virginia

**March 13, 1985 - 10 a.m.** – Open Meeting  
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board to consider such matters as may be presented.

**Contact:** Vivian Toler, Board of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-1900

## DEPARTMENT OF CORRECTIONS

**February 13, 1985 - 10 a.m.** – Public Hearing  
Department of Corrections, Board Room, 4615 West Broad Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to adopt regulations entitled: **Public Participation Guidelines**. This regulation sets forth procedures for Public Participation in the regulatory process for the Department of Corrections.*

## STATEMENT

Purpose: *These guidelines establish requirements for increased participation by interested parties in the*

formation, development and adoption of regulations that the Board of Corrections or the Director of Corrections is required to promulgate by state law.

This regulation is needed to respond to public comments that are before the Governor's Regulatory Review Advisory Board for more involvement in all stages of the regulatory process which resulted in changes in the Code of Virginia. Without this regulation, the public may not be provided adequate notice and input opportunity into the regulatory process as outlined in the Code.

#### Estimated Impact:

1. The Department of Corrections is the only entity affected by this regulation.

2. There will be no cost to other entities or the public for implementations and compliance with this regulation.

3. The projected cost to the Department for implementation and enforcement of this regulation is \$5,000 consisting of publication costs and partial salary and benefits for the Agency Regulatory Coordinator.

4. General funds will be used for the implementation and enforcement of this regulation.

Statutory Authority: §§ 9-6.14:7, 53.1-5 and 53.1-10 of the Code of Virginia.

Written comments may be submitted until February 1, 1985.

**Contact:** Robert E. Cousins, Agency Regulatory Coordinator, 4615 W. Broad St., P. O. Box 23693, Richmond, Va. 23261, telephone (804) 257-1943

#### † VIRGINIA BOARD OF COSMETOLOGY

**January 8, 1985 - 9 a.m. – Open Meeting**  
3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia

The Board will meet to review investigative reports of complaints and make determination of disposition; review applications for cosmetology schools; and to address general correspondence pertinent to the operation of the Board.

**Contact:** Gale G. Moyer, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

#### † CRIMINAL JUSTICE SERVICES BOARD

**January 9, 1985 - 11 a.m. – Open Meeting**  
Division of Motor Vehicles, 2300 West Broad Street, Agcroft Room, Richmond, Virginia

The Board will hear reports on new programs for

improving the criminal justice system and on criminal justice legislation which may be considered by the General Assembly.

#### Committee on Training

**January 9, 1985 - 9 a.m. – Open Meeting**  
Division of Motor Vehicles, 2300 West Broad Street, Agcroft Room, Richmond, Virginia

The Committee will consider various matters related to criminal justice training statewide.

**Contact:** J. R. Marshall, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

#### VIRGINIA BOARD OF EDUCATION

**March 28, 1985 - 2:45 p.m. – Public Hearing**  
General Assembly Building, House Room D, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to amend regulations entitled: **Certification Regulations for Teachers**. The proposed amendments establish requirements for all personnel whose employment must be certified based on the standards in the regulations.

#### STATEMENT

The basis and purpose for the certification of teachers and other instructional personnel are to maintain standards of professional competence and to ensure a level of training and preparation that will lead to successful practice in the classroom. The proposed changes in the Certification Regulations for Teachers and other Instructional Personnel, which became effective in 1982, further strengthen and modify existing standards, create new standards, and clarify various interpretations of existing certification regulations.

These proposed changes in the regulations 1) clarify and broaden the requirements for instructional and supervisory personnel, 2) eliminate reading as an area of concentration in middle school endorsement, 3) allow for separate endorsements in speech, 4) eliminate data processing as a separate subject, and 5) specify the number of graduate reading hours required for an endorsement as a reading specialist. A complete and detailed description of these changes is contained in Appendix B.

In accordance with §§ 22.1-298 and 22.1-299 of the Code of Virginia the Board of Education shall, by regulation, prescribe the requirements for the certification of teachers and other instructional personnel. The Board is now proposing modifications and changes in these regulations



# Calendar of Events

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which govern the certification of teachers and other instructional personnel. These changes will become a part of the Certification Regulations for Teachers, which became effective July 1, 1982.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until January 31, 1985 to Dr. S. John Davis, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216.

**Contact:** Dr. E. B. Howerton, Jr., Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2027

## DEPARTMENT OF EMERGENCY SERVICES

**February 27, 1985 - 10 a.m. – Public Hearing**  
Department of Emergency Services Training Center, 308 Turner Road, Richmond, Virginia

*Notice is hereby given to accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Emergency Services intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development**. This regulation provides for the identification, notification and participation of parties interested in the development of substantive agency regulations.*

## STATEMENT

**Subject and Substance:** *Proposed Guidelines for Public Participation in Regulation Development. This regulation covers substantive regulations, or substantive portions of plans, as defined by the Virginia Administrative Process Act.*

**Issues:** *The 1984 Virginia General Assembly amended the Administrative Process Act to provide for public participation in the development of regulations. The Department of Emergency Services' plans are considered to be regulations, and these guidelines provide for public participation when it is required or needed.*

**Basis:** § 9-6.14:7.1 of the Code of Virginia.

**Purpose:** *The purpose of this regulation is to provide for public participation in regulation development and adoption.*

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until February 27, 1985.

**Contact:** Charles H. Kidder, Population Protection Planner, Department of Emergency Services, 310 Turner Rd., Richmond, Va. 23225, telephone (804) 323-2852

## COUNCIL ON THE ENVIRONMENT

**January 17, 1985 - 10 a.m. – Open Meeting**  
James Monroe Building, Conference Room B, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)

The Council will review environmental issues in the state and citizens will be given an opportunity to address Council.

**Contact:** Hannah Crew, Council on the Environment, 903 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-4500

## VIRGINIA FIRE COMMISSION

**January 25, 1985 - 9 a.m. – Open Meeting**  
Philip Morris Manufacturing Center, 3601 Commerce Road, Richmond, Virginia

The Virginia Fire Commission will hold its regularly scheduled meeting to consider matters relevant to needs and problems of the fire service.

**Contact:** Carl N. Cimino, Executive Director, Department of Fire Programs, James Monroe Bldg., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Council

**January 11, 1985 - 10 a.m. – Open Meeting**  
**February 1, 1985 - 10 a.m. – Open Meeting**  
**March 1, 1985 - 10 a.m. – Open Meeting**  
Virginia Museum of Fine Arts, Main Conference Room, Richmond, Virginia

The Council will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

**Contact:** Dorothy E. Ivankoe, Department of General Services, 209 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-3311

### Division of Consolidated Laboratory Services Advisory Board

**February 8, 1985 - 9:30 a.m. – Open Meeting**  
James Monroe Building, 1 North 14th Street, Conference Room B, Richmond, Virginia

The Advisory Board will meet to lend guidance and

support to programs and issues confronting the Division of Consolidated Laboratory Services.

**Contact:** Susan Wells, Department of General Services, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

## GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION Job Training Coordinating Council

**January 8, 1985 - 10:30 a.m. - Open Meeting**  
Richmond Marriott, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A general meeting of the Council.

**Contact:** Gladys Walker, Governor's Employment and Training Division, 417 E. Grace St., P. O. Box 12083, Richmond, Va., telephone (804) 786-4470

## HAZARDOUS WASTE FACILITY SITING BOARD

**January 16, 1985 - 10 a.m. - Public Hearing**  
Henrico County Government Center, Board Room, Parham Road, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Hazardous Waste Facility Siting Board intends to adopt regulations entitled: **Public Participation Procedures for Formation and Promulgation of Regulations.***

## STATEMENT

**Subject and Substance:** *Proposed public participation procedures to be used by the Hazardous Waste Facility Siting Board in the initiation, development and adoption of all required regulations to be promulgated by the Board; proposed interim public participation procedures to be used by the Hazardous Waste Facility Siting Board in the site certification process.*

**Issues:** *1. Estimated Impact with Respect to Number of Persons Affected: The proposed procedures will provide a means for all persons affected by or interested in the regulations of the Board to participate in the rule-making process.*

*2. Projected Costs for Implementation and Compliance: The estimated cost for 1984-85 fiscal year is minimal, not expected to exceed \$500.00.*

**Basis:** *Compliance with the Administrative Process Act of the Code of Virginia.*

**Purpose:** *To solicit the involvement of interested parties in the initiation, preparation and promulgation of regulations required of the Board, including hazardous waste facility siting criteria and regulations for approval of hazardous*

*waste facility siting criteria and regulations for approval of hazardous waste facility; to provide for public notification and participation in the siting process.*

Written comments may be submitted until January 16, 1985.

**Contact:** Barbara M. Wrenn, Executive Director, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

† **January 16, 1985 - Immediately following public hearing**

Henrico County Government Center, Parham Road, Board Room of the Administration Building, Richmond, Virginia

A meeting to adopt final public participation guidelines and to consider the Budget Report.

**Contact:** Barbara M. Wrenn, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

## VIRGINIA STATE BOARD OF HEALTH

**January 16, 1985 - 10 a.m. - Open Meeting**  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Board will hold a business meeting.

**Contact:** Sally Camp, 400 Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3562

## HEALTH REGULATORY BOARDS, VIRGINIA COMMISSION

**January 15, 1985 - Noon - Open Meeting**  
The Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia

The Commission will hold a quarterly general business meeting.

**Contact:** H. Bryan Tomlinson, II, 517 W. Grace St., P. O. Box 27708, Richmond, Va., telephone (804) 786-0801

**February 7, 1985 - 10 a.m. - Public Hearing**  
Virginia Commission of Health Regulatory Boards, 517 West Grace Street, Board Room, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Health Regulatory Boards, Virginia Commission intends to adopt regulations entitled: **Public Participation Guidelines.** The proposed guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.*

## STATEMENT

# Calendar of Events

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**Subject and Substance:** Public Participation Guidelines proposed for adoption by the Virginia Commission of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Commission may promulgate. The Guidelines are required by state law.

**Issues:** 1. Estimated Impact with Respect to Number of Persons Affected – The Guidelines will provide a mechanism for all persons affected by regulations of the Commission to participate in their development, formation and adoption.

2. Projected Costs for Implementation and Compliance – The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.

**Basis:** § 9-6.14:7.1 of the Code of Virginia.

**Purpose:** To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of information proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Commission of Health Regulatory Boards.

Statutory Authority: § 54-955.1.J of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m. March 11, 1985.

**Contact:** Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

## VIRGINIA DEPARTMENT OF HEALTH REGULATORY BOARDS

### Virginia Substance Abuse Certification Committee

**February 7, 1985 - 10 a.m. – Public Hearing**  
Virginia Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Health Regulatory Boards intends to adopt regulations entitled: **Public Participation Guidelines**. The guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.

## STATEMENT

**Subject and Substance:** Public Participation Guidelines proposed for adoption by the Virginia Department of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Department may promulgate. The Guidelines are required by state law.

**Issues:** 1. Estimated Impact with Respect to Number of Persons Affected – The Guidelines will provide a mechanism for all persons affected by regulations of the Department to participate in their development, formation and adoption.

2. Projected Costs for Implementation and Compliance – The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission and Department of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.

**Basis:** § 9-6.14:7.1 of the Code of Virginia.

**Purpose:** To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of informational proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Department of Health Regulatory Boards.

Statutory Authority: § 54-955.K of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m. March 11, 1985.

**Contact:** Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0822

## VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

**January 23, 1985 - 9:30 a.m. - Open Meeting**  
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the Commission for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

**Contact:** Sheryl R. Paul, Director, 805 E. Broad St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-6371

## VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

**January 7, 1985 - 9 a.m. - Open Meeting**  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to review complaints; discussion of Public Information Article; administer examinations; and to report on meeting in St. Louis, Missouri.

**Contact:** Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

## DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

**January 17, 1985 - 10 a.m. - Open Meeting**  
Virginia Department of Highways and Transportation, Commission Room, 1221 East Broad Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the Highways and Transportation Commission to vote on proposals presented regarding bids; permits; additions and deletions to highway system, and any other matters requiring Commission approval.

**Contact:** J. T. Warren, Director of Administration, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

## † VIRGINIA HISTORIC LANDMARKS COMMISSION

**January 15, 1985 - 2 p.m. - Open Meeting**  
221 Governor Street, Richmond, Virginia

A general business meeting of the Commission.

**Contact:** Margaret T. Peters, Public Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

## † DIVISION OF HISTORIC LANDMARKS

**January 15, 1985 - 10 a.m. - Open Meeting**  
221 Governor Street, Richmond, Virginia

The State Review Board will meet to discuss the State Preservation Plan.

**Contact:** Margaret T. Peters, Public Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

## † BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**January 15, 1985 - 10 a.m. - Open Meeting**  
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board will review and, if appropriate, approve the minutes from the prior monthly meeting; will consider for approval and ratification mortgage loan commitments under its various programs; will review the Authority's operations for the prior month; will consider the adoption of Procedures, Instructions and Guidelines for Virginia Homesteading Program; and will consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

**Contact:** Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

**January 21, 1985 - 1 p.m. - Open Meeting**  
205 North Fourth Street, 7th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board's regular formal business meeting to review and approve the minutes from the prior meeting; to provide an opportunity for public comments; to review the report of the Director on the operation of the Department of Housing and Community Development since the last Board meeting; to hear reports of the committees of the Board; and to consider other matters as they may deem necessary. The planned agenda of the meeting will be available at the above address of the Board meeting one week prior to the date of the meeting.

**Contact:** Neal J. Barber, 205 N. Fourth St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-5381

## State Building Code Technical Review Board

**January 11, 1985 - 10 a.m. - Open Meeting**  
Fourth Street Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia.

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(Location accessible to handicapped.)

A Board meeting to consider requests for interpretation of the Virginia Uniform Statewide Building Code and to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code.

**Contact:** C. Sutton Mullen, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4751

## Building Codes and Standards Committee

**January 21, 1985 - 10 a.m. - Open Meeting**  
205 North Fourth Street, 2nd Floor, Richmond, Virginia.  
(Location accessible to handicapped.)

A regularly scheduled meeting of the committee of the Board of Housing and Community Development to consider work items and issues in the area of building codes and standards and develop recommendations as deemed appropriate for review by the Board.

## Community Development Committee

**January 21, 1985 - 10 a.m. - Open Meeting**  
205 North Fourth Street, 7th Floor, Richmond, Virginia.  
(Location accessible to handicapped.)

A regularly scheduled meeting of the committee of the Board of Housing and Community Development to consider work items and issues in the area of community development and develop recommendations as deemed appropriate for review by the Board.

**Contact:** Neal J. Barber, 205 N. Fourth St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-5381

## † INTERDEPARTMENTAL COMMITTEE ON RATE-SETTING FOR CHILDREN'S FACILITIES

**January 8, 1985 - 10 a.m. - Open Meeting**  
**January 9, 1985 - 10 a.m. - Open Meeting**  
The Koger Executive Center, Conference Rooms A and B of the Blair Building, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Committee will discuss and adopt the proposed process and forms as related to § 2.1-703 of the Code of Virginia.

**Contact:** Thomas W. Riddick, 307 Worthington Square, Portsmouth, Va. 23704, telephone (804) 393-0061

## † JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY COUNCIL

**January 17, 1985 - 10 a.m. - Open Meeting**  
8th Street Office Building, 805 East Broad Street, 11th Floor Conference, Richmond, Virginia

A meeting to consider matters pertaining to improving the Virginia Juvenile Justice System.

**Contact:** J. R. Marshall, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

## STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

**January 16, 1985 - 10:30 a.m. - Open Meeting**  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet for regulatory review; review of applications for examination; and discussion of continuing education.

**Contact:** Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

## COMMISSION ON LOCAL GOVERNMENT

**January 7, 1985 - 9 a.m. - Open Meeting**  
Ninth Street Office Building, Room 905, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Commission on Local Government to conduct business and discuss pending issues.

**Contact:** Barbara Bingham, Ninth St. Office Bldg., Room 901, Richmond, Va., telephone (804) 786-6508

## † MARINE RESOURCES COMMISSION

**February 26, 1985 - 9:30 a.m. - Open Meeting**  
2401 West Avenue, Newport News, Virginia

Monthly Commission meeting to hear and decide cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It will hear and decide appeals, if any, made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the Commission. The Commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

**Contact:** Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport

News, Va. 23607, telephone (804) 247-2208

## † STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

**January 23, 1985 - 10 a.m. - Open Meeting**  
Central Office, Madison Building, 13th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board. The agenda will be available January 16 and may be obtained by calling Jane Helfrich.

**Contact:** Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## † DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

### Mental Retardation Advisory Council

**January 11, 1985 - 10 a.m. - Open Meeting**  
Madison Building, 13th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting to advise State Board of Mental Health and Mental Retardation on matters pertaining to mental retardation services across the State.

### Public Guardianship Task Force

**January 16, 1985 - 10:30 a.m. - Open Meeting**  
Madison Building, 13th Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

The Task Force will meet to explore alternatives to current guardianship legislation.

**Contact:** Carol Singer-Metz, Director Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3906

### Central Office Training Workgroup

**February 4, 1985 - 10 a.m. - Open Meeting**  
Zincke Building, 203 Governor Street, 3rd Floor Training Classroom, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss system-wide training policies, networking facilities and community service boards.

**Contact:** Ken Macurik, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-6133

## State Human Rights Committee

**February 1, 1985 - 10 a.m. - Open Meeting**  
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A committee meeting to discuss various items brought to the attention of the State Human Rights Committee. Agenda items will be listed prior to the meeting.

**Contact:** Elsie Little, State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

## Regional Training Workgroup

**January 29, 1985 - 9 a.m. - Open Meeting**  
Cavalier Oceanfront Motel, Virginia Beach, Virginia. (Location accessible to handicapped.)

A meeting to discuss regional training issues for facility and CSB programs in Tidewater area - HSA 5.

**Contact:** Ken Macurik, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-6133

## Task Force on Regulations

**January 16, 1985 - 10 a.m. - Open Meeting**  
Zincke Building, 203 Governor Street, 4th Floor Conference Room - 406J, Richmond, Virginia.

The Task Force will review public comments concerning rules and regulations for the licensure of psychiatric treatment facilities within the Department of Corrections. Matters include residential environment, management, qualifications of personnel, admissions and discharges, treatment, record keeping and rights of patients.

**Contact:** R. Brooks Traweek, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

## Ad-Hoc Committee on Trainer Certification

**January 25, 1985 - 9 a.m. - Open Meeting**  
Training Office Conference Room, 203 Governor Street, Room 303, Richmond, Virginia. (Location accessible to handicapped.)

The Committee will meet to develop policy and procedures for certification of trainers and courses for use within the Department of Mental Health and Mental Retardation.

**Contact:** Ken Howard, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23225, telephone (804) 786-6133

# Calendar of Events

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## † STATE MILK COMMISSION

**January 9, 1985 - 10 a.m.** – Open Meeting  
Ninth Street Office Building, 9th and Grace Streets, Room 1015, Richmond, Virginia. (Location accessible to handicapped.)

A routine monthly meeting.

**Contact:** C. H. Coleman, Administrator, 1015 Ninth St. Office Bldg., Richmond, Va. 23219, telephone (804) 786-2013

## VIRGINIA STATE BOARD OF NURSING

**January 28, 1985 - 1:30 p.m.** – Public Hearing  
Holiday Inn, I-64 and Broad Street, Richmond, Virginia  
*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to adopt regulations entitled: Section IX Public Participation Guidelines.*

### STATEMENT

Subject and Substance: *Proposed adoption by the Virginia State Board of Nursing of Public Participation Guidelines to be used to solicit participation by interested parties in the formulation, development and adoption of Regulations that the Board may promulgate as required by state law.*

Issues: 1. *Estimated Impact with Respect to Number of Persons Affected: The guidelines will provide a means for all persons affected by regulations of the agency to participate in their development, formulation and adoption.*

2. *Projected Cost for Implementation and Compliance: No material increase in costs to the agency is anticipated. The proposed guidelines reflect procedures that have been in general use for a number of years. Similarly, no increase in costs to those affected is anticipated; and in any case, their participation is voluntary.*

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: *To solicit participation of interested parties in the formation of regulations prior to and during the entire drafting, formation, promulgation and final adoption process. The guidelines set out methods for the identification and notification of interested persons and groups, specific means of seeking their participation, and when appropriate, provide for the use of advisory committees and consultation with groups and individuals registering interest in working with the agency.*

Written comments may be submitted until January 28, 1985.

**January 29, 1985 - 9 a.m.** – Open Meeting

**January 30, 1985 - 9 a.m.** – Open Meeting

Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Board to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the Board.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

## † VIRGINIA STATE BOARD OF OPTICIANS

**February 22, 1985 - 9:30 a.m.** – Open Meeting  
3600 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia

The Board will meet to review investigative reports of complaints and determine disposition; review reports submitted from apprenticeship committee and practical examination committee; and to address general correspondence pertinent to the operation of the Board.

**Contact:** Gale G. Moyer, Assistant Director, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8509

## VIRGINIA BOARD OF OPTOMETRY

**January 22, 1985 - 9 a.m.** – Open Meeting  
Holiday Inn-Downtown, 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet for the review of examination, and general business.

**Contact:** Lawrence H. Redford, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

## State Board Examination and Diagnostic Pharmaceutical Agents Examination

**January 23, 1985 - 8 a.m.** – Examinations  
Egyptian Building, 1223 East Marshall Street, Baruch Auditorium and Room 204, Richmond, Virginia

To administer Optometry State Board and Diagnostic Pharmaceutical Agents Examinations.

**Contact:** Lawrence H. Redford, Executive Director, Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

# Calendar of Events

## VIRGINIA REAL ESTATE COMMISSION

**January 8, 1985 - 10 a.m. - Open Meeting**  
Department of Commerce, 3600 West Broad Street,  
Conference Room 1, Richmond, Virginia

An administrative hearing regarding Virginia Real Estate Commission v. William C. Sprouse, Sr. This matter is continued from October 24, 1984.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

† **January 12, 1985 - 9 a.m. - Open Meeting**  
Hyatt House, West Broad Street and I-64, Richmond, Virginia

The Commission will hold a regular business meeting; consider investigative files; requests from licensees and the public concerning reinstatement; waivers, etc. Agenda items, including regulations will also be considered.

**Contact:** Steven L. Higgs, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va., telephone (804) 257-8516

**January 23, 1985 - 10 a.m. - Open Meeting**  
Bedford County Courthouse, 129 East Main Street, Bedford, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Commission v. Kathy E. Anderson.

**January 23, 1985 - 1 p.m. - Open Meeting**  
Bedford County Courthouse, 129 East Main Street, Bedford, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Commission v. David S. Wilson.

**January 30, 1985 - 10 a.m. - Open Meeting**  
City Hall, Council Chambers, 113 East Beverly Street, Staunton, Virginia

A meeting to conduct a formal fact-finding hearing regarding Virginia Real Estate Commission v. Elizabeth A. Fultz.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

## DEPARTMENT OF SOCIAL SERVICES

† **January 9, 1985 - 8:30 a.m. - Open Meeting**  
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia

A work session and formal business meeting.

**Contact:** Phyllis Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9236

**January 15, 1985 - 1 p.m. - Public Hearing**  
Blair Building, Conference Room B, 8007 Discovery Drive, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services intends to amend regulations entitled: **Standards and Regulations for Agency Approved Providers.** The proposed regulations set forth standards to be used by local social service agencies effective July 1, 1985, to approve individuals who are either in-home or out-of-home providers. This is the repeal of the existing regulations and development of new regulations.*

### STATEMENT

**Basis:** §§ 63.1-25, 63.1-55, and 63.1-56 of the Code of Virginia.

**Subject:** This regulation sets forth the standards for use by local social service agencies to approve certain individual providers of care and services to clients. The providers/homes for whom these standards are applicable include: Adoptive Parents, Adult Day Care homes, Adult Foster/Family Care homes, Family Day Care homes, Foster Parents, and individual providers of Chore, Companion, and In-Home Day Care services.

**Substance:** This regulation consolidates standards and provides more consistency among standards for providers approved and used by local social service agencies. Areas covered by the standards include: Standards for Providers and Other Persons, Standards for Care, Standards for the Home of the Out-of-Home Provider, and Client Record Requirements for the Out-of-Home Provider.

**Issues:** The intent of this effort has been to (i) achieve consistency among the various types of providers, (ii) reduce unnecessary, burdensome standards, forms and manual material in an effort to reduce administrative costs, and (iii) place emphasis in areas where it is necessary and appropriate to protect vulnerable clients. In consolidating existing standards into this regulation, certain types of providers will be subject to less scrutiny and other providers will be subject to more scrutiny. This regulation provides an increased emphasis on criminal records and child abuse and neglect records.

**Purpose:** The purpose of this regulation is to (i) assure a degree of safety and protection for clients and (ii) establish objective, uniform criteria across the state for minimum requirements for the suitability of providers and the adequacy of care for clients.



# Calendar of Events

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Statutory Authority: §§ 63.1-25, 63.1-55 and 63.1-56 of the Code of Virginia.

Written comments may be submitted until February 22, 1985.

**Contact:** Linda N. Booth, Functional Analysis Manager, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9638, toll free 1-800-552-7091

† **January 24, 1985 - 9 a.m.** – Public Hearing  
Offices of the Department of Social Services, 8007 Discovery Drive, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and/or the requirements of federal law that the Department of Social Services intends to adopt regulations entitled: **State Plan for implementation of the Virginia Weatherization Assistance Program for Low-Income Persons.** State Plan describes method for implementing the Weatherization Program in Virginia.*

## STATEMENT

*The Plan sets forth method of development and implementation of program to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwelling of low income persons.*

Statutory Authority: 42 U.S.C. 6851 et. seq., 42 U.S.C., 1701 et. seq., and 10 CFR 440.

Written comments may be submitted no later than January 24, 1985. Copies of State Plan available.

**Contact:** Daniel W. Deane, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9046, (toll-free number 1-800-552-7091)

## Division of Licensing Programs

**February 13, 1985 - 9 a.m.** – Public Hearing  
Appalachian Power Company Auditorium, Roanoke, Virginia

**February 20, 1985 - 9 a.m.** – Public Hearing  
Henrico Government Center, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs, intends to adopt regulations entitled: **Minimum Standards for Licensed Child Care Centers.** The proposed regulations set standards to provide children in child care centers with at least a minimal level of care.*

## STATEMENT

**Subject:** *Proposed revisions to the Minimum Standards for Licensed Child Care Centers. These standards are being proposed for a 60-day period of public comment.*

**Substance:** *Under the current definition and exemptions in the Code of Virginia, any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians for part of the day must have a child care center license.*

**Issues:** *The document is comprised of the following issues which impact child care centers subject to licensure by the Department of Social Services:*

*Administration, personnel, supervision, physical environment, emergency, and programs and services which includes administration policies, health care, management of behavior, nutrition and food service and activities.*

**Basis:** *Chapter 10, (§ 63.1-219) of Title 63.1, of the Code of Virginia, provides the statutory basis for promulgation of child care center standards. The State Board has approved proposed revisions for a 60-day public comment period.*

**Purpose:** *The proposed revisions are designed to better meet the needs of children in group care in a flexible enough manner to accommodate changes during the lifetime of these standards and to provide the protective oversight of children. The document has been revised with an emphasis on clarity and ease of comprehension.*

**Statutory Authority:** § 63.1-219 of the Code of Virginia.

Written comments may be submitted to Meredyth P. Partridge.

**Contact:** Mrs. Meredyth P. Partridge, Standards Supervisor, Standards/Policy Unit, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9025, (toll free number 1-800-552-7091).

## VIRGINIA SOIL AND WATER CONSERVATION COMMISSION

**January 17, 1985 - 9 a.m.** – Open Meeting  
Farm Credit Office, 6526 Mechanicsville Turnpike, Mechanicsville, Virginia

The Commission will hold a regular bi-monthly meeting.

**Contact:** Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

## DEPARTMENT OF TAXATION

# Calendar of Events

**February 26, 1985 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room D, Richmond,  
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **Retail Sales and Use Tax Regulation 1-3: Advertising**. This regulation sets forth the application of the sales and use tax to the production of advertising by agencies, the media and other persons.

## STATEMENT

**Basis:** This regulation is issued under authority granted by § 58-48.6 (on and after January 1, 1985, § 58.1-203) of the Code of Virginia.

**Purpose:** This regulation sets forth the tax application to the production of advertising which results in a tangible product by agencies, the media, and by other taxpayers utilizing in-house agencies.

**Issues:** The Virginia Supreme Court in WTAR Radio-TV Corp. v. Commonwealth 217 Va. 877, 234 S.E. 2d 245 (1977), ruled that the charge for the production of a television advertisement by a television station constituted the sale of tangible personal property, the total charge for which, including concept development and other services, was subject to the sales tax. The existing regulation relative to advertising, Virginia Retail Sales and Use Tax Regulation 1-3, has not been revised since 1969 and does not incorporate the 1977 decision. As a result of this decision, significant changes are required to the current regulation, published on January 1, 1979.

**Substance:** The regulation specifies that the total charge for the production of an advertisement which is a tangible product, e.g., a film or an ad paste-up, is taxable in full, including charges for concept development, talent acquisition, scripting and editing and similar charges, regardless of whether the resulting ad is placed in the media. Advertisements developed by the media are taxable only to the extent that a charge is made for the production of the ad above standard "airtime" and "space" charges.

Statutory Authority: § 58-48.6 of the Code of Virginia (On or after January 1, 1985, § 58.1-203).

Written comments may be submitted until February 26, 1985.

**Contact:** Danny M. Payne, Director, Tax Policy Division,  
P. O. Box 6-L, Richmond, Va. 23282, telephone (804)  
257-8010

**February 26, 1985 - 10 a.m. – Public Hearing**  
General Assembly Building, House Room D, Richmond,  
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **Retail Sales and Use Tax Regulation: Computer Software**. This regulation sets forth the application of the sales and use tax to the sale, lease or use of computer software, to software support services, and to purchases of tangible personal property used in the production of computer software.

## STATEMENT

**Basis:** This regulation is issued under authority granted by § 58-48.6 (on and after January 1, 1985, § 58.1-203) of the Code of Virginia.

**Purpose:** This regulation sets forth the tax application to the sale, lease or use of computer software, to software support services, and to purchases of tangible personal property used in the production or transfer of computer software.

**Issues:** The Virginia Supreme Court in WTAR Radio-TV Corp. v. Commonwealth 217 Va. 877, 234 S.E. 2d 245 (1977) set forth the true object concept for application in determining whether a transaction is a sale or service for sales and use tax purposes. If the object of the transaction is the tangible object produced, the total charge for the resulting property, including services and connection with its production are subject to the tax. The key issue is whether the object of a transaction resulting in the transfer of computer software is a taxable sale or a nontaxable service.

**Substance:** Utilizing a true object analysis, the proposed regulation would exempt custom software on the basis that it is intangible personal property composed of the personal services of the seller's programmers, the tangible medium of transmittal being an inconsequential element of the transaction. Conversely, prewritten software is deemed to be tangible personal property since all personal service that led to its development was rendered at a time remote from the sale. Additionally, additional charges for support services and modifications must be included in the sales price of taxable software.

Statutory Authority: § 58-48.6 of the Code of Virginia. (On or after January 1, 1985, § 58.1-203.)

Written comments may be submitted until February 26, 1985.

**Contact:** Danny M. Payne, Director, Tax Policy Division,  
P. O. Box 6-L, Richmond, Va. 23282, telephone (804)  
257-8010

## VIRGINIA BOARD OF VETERINARY MEDICINE

**January 15, 1985 - 9 a.m. – Open Meeting**

# Calendar of Events

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517 West Grace Street, Board Room, Richmond, Virginia

A general business meeting and review of the veterinarian examination to be administered in February, 1985.

† February 14, 1985 - 8:30 a.m. — Open Meeting  
† February 15, 1985 - 8:30 a.m. — Open Meeting  
† February 16, 1985 - 8:30 a.m. — Open Meeting  
Holiday Inn-Downtown, 301 West Franklin Street, Third Floor, Board Room, Richmond, Virginia.

The Board will hold general business and informal conferences.

† February 15, 1985 - 8:30 a.m. — Open Meeting  
Egyptian Building, 1223 East Marshall Street, Baruch Auditorium, Room 204 and 211, Richmond, Virginia

Veterinarian State Board Examinations.

Contact: Lawrence H. Redford, Virginia Board of Veterinary Medicine, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

## VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

January 9, 1985 - 11 a.m. — Open Meeting  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly Board meeting to review policy and procedures of the Virginia Department for the Visually Handicapped; and the board will review and approve the Department's Budget, Executive Agreement, and Operating Plan.

Contact: Wanda D. Tompson, Confidential Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

## VIRGINIA WATER AND SEWER ASSISTANCE AUTHORITY

† January 11, 1985 - 9 a.m. — Open Meeting  
Pavilion Tower, 1900 Pavilion Drive, Virginia Beach, Virginia

The Board will meet to approve minutes of December 4, 1984; to review the Authority's operations for the prior month; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

† January 11, 1985 - 1 p.m. — Public Hearing

Pavilion Tower, 1900 Pavilion Drive, Virginia Beach, Virginia

The Board and staff will conduct a fact-finding hearing from the general public regarding the needs for funding of water and sewer projects.

February 8, 1985 - 10 a.m. — Public Hearing  
State Water Control Board, Board Room, 2107 North Hamilton Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Water and Sewer Assistance Authority intends to adopt regulations entitled: Guidelines for Public Participation in the Promulgation of Regulations. The proposed regulation establishes guidelines and procedures to be followed by the Authority to elicit public comment on proposed regulations.*

### STATEMENT

Statement of Subject, Substance, Issues, Basis and Purpose:  
*In order to elicit public input in the formation, promulgation and adoption of its regulations, the Virginia Water and Sewer Assistance Authority proposes to adopt guidelines for public participation in the promulgation of regulations. These guidelines set forth procedures to be followed by the Authority in its regulatory process and will apply to all regulations of the Authority except emergency regulations.*

Statutory Authority: § 62.1-203 of the Code of Virginia.

Written comments may be submitted until February 7, 1985.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

February 8, 1985 - 10 a.m. — Public Hearing  
State Water Control Board, Board Room, 2107 North Hamilton Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Water and Sewer Assistance Authority intends to adopt regulations entitled: Criterion for Eligibility to Participate in Initial Financing. The proposed regulation establishes the criterion for eligibility of local governments to participate in the initial financing of the Authority to fund local governmental water and sewer projects.*

### STATEMENT

Subject, Substance, Issues, Basis and Purpose: *Virginia Water and Sewer Assistance Authority intends to issue an initial series of its bonds to finance water and sewer projects of local governments. The initial issuance is*

expected to finance projects of local governments whose credit ratings are sufficient to enable the Authority more readily to establish a market presence and acceptability at a financing cost acceptable to the Authority. Having thus issued bonds, the Authority will then be able to finance projects of local governments requiring an existing ability on the part of the Authority to issue its bonds. The proposed regulation establishes the eligibility criterion for local governments whose water and sewer projects will be financed by the Authority's initial issuance of bonds and requires only that the local government have a A rating or better from either Standard & Poor's Corporation or Moody's Investors Service for its utility systems or its general obligation indebtedness.

Statutory Authority: § 62.1-203 of the Code of Virginia.

Written comments may be submitted until February 7, 1985.

† **February 11, 1985 - 9 a.m.** – Open Meeting  
Holiday Inn-Manassas, 10800 VanDor Lane, Manassas, Virginia

The Board of Directors will meet to approve minutes of January 11, 1985; to review the Authority's operations for the prior month; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

† **February 11, 1985 - 1 p.m.** – Public Hearing  
Holiday Inn-Manassas, 10800 VanDor Lane, Manassas, Virginia

The Board and staff will conduct a fact-finding hearing from the general public regarding the needs for funding of water and sewer projects.

† **March 5, 1985 - 9 a.m.** – Open Meeting  
Radisson Hotel, 601 Main Street, Lynchburg, Virginia

The Board of Directors will meet to approve minutes of February 11, 1985; to review the Authority's operations for the prior month; and to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

† **March 5, 1985 - 1 p.m.** – Public Hearing  
Radisson Hotel, 601 Main Street, Lynchburg, Virginia

The Board and staff will conduct a fact-finding hearing from the general public regarding the needs for funding of water and sewer projects.

Contact: Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

## † STATE BOARD FOR CERTIFICATION OF OPERATORS OF WATER AND WASTEWATER WORKS

**January 23, 1985 - 10 a.m.** – Open Meeting  
3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet for the review of pending complaints; discussion of request for interpretation of previous regulation 4.02.2, 1977 edition, re. limited licenses, and of Section 2.1 and 2.1.2.4.1 of current regulations; review of examination results, and the review of reinstatement form.

Contact: Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

## LEGISLATIVE

### † SENATE COMMITTEE ON AGRICULTURE, CONSERVATION AND NATURAL RESOURCES HOUSE OF DELEGATES COMMITTEE ON CONSERVATION AND NATURAL RESOURCES

**January 8, 1985 - 1 p.m.** – Open Meeting  
General Assembly Building, House Room D, Richmond, Virginia

A joint meeting to receive report from the Secretary of Commerce and Resources on Acid Rain. Following this meeting the House Committee on Conservation and Natural Resources will meet in House Room D to review carryover legislation.

Contact: Anne R. Howard, House of Delegates Committee Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7861

### SENATE COMMITTEE FOR COURTS OF JUSTICE

**January 9, 1985 - 2 p.m.** – Open Meeting  
General Assembly Building, Senate Room A, Richmond, Virginia

A regular meeting regarding continued legislation.

Contact: Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

### † SENATE EDUCATION AND HEALTH (SUBCOMMITTEE)

# Calendar of Events

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**January 9, 1985 - 9 a.m. – Open Meeting**  
State Capitol Building, Senate Room 4, Richmond, Virginia

A meeting to consider carryover legislation (Senate Bills 187, 218, and 271) relating to certificate of need and disclosure of patient information.

**Contact:** Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## † JLARC REPORT ON HIGHWAY FUNDING

**January 9, 1985 - 9 a.m. – Open Meeting**  
General Assembly Building, Senate Room A, Richmond, Virginia

A joint subcommittee work session to consider SJR 20.

**Contact:** Robert F. Doult, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

## † MEDICAL MALPRACTICE LAWS OF THE COMMONWEALTH (SUBCOMMITTEE)

**January 8, 1985 - 2 p.m. – Open Meeting**  
General Assembly Building, House Room C, Richmond, Virginia

The subcommittee is meeting to review draft of proposed legislation. (HJR 20)

**Contact:** Mary Devine, Staff Attorney, Division of Legislative Services, 2nd Floor, General Assembly Bldg., Richmond, Va., telephone (804) 786-3591

## † EFFECTS OF CHANGES IN TELECOMMUNICATIONS INDUSTRY (JOINT SUBCOMMITTEE)

**January 7, 1985 - 10:30 a.m. – Open Meeting**  
General Assembly Building, House Room C, Richmond, Virginia

A working session of this Subcommittee to review drafted legislation and report to be made to the 1985 session of the General Assembly. (HJR 53)

**Contact:** Anne R. Howard, House of Delegates Committee Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681

## CHRONOLOGICAL LIST OPEN MEETINGS

**January 7, 1985**

Hearing Aid Dealers and Fitters,  
Virginia Board of  
Local Government, Commission on  
Telecommunications Industry

### January 8

Aviation Commission, Virginia  
Cosmetology, Virginia Board of  
Governor's Employment and Training Division  
Interdepartmental Committee on Rate-Setting  
for Children's Facilities  
Medical Malpractice Laws of the Commonwealth  
Subcommittee Studying the  
Real Estate Commission, Virginia  
Senate Committee on Agriculture, Conservation  
and Natural Resources and  
House of Delegates Committee on Conservation  
and Natural Resources

### January 9

Courts of Justice, Senate Committee for  
Criminal Justice Services Board  
Education and Health Subcommittee, Senate  
Interdepartmental Committee on Rate-Setting  
for Children's Facilities  
JLARC Report on Highway Funding  
Milk Commission, State  
Social Services, State Board of  
Visually Handicapped, Virginia Department for the

### January 10

Auctioneers Board, Virginia

### January 11

General Services, Department of  
Housing and Community Development, Board of  
Mental Health and Mental Retardation, Department of

### January 12

Real Estate Commission, Virginia

### January 14

Alcohol and Beverage Control Commission, Virginia

### January 15

Health Regulatory Boards, Commission of  
Historic Landmarks Commission, Virginia  
Historic Landmarks, Division of  
Housing Development Authority, Virginia  
Veterinary Medicine, Virginia Board of

### January 16

Accountancy, State Board of  
Community Colleges, Virginia State Board for  
Corrections, Board of  
Health, Virginia State Board of  
Librarians, State Board for the Certification of  
Mental Health and Mental Retardation, Department of

### January 17

Apprenticeship Council, Virginia

# Calendar of Events

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Community Colleges, Virginia State Board for Environment, Council on the Highways and Transportation, Department of Juvenile Justice and Delinquency Prevention Advisory Council  
Soil and Water Conservation Commission, Virginia

**January 21**  
Accountancy, Virginia State Board of Housing and Community Development, Board of

**January 22**  
Accountancy, Virginia State Board of Optometry, Virginia Board of

**January 23**  
State Board Examination and Diagnostic Pharmaceutical Agents, Examinations  
Health Services Cost Review Commission, Virginia  
Mental Health and Mental Retardation, Department of Real Estate Commission, Virginia  
Water and Wastewater Works, State Board for Certification of Operators of

**January 24**  
Aging, Governor's Advisory Board on

**January 25**  
Fire Commission, Virginia  
Mental Health and Mental Retardation, Department of

**January 28**  
Alcoholic Beverage Control Commission, Virginia  
Barber Examiners, Virginia Board of

**January 29**  
Mental Health and Mental Retardation, Department of Nursing, Virginia State Board of

**January 30**  
Contractors, State Board for Nursing, Virginia State Board of Real Estate Commission, Virginia

**February 1**  
General Services, Department of Mental Health and Mental Retardation, Department of

**February 4**  
Air Pollution Control Board, State  
Mental Health and Mental Retardation, Department of

**February 8**  
General Services, Department of, Division of Consolidated Laboratory Services Advisory Board

**February 11**  
Alcoholic Beverage Control Commission, Virginia  
Water and Sewer Assistance Authority, Virginia

**February 14**  
Veterinary Medicine, Virginia Board of

**February 15**  
Veterinary Medicine, Virginia Board of

**February 16**  
Veterinary Medicine, Virginia Board of

**February 22**  
Opticians, Virginia State Board of

**February 25**  
Alcoholic Beverage Control Commission, Virginia

**February 26**  
Marine Resources Commission

**March 1**  
General Services, Department of

**March 5**  
Water and Sewer Assistance Authority, Virginia

**March 13**  
Corrections, Board of

## PUBLIC HEARINGS

**January 11, 1985**  
Water and Sewer Assistance Authority, Virginia

**January 15**  
Social Services, Department of

**January 16**  
Hazardous Waste Facility Siting Board

**January 28**  
Nursing, Virginia State Board of

**January 24**  
Social Services, Department of

**February 7**  
Health Regulatory Boards, Virginia Commission of Health Regulatory Boards, Virginia Department of

**February 8**  
Water and Sewer Assistance Authority, Virginia

**February 11**  
Water and Sewer Assistance Authority, Virginia

**February 13**  
Corrections, Department of Social Services, Department of,

## Calendar of Events

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Division of Licensing Programs

**February 20**

Social Services, Department of,  
Division of Licensing Programs

**February 26**

Taxation, Department of

**February 27**

Emergency Services, Department of

**March 5**

Water and Sewer Assistance Authority, Virginia

**March 28**

Education, Virginia Board of