

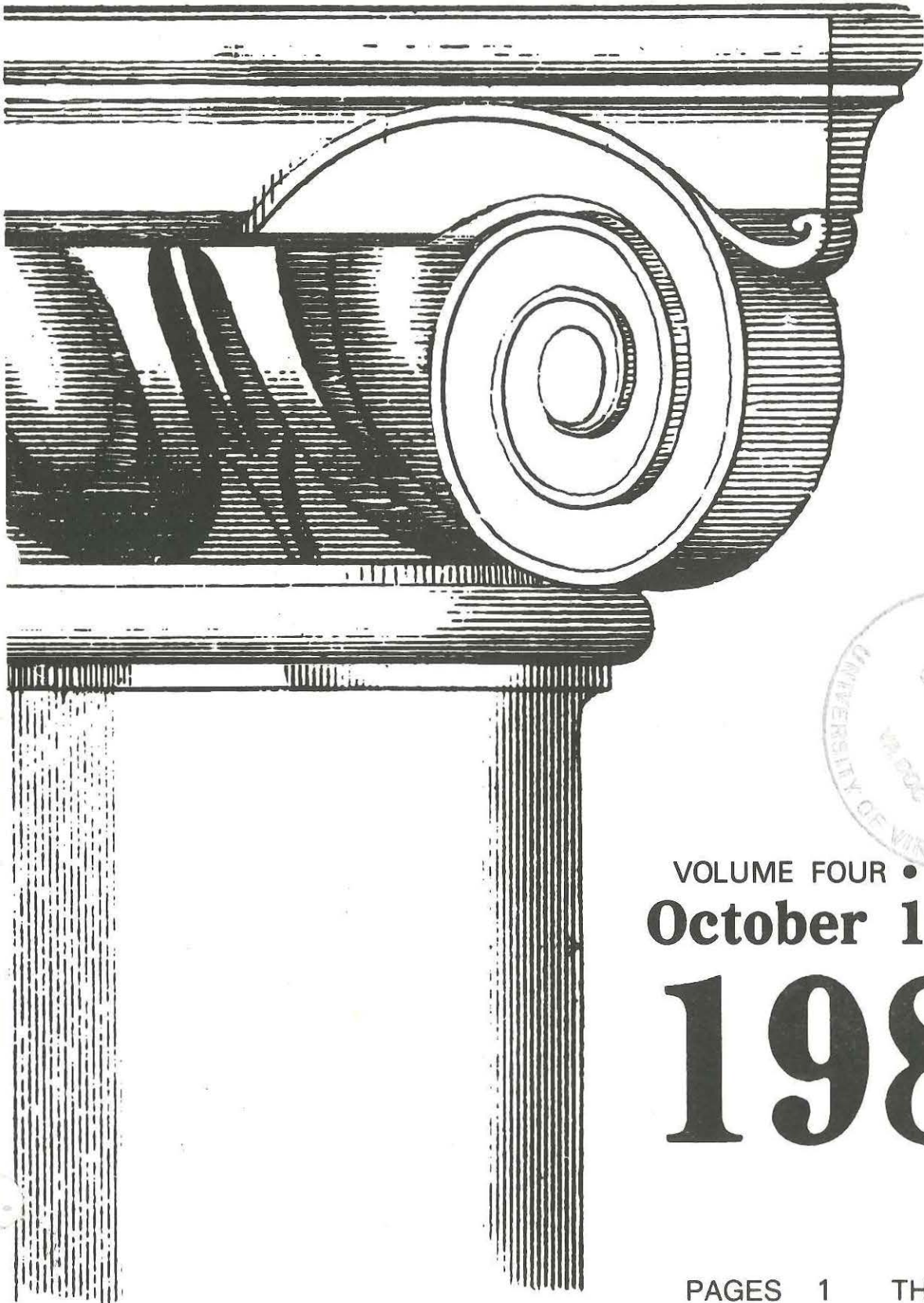
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# THE VIRGINIA REGISTER

OF REGULATIONS



VOLUME FOUR • ISSUE ONE  
**October 12, 1987**

# 1987

PAGES 1 THROUGH 84

# 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

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# PROPOSED REGULATIONS

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## 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.

## DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

**Title of Regulation:** VR 230-30-001. Minimum Standards for Jails and Lockups.

**Statutory Authority:** §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

**Public Hearing Date:** December 16, 1987 - 10 a.m.  
(See Calendar of Events section for additional information)

### Summary:

*These standards establish requirements for the administration, management and operation of Jails and Lockups. Section 53.1-68 of the Code of Virginia requires Jails and Lockups comply with standards established by the Board of Corrections for such facilities. The amendments incorporate the emergency regulation effective May 21, 1987.*

VR 230-30-001. Minimum Standards for Jails and Lockups.

### PART I. INTRODUCTION.

#### Article 1. Definitions.

§ 1.1. The following words and terms when used in these regulations shall have the following meaning unless the context clearly indicates otherwise:

*"Administrative segregation"* means a form of segregation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

*"Annually"* means an action performed each calendar year.

*"Appeal"* means the procedure for review of an action by a higher authority.

*"Appropriate heating"* means temperatures appropriate to the summer and winter comfort zones. Heat shall be evenly distributed in all rooms so that a temperature no less than 65°F is maintained. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided when the temperature exceeds 85°F.

*"Appropriate lighting"* means at least 20 footcandles at desk level and in personal grooming area.

*"Audit"* means the determination of facility compliance with standards through an examination of records and operations by a team of qualified professionals.

*"Certification"* means an official approval by the Board of Corrections which allows a facility to operate.

*"Chief executive"* means the elected or appointed individual who by law or position has the overall responsibility for the facility's administration and operation.

*"Classification"* means the process for determining inmate housing, custody and program assignments.

*"Communication system"* means a mechanical audio transmission such as telephone, intercom, walkie talkie or T.V. monitor.

*"Contraband"* means any item possessed by inmates or found within the jail or lockup which is illegal by law or not specifically approved for inmate possession by the administrator of the facility.

*"Daily log"* means a written record for the recording of daily activities or unusual incidents.

*"Detainee"* means any person confined but not serving a sentence.

*"Disciplinary detention"* means the separation of an inmate from the general population for major violations of conduct or regulations.

*"Educational release"* means a custody status under which inmates leave a facility to attend school or educational programs in the community.

*"Fire prevention practices"* means the activities and written procedures utilized and rehearsed to ensure the safety of staff, inmates and public.

*"Fire safety inspection"* means an inspection conducted by the Office of State Fire Marshal or local fire department.

*"Grievance procedure"* means the method by which inmates may formally address complaints to the facility administration.

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*"Health care personnel"* means individuals whose primary duties are to provide health services to inmates.

*"Health inspection"* means an inspection conducted by the local or State Department of Health.

*"Indigent inmate"* means an inmate who has no financial means to purchase personal hygiene items or postage for mailing letters.

*"Inmate handbook"* means a manual, pamphlet or handout which contains information describing inmate activities and conduct.

*"Inmate records"* means written information concerning the individual's personal, criminal and medical history, behavior and activities while in custody.

*"Impartial officer or committee"* means individual(s) who are unbiased and are not directly involved in the particular incident or situation being reviewed.

*"Juvenile"* means a person less than 18 years of age.

*"Legal mail"* means mail addressed to or received from an attorney or court.

*"Lockup"* means a temporary detention facility where detainees are held for not more than 12 hours.

*"Medical screening"* means an observation and interview process within the booking procedure designed to obtain pertinent information regarding an individual's medical or mental health condition.

*"Major violations"* means those institutional violations for which an inmate may be punished either by being placed in disciplinary detention or by losing statutory good time.

*"Minor violations"* means those institutional violations punishable by less severe sanctions such as reprimand or loss of privileges.

*"Permanent log"* means a written record of a facilities' activities which cannot be altered or destroyed subject to state law.

*"Pharmaceuticals"* means prescription and nonprescription drugs.

*"Policy and procedures manual"* means a written record containing all policies and procedures needed for the operation of the facility in accordance with the law and the minimum standards for local jails and lockups.

*"Post order"* means a list of specific job functions and responsibilities required of each duty position.

*"Protective custody"* means a form of separation from the general population for inmates requesting or requiring protection from other inmates.

*"Quarterly"* means an action which occurs once every three months within a calendar year.

*"Recreational activities"* means any out-of-cell activity ranging from scheduled outside or inside recreation to informal table top games.

*"Semi-annual"* means an action occurring once every six months within a calendar year.

*"Volunteer"* means individuals who provide services to the detention facility without compensation.

*"Work release"* means a formal program whereby an inmate is permitted to leave confinement to maintain regular employment in the community and returns to custody during nonworking hours.

## Article 2. Legal Base.

§ 1.2. The Code of Virginia is the foundation for the development of Minimum Standards for Local Jails and Lockups. Section 53.1-68 of the Code of Virginia directs the State Board of Corrections to establish minimum standards for the construction, equipment, administration and operation of local correctional facilities. This Code section also authorizes the Board of Corrections to establish minimum standards for the construction, equipment and operation of lockups.

§ 1.3. The State Board of Corrections is authorized to monitor the activities of the department and its effectiveness in implementing the standards and goals of the board as specified by § 53.1-5 of the Code of Virginia.

## Article 3. Administration.

§ 1.4. The Minimum Standards for Local Jails and Lockups, adopted by the Board of Corrections on March 24, 1980, and amended on May 13, 1980, and revised on April 1, 1987, are superseded on the effective date of these standards.

§ 1.5. The primary responsibility for application of these standards shall be with the sheriff or chief executive officer of the jail or lockup.

§ 1.6. These standards shall become effective on April 1, 1987 1988 .

§ 1.7. If any provision of these regulations or the application of them to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

## PART II. JAIL ADMINISTRATION.

### Article 1. Philosophy, Goals and Objectives.

§ 2.1. The facility shall have a written statement discussing its philosophy, goals and objectives.

### Article 2. Policies and Procedures.

§ 2.2. Written policy and procedures shall be maintained in a manual and shall be available 24 hours a day to all staff.

§ 2.3. Written policy shall provide that each facility shall be headed by a single chief executive officer to whom all employees and functional units are responsible.

§ 2.4. A written annual report of the availability of services and programs to inmates in a facility shall be reviewed and provided to the sentencing courts and may be provided to relevant community agencies.

## PART III. MANAGEMENT INFORMATION.

### Article 1. Release of Information.

§ 3.1. Written policies and procedures covering the release of information shall be developed in accordance with the rules and regulations promulgated by the Criminal Justice Services Board and the Virginia Plan for the Privacy & Security of Criminal History Record Identification.

### Article 2. Inmate Records.

§ 3.2. Written policy and procedures shall ensure that inmate records are current and accurate.

§ 3.3. Personal records shall be maintained on all inmates committed or assigned to the facility. These records shall contain, but not be limited to, the:

1. Inmates data form;
2. Commitment form and court order;
3. Records developed as a result of classification;
4. All medical orders issued by the facilities physician;
5. All disciplinary actions, or unusual incidents;
6. Work record and program involvement; and
7. Copies of inmates' property expenditure records and receipts.

### Article 3. Facility Logs and Reports.

§ 3.4. The facility shall maintain a daily log(s) which records the following information:

1. Inmate count and location;
2. Intake and release of inmates;
3. Entries and exits of physicians, attorneys, ministers, and other nonfacility personnel; and
4. Any unusual incidents such as those that result in physical harm to or threaten the safety of any person, or the security of the facility.

### Article 4. Classification.

§ 3.5. Written policy and procedures shall ensure the following:

1. Classification of inmates as to level of housing assignment and participation in correctional programs;
2. Separate living quarters for males, females, and juveniles;
3. Prohibition of segregation of inmates by race, color, creed or national origin;
4. Security permitting, equal access to all programs and activities, through separate scheduling, or other utilization of combined programs under supervision;
5. The proper release of inmates; and

Any exception to the above to be documented in writing.

### Article 5. Grievance Procedure.

§ 3.6. A written grievance procedure shall be developed and made available to all inmates with the following elements:

1. Grievance shall be responded to within a prescribed reasonable time limit;
2. Written responses including the reason for the decision shall be made to all grievances;
3. A review shall be made by someone not directly involved in the grievance; and
4. All inmates shall have access to the procedures with guaranty against reprisal.
5. All inmates must be afforded the opportunity to appeal the decision.



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## PART IV. JAIL PROGRAMS AND SERVICES.

### Article 1. Inmate Participation.

§ 4.1. The facility administrator shall make each inmate aware of available programs.

§ 4.2. Written policy and procedures shall:

1. Provide inmates access to recreational activities consistent with health and security regulations;
2. Provide all inmates access to regular physical exercise;
3. Specify eligibility for work assignments;
4. Govern the administration of local work programs;
5. Govern the administration of local work or education release programs if applicable; and

Any exception to the above shall be documented in writing.

### Article 2. Religious, Social and Volunteer Services.

§ 4.3. Written policy and procedures shall allow inmates to participate voluntarily in available religious services or counseling of their choice during scheduled hours within the facility.

§ 4.4. The facility shall secure and support social services and volunteer programs from the community. Where volunteers provide direct services to inmates in the facility there shall be written policies and procedures.

§ 4.5. The volunteer program shall be coordinated and administered in accordance with written policies and procedures. Each volunteer shall sign a statement agreeing to abide by facility rules and regulations.

### Article 3. Education and Library Services.

§ 4.6. Written policy and procedures shall govern the availability and administration of educational services for inmates. The facility administrator shall coordinate and cooperate with local authorities for the provision of local community services and resources utilized for this purpose where they are available.

§ 4.7. The facility shall provide reading materials which include current periodicals (not more than one year old).

§ 4.8. Reading materials, including newspapers, magazines and books, shall be permitted in the jail unless the material poses a threat to security.

### Article 4. Commissary.

§ 4.9. The facility shall make available to inmates commissary services where they may purchase from an approved list of items.

### Article 5. Medical Services.

§ 4.10. A licensed physician shall supervise the facility's medical and health care services.

§ 4.11. No restrictions shall be imposed on the physician by the facility in the practice of medicine; however, administrative and security regulations applicable to facility personnel shall apply to medical personnel as well.

§ 4.12. Health care personnel shall meet appropriate and current licensing or certification requirements.

§ 4.13. Where in-house medical and health care services are provided there shall be space for the private examination and treatment of inmates.

§ 4.14. Written policy shall provide 24-hour emergency medical care availability.

§ 4.15. Written policy and procedure shall provide that receiving and medical screening be performed on all inmates upon admission to the facility.

§ 4.16. Written procedures shall be developed whereby inmates can be informed, at the time of admission to the facility, of the procedures for gaining access to medical services.

§ 4.17. All staff involved in security shall be trained and competent in rendering basic first aid equivalent to that defined by the American Red Cross in its use in emergency care procedures. Further, there shall be at least one person per shift who is competent in administering basic life support cardio-pulmonary resuscitation (CPR).

§ 4.18. Written standard operating procedures for the management of pharmaceuticals shall be established and approved by the facility's physician or pharmacist.

§ 4.19. The medical record for each inmate shall include:

1. The completed receiving screening form; and,
2. All findings, diagnoses, treatment, dispositions, prescriptions, and administration of medication.

§ 4.20. Summaries of the medical record file shall be forwarded to the facility to which the inmate is transferred.

§ 4.21. Written policy shall prohibit medical or

pharmaceutical testing for experimental or research purposes.

§ 4.22. Medical care performed by personnel other than a physician shall be pursuant to a written protocol or order.

## Article 6. Food Services.

§ 4.23. Written policy and procedures shall ensure that the facility's food service equipment and personnel meet the established safety and protection standards and requirements as set forth by the State Board of Health's rules and regulations governing restaurants and the requirements by the Virginia Department of Corrections.

§ 4.24. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that:

1. The menu meets the dietary allowances as stated in the Recommended Dietary Allowances, National Academy of Sciences;
2. There is at least a one-week advance menu preparation; and
3. Modifications in menus are based on inmates' medical or reasonable religious requirements.

§ 4.25. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure meals are served under the direct supervision of staff.

§ 4.26. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that records of meals served are kept for a minimum of three years.

§ 4.27. Written policy and procedures shall ensure a food service program that is not used as a disciplinary measure and meets the requirements as set forth by the Virginia Department of Corrections.

§ 4.28. Written policy and procedures shall provide for at least three meals daily with no more than 14 hours between evening meal and breakfast, and a minimum of two hot meals within every 24 hours.

## Article 7. Mail.

§ 4.29. Written policy and procedures governing inmate correspondence shall ensure that all inmates, regardless of their jail status, shall be afforded the same correspondence privileges; correspondence privileges shall not be withdrawn as punishment.

§ 4.30. Written policy and procedures shall ensure that there is no limit on the volume of letter mail an inmate may send or receive, or on the length, language, content or source of such letter mail, except where there is clear and convincing evidence to justify such limitations.

§ 4.31. Written policy and procedures shall make available, when requested by an indigent inmate, a postage allowance of not more than five first-class rate (one ounce) letters per week, not counting legal mail.

§ 4.32. Written policy and procedures shall ensure that outgoing letters shall be collected and sent daily except Saturdays, Sundays, and holidays. Incoming letters to inmates shall be delivered no later than 24 hours after arrival at the facility or shall be promptly forwarded or returned to sender.

§ 4.33. Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, or the safety of any person, or is being used for furtherance of illegal activities.

§ 4.34. Written policy and procedures shall assure that notice of the seizures of mailed contraband be given to the inmate and the sender together with the written reason for the seizure. The sender shall be allowed the opportunity to appeal and challenge the seizure before the facility administrator or a designee empowered to reverse seizure. Unless it is needed for a criminal investigation or prosecution, property which can legally be possessed outside the facility shall be stored, returned to sender or destroyed, as the inmate desires.

## Article 8. Telephone.

§ 4.35. Written policy and procedures shall ensure inmates reasonable access to telephone facilities.

§ 4.36. Written policy and procedures shall ensure that emergency messages to inmates are delivered promptly and recorded. When possible, the jail chaplain shall be notified of an immediate family member's death or serious illness.

## Article 9. Visiting.

§ 4.37. Written policy and procedures shall ensure maximum visiting opportunities limited only by facility schedules, space and personnel constraints.

§ 4.38. The facility shall have a list of approved items which visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

§ 4.39. Written policy and procedures shall specify requirements for visitor registration and the circumstances

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and methods under which visitors may be searched.

## PART V. JAIL OPERATIONS.

### Article 1. Reception and Orientation.

§ 5.1. Written policy and procedures for admitting individuals into the jail shall address the following:

1. Verification of commitment;
2. Complete search of the individual and his possessions;
3. Disposition of clothing and personal possessions;
4. Interview for obtaining identifying data;
5. Photograph; and
6. Telephone calls.

§ 5.2. Written policy and procedures for those inmates to be confined in the jail shall address the following:

1. Shower/search;
2. Issue of clean clothing/hygiene items/linen;
3. Classification and housing assignment; and
4. Orientation.

§ 5.3. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted to complete at least two local or collect long-distance telephone calls during the admissions process.

### Article 2. Linen and Clothing.

§ 5.4. Written policy and procedure shall provide that a record be kept to show that clean linen and towels be supplied once a week, a clean change of clothing be provided twice a week and inmates shall be held accountable for their use.

§ 5.5. The facility shall provide for the issuance of special and protective clothing to inmates assigned to food services, farm, sanitation, mechanical services, and other special work functions.

### Article 3. Bathing and Hygiene.

§ 5.6. There shall be sufficient hot and cold water for bathing. Each inmate shall be required to bathe twice a week.

§ 5.7. The facility shall provide soap, a toothbrush, and toothpaste or toothpowder to each inmate upon admission to the general population. Notwithstanding security considerations, shaving equipment, including a mirror, and haircuts shall be made available, and hygiene needs of all inmates shall be met.

### Article 4. Inmate Money and Property Control.

§ 5.8. Written policy and procedures shall state what items the inmate may retain in his possession.

§ 5.9. A written itemized inventory of cash and personal property of each inmate shall be made at the time of initial booking. A signed copy shall be furnished the inmate.

§ 5.10. An itemized account shall be maintained of each inmate's expenditures and receipts of money while in the facility and acknowledged by the inmate in writing.

§ 5.11. Inmate's property and funds shall be returned to him upon his release or transfer and acknowledged by the inmate in writing.

### Article 5. Inmate Conduct and Discipline.

§ 5.12. Written policy and procedures shall govern inmate conduct and shall include:

1. Rules of conduct;
2. Definition of major and minor violations; and
3. Prohibition of the use of food as a disciplinary measure.
4. Upon assignment to general inmate housing, inmates shall receive a copy of inmate conduct rules and policy and procedures governing inmate conduct.

§ 5.13. Written policy and procedures shall govern the reporting and disposition of disciplinary infractions by inmates and shall include:

1. Procedures and provisions for pre- and post-disciplinary detention of inmates; and
2. Procedures for handling minor violations:
  - a. The accused inmate is given written notice of the charge and the factual basis for it;
  - b. The accused inmate shall have an opportunity to explain or deny the charge;
  - c. *The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary*

action.

e. d. The accused inmate shall have an opportunity to appeal any finding of guilt to the facility administrator; and

### 3. Procedures for handling major violations:

a. The accused inmate is given written notice of the charge and the factual basis for it at least 24 hours prior to the hearing of the charge;

b. The charge is heard in the inmate's presence by an impartial officer or committee.

c. The accused inmate is given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;

d. Witness statements and documentary evidence will be permitted in his defense; and

e. *The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action.*

e. f. The accused inmate is permitted to appeal any finding of guilt to the facility administrator.

### Article 6. Security.

§ 5.14. The facility shall maintain a designated post, manned 24 hours a day, that controls activities and flow of people in and out of the secure area of the jail.

§ 5.15. The facility's outside recreation area shall be secure so that inmates shall not have physical access to the general public without authorization.

§ 5.16. Written policy and procedures shall require that all security perimeter entrances, control center doors, cell block doors and all doors opening into a corridor are kept locked except when used for admission or exit of employees, inmates or visitors, or in emergencies.

§ 5.17. Written policy and procedures shall govern the security, storage and use of firearms, ammunition, chemical agents, and related security devices to ensure that:

1. Personnel who carry firearms are assigned positions that are inaccessible to inmates (with the exception of emergencies);

2. Personnel who discharge firearms or use chemical agents submit written reports to the administrator or designated subordinate no later than the conclusion of the shift during which same are discharged or used.

§ 5.18. Written policy and procedures shall specify the conditions under which an officer can enter a security cell or cell block.

§ 5.19. The facility shall provide a communications system allowing staff to communicate with each other to facilitate staff supervision.

§ 5.20. Written policy and procedures shall specify that, at least once daily, a careful examination be made of all security devices and that maintenance be routinely performed to ensure their proper operation.

§ 5.21. Written policy and procedures shall specify the process for conducting and documenting searches of the facility and inmates.

§ 5.22. The facility shall post the policy regarding searches for the control of contraband or otherwise make it available to staff and inmates. Further, the policy shall be reviewed at least annually and updated as needed.

§ 5.23. Written policy and procedures shall govern key and door control.

§ 5.24. Written policy and procedures shall govern the control and use of tools, culinary items and cleaning equipment.

§ 5.25. Written policy and procedures shall specify the control, storage and use of all flammables, toxic and caustic materials.

§ 5.26. Written post orders shall clearly describe the functions of each duty post in the facility and include copies in the policy and procedures manual.

§ 5.27. Written policy and procedures shall specify and restrict the use of physical force which is necessary for instances of self-protection, protection of others, protection of property and prevention of escapes. Such physical force shall be restricted to that necessary only to overcome such force as is being exerted. A written report shall be prepared following all such incidents described above and shall be submitted to the administrator for review and justification.

§ 5.28. Written policy and procedures shall govern the use of restraint equipment.

§ 5.29. Written policy and procedures shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates and for inmates requiring protective custody.

§ 5.30. Written policies and procedures shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered the general inmate population.

# Proposed Regulations

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§ 5.31. Written policy and procedure shall specify the handling of mental health inmates to include an agreement to utilize mental health services from either a private contractor or the community services board.

§ 5.32. Written policy and procedures shall ensure that a log be kept to record all activities in disciplinary detention and administrative segregation units.

§ 5.33. Written policy and procedures shall require that an assessment, including a personal interview and medical evaluation, is conducted when an inmate remains in administrative segregation or disciplinary detention beyond 15 days and every 15 days thereafter.

§ 5.34. The facility shall provide for around-the-clock supervision of all inmates by trained personnel. All inmate housing areas shall be inspected a minimum twice per hour. All inspections and unusual incidents shall be documented.

§ 5.35. Supervisory staff shall inspect the institution daily. Unusual findings shall be indicated in writing and submitted to an administrative official for review.

§ 5.36. Written policies and procedures shall regulate the movement of inmates within the facility.

§ 5.37. Written policy shall prohibit inmates from supervising, controlling or exerting any authority over other inmates.

§ 5.38. Written policy and procedures shall specify the process to be followed in emergency situations, mass arrest, fire, disturbance, taking of hostages, escapes, attempted suicides, loss of utilities and natural disasters. All personnel shall be trained in the implementation of emergency plans. Plans shall be reviewed annually.

## Article 7. Release.

§ 5.39. Written policy and procedures shall require that, prior to an inmate's release, positive identification is made of the releasee, authority for release is verified and a check for holds in other jurisdictions is completed.

## PART VI. JAIL PHYSICAL PLANT.

### Article 1. Fire and Health Inspection.

§ 6.1. The facility shall have an annual state or local health and fire safety inspection, and written reports, filed with the facility administrator. One fire safety inspection shall be completed by the Office of the State Fire Marshal every three years.

### Article 2. Fire Prevention and Safety.

§ 6.2. Written policy and procedures shall specify the facility's fire prevention practices to ensure the safety of staff, inmates, and the public. They shall be reviewed annually.

§ 6.3. Mattresses, pillows and trash receptacles present in the secured housing shall be of nontoxic and fire retardant materials.

§ 6.4. The facility shall have a written master plan for the safe and orderly evacuation of all persons in the event of a fire or an emergency. Such a plan shall be reviewed by all staff quarterly. The quarterly review shall be documented.

### Article 3. Facility Cleanliness.

§ 6.5. Facility floors, halls, corridors, and other walkway areas shall be maintained in a clean, dry, hazard-free manner.

§ 6.6. The facility shall control vermin and pests and shall be serviced at least quarterly by professional pest control personnel.

### Article 4. Housing Areas.

§ 6.7. All housing and activity areas shall provide for appropriate lighting and heating.

§ 6.8. All housing areas shall have toilets, showers, drinking water and washbasins with hot and cold running water accessible to inmates.

### Article 5. Special Purpose Area.

§ 6.9. The facility shall have a special purpose area to provide for the temporary detention and care of persons under the influence of alcohol or narcotics or for persons who are uncontrollably violent or self-destructive and those requiring medical supervision.

### Article 6. Security Equipment Storage.

§ 6.10. The facility shall provide secure storage for firearms, chemical agents, and related security equipment accessible to authorized personnel only and located outside the security perimeter or the inmate housing and activity areas.

## PART VII. JUVENILES.

### Article 1. Housing.

§ 7.1. Those facilities which, on occasion, house juveniles

# Proposed Regulations

shall be certified by the Board of Corrections for the express purpose of holding juveniles.

§ 7.2. Juveniles shall be so housed as to be separated by a wall or other barrier which would result in preventing visual contact and normal verbal communication with adult prisoners except in instances of casual contact under supervision.

§ 7.3. The facility shall have one or more persons on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.

## Article 2. Isolation or Segregation.

§ 7.4. Isolation cells or segregation within a cellblock shall be utilized only as a protective or disciplinary measure.

## PART VIII. LOCKUPS.

### Article 1. Responsibility.

§ 8.1. The chief of police, town sergeant, or, in case of a county's operating a lockup, the sheriff shall be responsible for seeing that the lockup is operated in full conformity with these regulations.

### Article 2. Coverage.

§ 8.2. When the lockup is occupied at least one employee shall be on duty at the lockup at all times.

### Article 3. Search and Inspection.

§ 8.3. The facility shall comply with the search requirements included in § 19.2-59.1 of the Code of Virginia.

§ 8.4. Quarterly inspections shall be made and recorded of bars, locks and all security devices.

### Article 4. Commitment and Release.

§ 8.5. A written record shall be maintained to include name, date, and time of commitment and release of all detainees confined in the lockup.

### Article 5. Property.

§ 8.6. Written policy and procedures shall govern the inventory and control of detainee property. The detainee shall sign for all property taken upon admission and

returned to him upon release. If the detainee refuses to sign this shall be witnessed and documented.

### Article 6. Telephone.

§ 8.7. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted the opportunity to complete at least two local or collect long distance telephone calls during the admissions process.

### Article 7. Separation of Inmates.

§ 8.8. A lockup shall detain juveniles in strict compliance with § 16.1-249 of the Code of Virginia.

§ 8.9. Males shall be housed separately from females.

§ 8.10. There shall be written policy for the protection of inmates appearing to be vulnerable to physical or sexual attack.

### Article 8. Medical.

§ 8.11. Written policy and procedures shall provide for 24-hour emergency medical and mental health care availability.

§ 8.12. A permanent log shall be maintained on all medical findings, diagnoses, treatment, dispositions, prescriptions and administration of medications.

### Article 9. Visiting.

§ 8.13. Written policy and procedures shall ensure that:

1. There be visiting opportunities limited only by facility schedules, security, space and personnel constraints;
2. Visitors register upon entry into the facility;
3. Circumstances and methods under which visitors may be searched are delineated;
4. Attorneys be permitted to have confidential visits with their clients; and

Any exception to the above shall be documented in writing.

### Article 10. Inmate Control.

§ 8.14. Written policies and procedures shall ensure that punishment shall not be utilized as a means of control or discipline in lockups. Tear gas, chemical mace, or similar

# Proposed Regulations

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devices shall not be used as punishment and may only be used to control detainees where there is an imminent threat of physical injury.

## Article 11. Incident Report.

§ 8.15. A report setting forth in detail the pertinent facts of deaths, escapes, discharging firearms, using chemical agents, or any other serious occurrences shall be reported to the Regional Manager, Department of Corrections, or his designee.

## Article 12. Facility and Inmate Cleanliness.

§ 8.16. A detainee shall have access to a wash basin and toilet facility.

§ 8.17. The detention area shall be maintained in a clean, dry, hazard-free manner.

## STATE BOARD OF EDUCATION

Title of Regulation: VR 270-02-0009. Regulations Governing Literary Loan Applications in Virginia.

Statutory Authority: Article VIII, § 8 of the Constitution of Virginia; §§ 22.1-16, 22.1-142 through 22.1-161 of the Code of Virginia.

Public Hearing Date: December 8, 1987 - 1:30 p.m.  
(See Calendar of Events section for additional information)

### Summary:

*These regulations were previously issued as emergency regulations. The proposed regulations replace regulations governing Literary Loan Application in Virginia in effect since 1980. These regulations cover the areas of: approval of applications submitted by school divisions, placement on the approved application list and the waiting list, the range and duration of loans to be made from the Literary Fund, and the rate of interest to be charged for loans made.*

*The regulations also address the release of Literary Funds to school divisions, repayment of Literary Loans before property title is transferred, and transitional provisions regarding applications received before the effective date of the emergency regulations.*

VR 270-02-0009. Regulations Governing Literary Loan Applications in Virginia.

## PART I. POLICY.

§ 1.1. It is the policy of the Board of Education to assist localities in borrowing from the Literary Fund to the

*greatest extent feasible, taking into consideration, the size of the Literary Fund, the availability to school divisions of alternative financing, the number and repayment ability of school divisions desiring to borrow from the Literary Fund, and the sense of the General Assembly for the administration and equitable distribution of the Literary Fund.*

## PART II. DEFINITIONS.

§ 2.1. The following words and terms, when used in these proposed regulations, shall have the following meaning:

*"Approved Application List" means the list maintained by the Department of Education of those Literary Loan applications which initially have been approved as to form by the Board of Education but have not been placed on the "Waiting List."*

*"Board" means the State Board of Education.*

*"Department" means the State Department of Education.*

*"Project" means capital construction for the purpose of erecting, altering, or enlarging a school building in a public school division of Virginia, or a regional center operating under a Board of Control as defined by board regulations.*

*"Waiting List" means the list maintained by the department of those Literary Loan applications which the board has placed on the Waiting List of loans anticipating the release of loan funds from the Literary Fund.*

## PART III. APPLICATION APPROVAL.

§ 3.1. A school division applying for a Literary Loan shall meet the statutory requirements for such a loan as set forth in §§ 22.1-142 through 22.1-161 of the Code of Virginia and the Appropriations Act. The application shall be submitted to the department on Form V.A. 005, completed, signed and sealed by the appropriate local officials and examining attorney certifying to the information contained in the application.

§ 3.2. After examination and review of the contents of the application by the staff of the department and review of the application and the certifications by the Office of the Attorney General, the department shall recommend to the board the approval of those applications which are in proper form for further consideration by the board and for placement on the Approved Application List.

§ 3.3. Upon approval of a Literary Fund loan application, a Memorandum of Lien form, properly executed, is to be returned to the department for recordation, after which it will be forwarded to the State Treasurer for record keeping. It is recognized that the lien is not effective until the Board of Education approves the initial

# Proposed Regulations

release/commitment of funds against the project. Section 22.1-157 of the Code provides that no recordation tax shall be assessable.

§ 3.4. Applications for Literary Fund loans shall not be approved by the board if the project already has been bid prior to receipt of the application in the department.

## PART IV. APPROVED APPLICATION LIST.

§ 4.1. The board shall place applications on the Approved Application List upon the recommendation of the department made by the Superintendent of Public Instruction or his designee.

§ 4.2. For applications on the Approved Application List to qualify for placement on the Waiting List, school divisions shall submit architectural and engineering plans to the department for review and approval by the department.

§ 4.3. Upon notification that plans submitted under § 4.2 have been approved by the department, school divisions on the Approved Application List must request in writing to be placed on the Waiting List.

§ 4.4. Except as provided in § 10.2, applications which remain on the Approved Application List for three years shall be removed from the list. Localities shall be notified at the end of the second year of the three-year cancellation policy.

## PART V. RANGE AND DURATION OF LOANS.

§ 5.1. Except as provided in § 5.2, the maximum loan amount available for any single project through the Literary Fund is \$2,000,000.

§ 5.2. In the event the applicant school division(s) certifies and the board determines that the project will result in the closing of two or more school buildings due to (i) inability to meet educational requirements, (ii) structural deficiencies, or (iii) cost inefficiencies, the applicant school division(s) shall be eligible for an amount up to an additional \$1 million on a Literary Fund loan for such project.

§ 5.3. In the event that two or more school divisions are consolidated into a single school division, the consolidated school division shall be eligible for an amount up to an additional \$1 million on a Literary Fund loan for any project resulting directly from said consolidation.

§ 5.4. The minimum loan amount available for any single project through the Literary Fund is \$100,000 (effective for all applications not approved by the board as to form by March 1, 1987). The several applications to fund a regional project shall be combined for the purpose of meeting this minimum amount.

§ 5.5. Literary Fund loans shall be made for a period of not less than five years nor more than 20 years.

## PART VI. INTEREST RATES.

§ 6.1. Except as modified by § 6.3 below, the interest rate for a Literary Loan shall be based on the school division's Composite Index, used for distribution of State Basic Aid, in effect when the board places the project on the Waiting List, except with respect to the interest rate on those applications on the Approved Application List prior to March 23, 1987, which interest shall not be increased.

§ 6.2. The interest rate for a loan generally shall be determined on the basis of a composite index of the applying school division as follows:

	Per Annum Interest Rate
Step 1. Composite Index between .2 and .299	.... 2.0%
Step 2. Composite Index between .3 and .399	.... 3.0%
Step 3. Composite Index between .4 and .499	.... 4.0%
Step 5. Composite Index between .6 and .8	..... 6.0%

§ 6.3. The board reserves its option under § 22.1-150 of the Code of Virginia to fix the actual rate for a Literary Loan, on the date funds for the Literary Loan are approved for release, at one percentage point above or below the rate applicable on the date the application was placed on the Waiting List.

## PART VII. WAITING LIST.

§ 7.1. After a loan application initially has been approved by the department and the division requests in writing to be placed on the Waiting List for Literary Fund funding, the board shall consider placement of the application on the Waiting List.

§ 7.2. Applications shall be placed into priorities on the Waiting List in accordance with Item 154 of the 1986-88 Appropriations Act as amended by the 1987 Session of the General Assembly.

Priority 1: Applications on the list for Recommended Deferral of Initial Release/Commitment of Literary Funds as approved by the board as of March 1, 1987 from school divisions having a composite index less than .6000 and an outstanding indebtedness (including the application considered for release of funds) to the Literary Fund less than \$10 million.

Priority 2: Applications placed on the Waiting List by the Board of Education subsequent to March 1, 1987 from school divisions having a composite index less than .6000, and an outstanding indebtedness (including the application considered for release of funds by the Board of Education) to the Literary Fund less than



# Proposed Regulations

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\$10 million.

**Priority 3:** Applications on the list for Recommended Deferral of Initial Release/Commitment of Literary Funds as approved by the Board of Education as of March 1, 1987 from school divisions having a composite index of .6000 or above, or an outstanding indebtedness (including the application considered for release of funds by the Board of Education) to the Literary Fund greater than \$10 million.

**Priority 4:** Applications placed on the Waiting List as approved by the Board of Education subsequent to March 1, 1987 received from school divisions having a composite index of .6000 or above, or an outstanding indebtedness (including the application considered for release of funds by the Board of Education) to the Literary Fund greater than \$10 million.

§ 7.3. Within each priority, applications shall become eligible for release of funding in the same relative order as having been approved by the board as having met all conditions for a Literary Fund loan.

§ 7.4. Applications in Priority 3 and Priority 4 shall be eligible for funding only when the board certifies that all applications, current and anticipated, with higher priorities, and the applications to be added from Priority 3 and Priority 4, can be funded within one year.

§ 7.5. The board may place an individual application ahead of its position assigned by § 7.3, if the board finds that the best interest for the education in the state is served by such placement. Reasons for such placement may include, but are not limited to (i) asbestos containment or removal; (ii) natural disasters; (iii) unique circumstances that may be detrimental to education in the absence of a Literary Fund loan. Such placement shall be acted on by the board on an individual application basis when all requirements for release of a Literary Fund loan have been met by the school division.

## PART VIII. RELEASE OF LITERARY FUNDS.

§ 8.1. The release of Literary Funds shall be approved by the board for an application when the Literary Fund has an unencumbered sum available that is at least equal to the amount of the application.

§ 8.2. All other funds committed to a Literary Fund project shall be expended before the Literary Fund loan shall be available for disbursement to the locality for the approved project.

§ 8.3. Actual disbursements charged to the approved Literary Fund loan shall be subject to the submission of actual invoices or other evidence of bills paid or due and payable by the locality.

§ 8.4. Upon the award of the construction contract for an

application in Priority 1 or Priority 2 on the Waiting List, funds shall be released for the reimbursement of the design phase of architectural and engineering services for the project. Applications in Priority 3 and Priority 4 shall be eligible for reimbursement of the design phase of architectural and engineering services only when the application has been certified to be eligible for funding by the board under § 7.4.

§ 8.5. After the department's approval of final plans and specifications under § 22.1-140, localities may proceed with a Literary Fund project and still qualify for reimbursement from the Literary Fund provided that short term financing is used for that portion of the project to be financed by a Literary Fund loan (§ 22.1-148.B of the Code of Virginia). A temporary loan shall be subject to the restrictions found in § 22.1-110 of the Code of Virginia. Short term financing also may include advances from other fund balances and current operating funds. If permanent financing such as bond funds authorized through locally approved referenda, by local charter, or the Virginia Public School Authority are used for the Literary Fund portion of the project, Literary Funds shall not be released for the project when the application moves to the top of the Waiting List.

§ 8.6. An application which has been approved for release of funds and which has not been bid within two months of the board action to release funds will be returned to the Approved Application List. Upon the written request by the locality for reinstatement, any application so returned shall be reinstated by the board at the bottom of the appropriate priority (§ 7.2) of the Waiting List. The date of the board's reinstatement on the Waiting List by this section shall determine the relative order for eligibility of funding.

## PART IX. PROPERTY TRANSFER.

§ 9.1. When a school board or a local governing body sells or transfers property on which there is an outstanding balance on a Literary Loan, such balance becomes due and must be paid before title to the property is conveyed to the new owner. In no event, however, shall this provision be applicable where a court of competent jurisdiction decrees otherwise in an annexation settlement.

## PART X. TRANSITIONAL PROVISIONS.

§ 10.1. All loan applications which, prior to March 23, 1987, were on the current "inactive list" maintained by the department (i.e., loan applications which were approved by the board) and which were not on the Waiting List, shall be placed automatically on the "Approved Application List." The order in which such applications are placed on the Waiting List shall be governed by the provisions of these emergency regulations.

§ 10.2. Literary Loan applications on the "inactive list"

*dated March 1, 1987 shall have one year from the effective date of these emergency regulations to submit final plans and specifications to the department or be removed from the Approved Application List (unless the application was approved by the board subsequent to March 1, 1985).*

*§ 10.3. Literary Loan application Form V.A. 005 shall remain the proper form for filing a Literary Loan application, and is obtainable from the department.*

# Proposed Regulations

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V.A. 005 1/66

No. \_\_\_\_\_

## APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA

Name of School \_\_\_\_\_ Name of County-City \_\_\_\_\_

TO THE STATE BOARD OF EDUCATION,  
Richmond, Virginia:

Gentlemen:

The School Board for the County-City of \_\_\_\_\_ hereby makes application for a loan of \$ \_\_\_\_\_ from the Literary Fund of Virginia for the purpose of erecting, enlarging, or altering (making permanent improvement to) a school building located at \_\_\_\_\_, as follows:  
(Describe briefly) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. The said building, addition, or permanent improvement described above, to be of \_\_\_\_\_  
(Type of construction, brick, frame, etc.)  
will be used as a \_\_\_\_\_ building, and is estimated to cost \$ \_\_\_\_\_  
(Elem., H. S., Comb. Elem. & H.S.)

2. The total estimated value of the existing school plant, including site, plus the proposed building addition, or permanent improvement thereto, is \$ \_\_\_\_\_.

3. There is at present a loan from the Literary Fund on this \_\_\_\_\_ in the amount  
(Building or school plant)  
of \$ \_\_\_\_\_.

4. The total amount of the loan will not exceed the cost of the building, addition, or permanent improvement thereto, and site, on account of which such loan is made.

5. The site on which this building, addition, or permanent improvement, will be located contains \_\_\_\_\_ acres, of which \_\_\_\_\_ acres are well suited and useable, or can be easily improved and made useable, for playground and recreational purposes.

6. The plans and specifications for the building or improvement, complying with Minimum School Building Requirements, have been or will be approved by the division superintendent of schools and the Superintendent of Public Instruction before construction is begun. It is understood that the State Board of Education reserves the right to withhold any part or all of the amount of this loan, if the plans and specifications approved by the Superintendent of Public Instruction are not followed.

(1)

7. The proposed building, addition, or permanent improvement, is desirable because: (Explain briefly) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The present total indebtedness of the County-City for school buildings is \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is owed to the Literary Fund.

9. This County-City has not defaulted or failed to meet its debt service obligations as and when due for the past five years except, as follows: \_\_\_\_\_  
\_\_\_\_\_

10. Adequate and satisfactory supervision of construction will be provided by the school board in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education.

11. The building or improvement for which this application for a loan is made is part of a long-range planning program in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education, and is recommended in the study or survey made by (give title and date) \_\_\_\_\_  
\_\_\_\_\_

12. This loan is to be made for \_\_\_\_\_ years, and is to be paid in \_\_\_\_\_ annual installments, with interest at the rate of \_\_\_\_\_ per centum per annum, payable annually.  
5 to 20 5 to 20

13. The Board of Supervisors for the County, or the Council for the City, has by resolution (page 3 of this application), agreed to provide for the repayment of this loan.

14. The School Board is not in default in the payment of any part of the principal of any previous loan from the Literary Fund and, for at least two years immediately before this loan, has not been more than six months in default in the payment of interest due on any loan from the Literary Fund.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

THE SCHOOL BOARD OF \_\_\_\_\_ COUNTY-CITY

By \_\_\_\_\_, Chairman.

ATTEST: \_\_\_\_\_, Clerk.

SEAL

(2)

# Proposed Regulations

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AT A MEETING of the Board of Supervisors for the County of \_\_\_\_\_ or the Council for the City of \_\_\_\_\_, held in the said County or City on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_:

WHEREAS, The School Board for the County of \_\_\_\_\_, or City of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, presented to this Board or Council, an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$\_\_\_\_\_ for the new school building (or for adding to or improving the present school building) at \_\_\_\_\_, to be paid in \_\_\_\_\_ annual installments, and the interest thereon at \_\_\_\_\_  
§ to 20  
\_\_\_\_\_ per cent paid annually.

RESOLVED, That the application of the County or City School Board to the State Board of Education of Virginia for a loan of \$\_\_\_\_\_ from the Literary Fund is hereby approved, and authority is hereby granted the said County or City School Board to borrow the said amount for the purpose set out in said application.

The Board of Supervisors for said County or Council of said City will each year during the life of this loan, at the time they fix the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

I hereby certify that the foregoing is a true copy as taken from the minutes of the Board of Supervisors for the County of \_\_\_\_\_ or the Council of the City of \_\_\_\_\_

\_\_\_\_\_, Clerk

SEAL

BOARD OF SUPERVISORS FOR THE

COUNTY OF \_\_\_\_\_

COUNCIL FOR THE

CITY OF \_\_\_\_\_

(3)

ATTORNEY'S CERTIFICATE OF TITLE

THIS IS TO CERTIFY that I, \_\_\_\_\_, a qualified and competent attorney, or Attorney for the Commonwealth for \_\_\_\_\_ County or City, or the City or County Attorney for \_\_\_\_\_ have examined the title of the School Board or Governing Body of \_\_\_\_\_ County or City, Virginia to that certain lot, parcel or tract of land referred to in the attached application, and that the School Board of \_\_\_\_\_, or the Governing Body of \_\_\_\_\_, has a fee simple title to said land, and the same is free from encumbrances, except as noted in attached summary.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
Attorney, or  
Attorney for the Commonwealth for  
\_\_\_\_\_  
City or County  
Attorney for  
\_\_\_\_\_  
County or City

CERTIFICATE OF THE CLERK OF COURT

WHEREAS, the school board of the governing body of \_\_\_\_\_ owns \_\_\_\_\_ acres of real estate in \_\_\_\_\_ county or \_\_\_\_\_ city of \_\_\_\_\_, Virginia, on which to erect the school building described in this application. The title deed to this property is recorded in the clerk's office for \_\_\_\_\_ county, or \_\_\_\_\_ city, in deed book number \_\_\_\_\_, page \_\_\_\_\_, book number \_\_\_\_\_, page \_\_\_\_\_.

ONE. That the title to the real estate has been examined and approved in writing by the attorney for the Commonwealth, the county or city attorney or other competent attorney and his report filed with the clerk of the court.

TWO. That the certificate of the attorney examining the title shows that the school board or the governing body of \_\_\_\_\_ has a good and sufficient title in fee simple to the real estate subject to the (following) (no) encumbrances (note encumbrances, if any).

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

\_\_\_\_\_  
Clerk  
\_\_\_\_\_  
court of  
\_\_\_\_\_  
County or City

SEAL

THIS APPLICATION has been reviewed and checked against "Minimum Requirements and Standards for School Buildings."

\_\_\_\_\_  
Date Associate Director of Energy & Facilities Services  
\_\_\_\_\_  
Attorney's Certificate of title and this application approved this, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_  
\_\_\_\_\_  
Attorney General of Virginia  
\_\_\_\_\_  
Approved by the State Board of Education, \_\_\_\_\_ 19\_\_\_\_\_  
\_\_\_\_\_  
For Secretary State Board of Education

(4)

# Proposed Regulations

## STATEMENT OF THE COUNTY OR CITY TREASURER

1. Assessed Value of Real and Personal Property, subject to taxation for county school purposes at date of this report.
 

Real Estate .....	\$ _____
Tangible Personal Property .....	\$ _____
Public Service Corporations .....	\$ _____
Total .....	\$ _____
  
2. Income of the County or City for school purposes for current fiscal year:
 

County School Levy .....	\$ _____
Cash Appropriations (local) .....	\$ _____
District Levies .....	\$ _____
Total .....	\$ _____
  
3. Indebtedness of County or City (including districts) for school purposes at date of this report:
 

Literary Fund Loans .....	\$ _____
Long-Term Bonds .....	\$ _____
Temporary Loans .....	\$ _____
Total .....	\$ _____
  
4. Record of School Bonds Outstanding (not including Literary Fund Loans):
 

Long-Term School Bonds:

Date of Issue .....	Maturity .....	Rate of Interest .....	%
Date of Issue .....	Maturity .....	Rate of Interest .....	%
Date of Issue .....	Maturity .....	Rate of Interest .....	%
  
5. Payments for Indebtedness from school funds for current fiscal year: (Include those to be paid before end of current year.)
 

To Literary Fund of Virginia, including Interest .....	\$ _____
To Sinking Fund for Retirement of Long-Term School Bonds .....	\$ _____
Long-Term School Bonds paid, including Interest .....	\$ _____
Total .....	\$ _____
Temporary Loans Paid .....	\$ _____
Total Indebtedness Paid .....	\$ _____

I certify that the above is a true statement concerning the school funds for \_\_\_\_\_ County or City for the year 19\_\_\_\_ - 19\_\_\_\_, according to the records of my office.

\_\_\_\_\_, Treasurer

Date \_\_\_\_\_ for \_\_\_\_\_ County City

# Proposed Regulations

## DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

**NOTICE:** The Department of Game and Inland Fisheries is exempted from the Administrative Process Act, (§ 9-6.14:1 et seq. of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

**Title of Regulation:** VR 325-03-01. Fishing Generally.

**Statutory Authority:** §§ 29.1-501 and 29.1-502 of the Code of Virginia.

**Public Hearing Date:**

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amended board regulations applicable Statewide. A public hearing on the advisability of adopting or amending and adopting, the proposed regulations, or any part thereof, will be held at the board's offices, 4010 West Broad Street, Richmond, Virginia, beginning at 9:30 a.m. on Friday, October 30, 1987, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any part thereof, are advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposals at that time, acting upon the proposals separately or in block.

### Summary:

*Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.*

### VR 325-03-1. FISHING GENERALLY.

#### § 4. Sale of game fish or catfish prohibited ; *exception* .

It shall be unlawful to sell, offer for sale or buy any species of freshwater game fish or catfish, provided that this shall not apply to game fish sold alive for propagation purposes or sold pursuant to VR 325-03-2, §§ 15 and 16, or to any catfish taken from tidewater or artificially raised. *Culture and sale of striped bass and hybrid striped bass conducted in accordance with VR 450-01-0034 of the Virginia Marine Resources Commission shall be exempt from this regulation.*

\* \* \* \* \*

**Title of Regulation:** VR 325-03-2. Trout Fishing.

**Statutory Authority:** §§ 29.1-501 and 29.1-502 of the Code of Virginia.

**Effective Date:** January 1, 1988

**Public Hearing Notice:**

The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amended board regulations applicable to Floyd County. A public hearing on the advisability of adopting or amending and adopting, the proposed regulations, or any part thereof, will be held at the board's offices, 4010 West Broad Street, Richmond, Virginia, beginning at 9:30 a.m. on Friday, October 30, 1987, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulations, or any part thereof, are advisable, in the form in which published or as amended as a result of the public hearing, the board may adopt such proposals at the time, acting upon the proposals separately or in block.

### VR 325-03-2. TROUT FISHING.

#### § 11. Special provision applicable to certain portions of Little River, Smith Creek and Snake Creek.

It shall be lawful to fish using only artificial lures with single hooks in that ~~portion of Little River in Floyd County extending one mile upstream from and two miles downstream from Route 616 bridge~~, and in that portion of Smith Creek in Alleghany County from the Clifton Forge Reservoir Dam downstream to a sign at the Forest Service boundary above the C & O Dam, and on Snake Creek in Carroll County upstream from its mouth to Hall's Ford on Big Snake Fork and to the junction of Routes 922 and 674 on Little Snake Fork. All trout caught in these waters under 12 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any natural bait or any trout under 12 inches in length in these areas.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**NOTICE:** The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14 et seq. 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 400-01-0001. Rules and Regulations.

**Statutory Authority:** § 36-35.30:3 of the Code of Virginia.

**Public Hearing Date:** N/A  
(See Calendar of Events section for additional information)

### Summary:

*The proposed rules and regulations (i) permit the issuance of commitments, prior to approval therefor by the authority's Board of Commissioners, for loans of not more than a certain amount to finance housing*



# Proposed Regulations

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for mentally disabled persons and (ii) provide that the authority's Board of Commissioners shall establish income limits, other than those now in the rules and regulations, for multi-family units for which the occupant does not pay rent.

Accordingly, the proposed rules and regulations provide (i) that for any loan not in excess of \$300,000 which is to finance the development, construction, rehabilitation and/or the ownership and operation of a multi-family housing development intended for occupancy by persons of low and moderate income who are mentally disabled, the executive director may issue a commitment therefor without receiving prior approval of the loan or authorization of the commitment from the authority's Board of Commissioners, provided that in all cases such commitment shall be subject to the approval and ratification by the board and (ii) that for any dwelling unit for which the payments, if any, made in connection therewith by the occupant or occupants are not, in the determination of the authority's Board of Commissioners, "rent," the board shall establish income limits other than the rent-based limits now provided in the rules and regulations for multi-family dwelling units.

VR 400-01-0001. Rules and Regulations.

## PART I. GENERAL PROVISIONS.

### § 1.1. Definitions.

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

"Act" means the Virginia Housing Development Authority Act, being Chapter 1.2 (§ 36-55.24, et seq.) of Title 36 of the Code of Virginia.

"Adjusted family income" means the total annual income of a person or all members of a family residing or intending to reside in a dwelling unit, from whatever source derived and before taxes or withholdings, less the total of the credits applicable to such person or family, computed in accordance with the following: (i) a credit in an amount equal to \$1,000 for each dependent family member other than such a family member qualifying under (vi) below; (ii) a credit in an amount equal to the lesser of \$1,000 or 10% of such total annual income; (iii) a credit in an amount equal to all income of such person or any such family member of an unusual or temporary nature and not related to such person's or family member's regular employment, to the extent approved by the executive director; (iv) a credit in an amount equal to all earnings of any family member who is a minor under 18 years of age or who is physically or mentally handicapped, as determined on the basis of medical evidence from a licensed physician or other appropriate

evidence satisfactory to the executive director; (v) a credit in an amount equal to such person or family's medical expenses, not compensated for or covered by insurance, in excess of 3.0% of such total annual income; and (vi) a credit in an amount equal to 1/2 of the total annual income of all family members over 18 years of age who are secondary wage earners in the family, provided, however, that such credit shall not exceed the amount of \$2,500. If federal law or rules and regulations impose limitations on the incomes of the persons or families who may own or occupy a single family dwelling unit or multi-family residential housing development, the authority may provide in its procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations that the adjusted family income shall be computed, for the purpose of determining eligibility under § 1.2 of these rules and regulations for ownership or occupancy of such single family dwelling unit or the dwelling units in such multi-family residential housing development (or, if so provided in the procedures, instructions and guidelines, only those dwelling units in such development which are subject to such federal income limitations), in the manner specified by such federal law or rules and regulations (subject to such modifications as may be provided in or authorized by the procedures, instructions and guidelines) rather than in the manner provided in the preceding sentence.

"Applicant" means an individual, corporation, partnership, limited partnership, joint venture, trust, firm, association, public body or other legal entity or any combination thereof, making application to receive an authority mortgage loan or other assistance under the Act.

"Application" means a request for an authority mortgage loan or other assistance under the Act.

"Authority" means the Virginia Housing Development Authority.

"Authority mortgage loan" or "mortgage loan" means a loan which is made or financed or is to be made or financed, in whole or in part, by the authority pursuant to these rules and regulations and is secured or is to be secured by a mortgage.

"Board" means the Board of Commissioners of the authority.

"Dwelling unit" means a unit of living accommodations intended for occupancy by one person or family.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the board.

"Family" means, in the context of the financing of a single family dwelling unit, two or more individuals related by blood, marriage or adoption, living together on the premises as a single nonprofit housekeeping unit. In

all contexts other than the financing of a single family dwelling unit, "family" means two or more individuals living together in accordance with law.

"FHA" means the Federal Housing Administration and any successor entity.

"For-profit housing sponsor" means a housing sponsor which is organized for profit and may be required by the authority to agree to limit its profit in connection with the sponsorship of authority financed housing in accordance with the terms and conditions of the Act and these rules and regulations and subject to the regulatory powers of the authority.

"Gross family income" means the annualized gross income of a person or all members of a family residing or intending to reside in a dwelling unit from whatever source derived and before taxes or withholdings. For the purpose of this definition, annualized gross income means gross monthly income multiplied by 12. Gross monthly income is the sum of monthly gross pay; plus any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Administration compensation, net rental income; plus other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments).

"Multi-family dwelling unit" means a dwelling unit in multi-family residential housing.

"Nonprofit housing sponsor" means a housing sponsor which is organized not for profit and may be required by the authority to agree not to receive any limited dividend distributions from the ownership and operation of a housing development.

"Person" means:

1. An individual who is 62 or more years of age;
2. An individual who is handicapped or disabled, as determined by the executive director on the basis of medical evidence from a licensed physician or other appropriate evidence satisfactory to the executive director; or
3. An individual who is neither handicapped nor disabled nor 62 or more years of age; provided that the board may from time to time by resolution (i) limit the number of, fix the maximum number of bedrooms contained in, or otherwise impose restrictions and limitations with respect to single family dwelling units that may be financed by the authority for occupancy by such individuals and (ii) limit the percentage of multi-family dwelling units within a multi-family residential housing development that may be made available for occupancy by such individuals or otherwise impose restrictions and

limitations with respect to multi-family dwelling units intended for occupancy by such individuals.

"Rent" means the rent or other occupancy charge applicable to a dwelling unit within a housing development operated on a rental basis or owned and operated on a cooperative basis.

"Reservation" means the official action as evidenced in writing, taken by the authority to designate a specified amount of funds for the financing of a mortgage loan on a single family dwelling unit.

"Single family dwelling unit" means a dwelling unit in single family residential housing.

Terms defined in the Act and used and not otherwise defined herein shall have the same meaning ascribed to them in the Act.

## § 1.2. Eligibility for occupancy.

A. The board shall from time to time establish, by resolution or by procedures, instructions and guidelines pursuant to § 1.3 of these rules and regulations, income limitations with respect to single family dwelling units financed or to be financed by the authority. Such income limits may vary based upon the area of the state, type of program, the size and circumstances of the person or family, the type and characteristics of the single-family dwelling unit, and any other factors determined by the board to be necessary or appropriate for the administration of its programs. Such resolution or procedures, instructions and guidelines shall specify whether the person's or family's income shall be calculated as adjusted family income or gross family income. To be considered eligible for the financing of a single family dwelling unit, a person or family shall not have an adjusted family income or gross family income, as applicable, which exceeds the applicable limitation established by the board. It shall be the responsibility of each applicant for the financing of a single family dwelling unit to report accurately and completely his adjusted family income or gross family income, as applicable, family composition and such other information relating to eligibility for occupancy as the executive director may require and to provide the authority with verification thereof.

B. To be considered eligible for occupancy of a multi-family dwelling unit financed by an authority mortgage loan, a person or family shall not have an adjusted family income greater than seven times the total annual rent, including utilities except telephone, applicable to such dwelling unit; provided, however, that the board may from time to time establish, by resolution or by procedures, instructions and guidelines pursuant to § 1.3 of these rules and regulations, lower income limits for occupancy of such dwelling unit; and provided further that in the case of any dwelling unit for which no amounts are payable by or on behalf of such person or

# Proposed Regulations

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*family or the amounts payable by or on behalf of such person or family are deemed by the board not to be rent, the income limits shall be established by the board by resolution or by procedures, instructions and guidelines pursuant to § 1.3 of these rules and regulations .*

C. It shall be the responsibility of the housing sponsor to examine and determine the income and eligibility of applicants for occupancy of multi-family dwelling units, report such determinations to the authority in such form as the executive director may require, reexamine and redetermine the income and eligibility of all occupants of such dwelling units every two years or at more frequent intervals if required by the executive director, and report such redeterminations to the authority in such form as the executive director may require. It shall be the responsibility of each applicant for occupancy of a multi-family dwelling unit, and of each occupant of such dwelling units, to report accurately and completely his adjusted family's income, family composition and such other information relating to eligibility for occupancy as the executive director may require and to provide the housing sponsor and the authority with verification thereof at the times of examination and reexamination of income and eligibility as aforesaid.

D. With respect to a person or family occupying a multi-family dwelling unit, if a periodic reexamination and redetermination of the adjusted family's income and eligibility as provided in subsection C of this section establishes that such person's or family's adjusted family income then exceeds the maximum limit for occupancy of such dwelling unit applicable at the time of such reexamination and redetermination, such person or family shall be permitted to continue to occupy such dwelling unit; provided, however, that during the period that such person's or family's adjusted family income exceeds such maximum limit, such person or family may be required by the executive director to pay such rent, carrying charges or surcharge as determined by the executive director in accordance with a schedule prescribed or approved by him. If such person's or family's adjusted family income shall exceed such maximum limit for a period of six months or more, the executive director may direct or permit the housing sponsor to terminate the tenancy or interest by giving written notice of termination to such person or family specifying the reason for such termination and giving such person or family not less than 90 days (or such longer period of time as the authority shall determine to be necessary to find suitable alternative housing) within which to vacate such dwelling unit. If any person or family residing in a housing development which is a cooperative is so required to be removed from the housing development, such person or family shall be discharged from any liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed for all sums paid by such person or family to the housing sponsor on account of the purchase of stock or debentures as a condition of occupancy in such cooperative and any additional sums payable to such person or family in accordance with a schedule prescribed

or approved by the authority, subject however to the terms of any instrument or agreement relating to such cooperative or the occupancy thereof.

## § 1.3. Procedures, instructions and guidelines.

The board may from time to time by resolution establish and modify procedures, instructions and guidelines for the implementation and administration of programs established under these rules and regulations. Such procedures, instructions and guidelines may include and, where deemed appropriate by the board, may authorize the executive director to establish and modify, such requirements, conditions and standards as may be deemed necessary or appropriate for the purpose of implementing and administering such programs, subject to and consistent with the requirements of the Act and these rules and regulations. Upon promulgation, such procedures, instructions and guidelines shall be available to the public upon request.

## § 1.4. Forms.

Forms of documents, instruments and agreements to be employed with respect to the processing of applications, the making or financing of loans under these rules and regulations, the issuance and sale of authority notes and bonds, and any other matters relating to such loans and the implementation and administration of the authority's programs shall be prepared, revised and amended from time to time under the direction and control of the executive director.

## § 1.5. Interest rates.

The executive director shall establish the interest rate or rates to be charged to the housing sponsor or person or family in connection with any loan made or financed under these rules and regulations. To the extent permitted by the documents relating to the loan, the executive director may adjust at any time and from time to time the interest rate or rates charged on such loan. Without limiting the foregoing, the interest rate or rates may be adjusted if such adjustment is determined to be necessary or appropriate by the executive director as a result of any allocation or reallocation of such loan to or among the authority's note or bond funds or any other funds of the authority. Any interest rate or rates established pursuant to this § 1.5 shall reflect the intent expressed in subdivision 3 of subsection A of § 36-55.33:1 of the Code of Virginia.

## § 1.6. Federally assisted loans.

When a housing development or dwelling unit financed by a loan under these rules and regulations or otherwise assisted by the authority is subject to federal mortgage insurance or is otherwise assisted or aided, directly or indirectly, by the federal government or where the authority assists in the administration of any federal program, the applicable federal law and rules and regulations shall be controlling over any inconsistent

provision hereof.

## § 1.7. Administration of state and federal programs; acceptance of aid and guarantees.

A. The board by resolution may authorize the authority to operate and administer any program to provide loans or other housing assistance for persons and families of low and moderate income and, in furtherance thereof, to enter into agreements or other transactions with the federal government, the Commonwealth of Virginia or any governmental agency thereof, any municipality or any other persons or entities and to take such other action as shall be necessary or appropriate for the purpose of operating and administering, on behalf of or in cooperation with any of the foregoing, any such program.

B. The board by resolution may authorize the acceptance by the authority of gifts, grants, loans, contributions or other aid, including insurance and guarantees, from the federal government, the Commonwealth of Virginia or any agency thereof, or any other source in furtherance of the purposes of the Act, do any and all things necessary in order to avail itself of such aid, agree and comply with such conditions upon which such gifts, grants, loans, contributions, insurance, guarantees or other aid may be made, and authorize and direct the execution on behalf of the authority of any instrument or agreement which it considers necessary or appropriate to implement any such gifts, grants, loans, contributions, insurance guarantees or other aid.

C. Without limitation on the provisions of subsection B of this section, the board by resolution may authorize the acceptance by the authority of any insurance or guarantee or commitment to insure or guarantee its bonds or notes and any grant with respect to such bonds or notes, whether insured, guaranteed or otherwise, and may authorize and direct the execution on behalf of the authority of any instrument or agreement which it considers necessary or appropriate with respect thereto.

## § 1.8. Assistance of mortgage lenders.

The authority may, at its option, utilize the assistance and services of mortgage lenders in the processing, originating, disbursing and servicing of loans under these rules and regulations. The executive director is authorized to take such action and to execute such agreements and documents as he shall deem necessary or appropriate in order to procure, maintain and supervise such assistance and services. In the case of authority mortgage loans to be financed from the proceeds of obligations issued by the authority pursuant to § 36-55.37:1 of the Code of Virginia, the authority shall be required to utilize such assistance and services of mortgage lenders in the origination and servicing of such authority mortgage loans.

## § 1.9. Waiver.

The board by resolution may for good cause in any

particular case waive or vary any of the provisions of these rules and regulations.

## § 1.10. Amendment.

These rules and regulations may be amended and supplemented by the board at such times and in such manner as it may determine, to the extent not inconsistent with the Act or with other applicable provisions of law.

## § 1.11. Separability.

If any clause, sentence, paragraph, section or part of these rules and regulations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

## PART II. MULTI-FAMILY RENTAL HOUSING PROGRAM.

### § 2.1. Mortgage loans.

A. This Part II shall govern mortgage loans made by the authority to housing sponsors to finance the development, construction and rehabilitation and/or the ownership and operation of multi-family residential housing. For purposes of this Part II, multi-family residential housing shall include housing developments intended to be owned and operated on a cooperative basis.

B. Authority mortgage loans as described in subsection A of this section may be made to for-profit housing sponsors in original principal amounts not to exceed 95% of the housing development costs as determined by the authority, and to nonprofit housing sponsors in amounts not to exceed 100% of the housing development costs as determined by the authority.

C. Authority mortgage loans as described in subsection A of this section may be made for terms of up to 50 years, including the period of any development and construction or rehabilitation of the housing development. The term of any such mortgage loan, the amortization period, the estimated housing development costs, the principal amount of the mortgage loan, the terms and conditions applicable to any equity contribution by the housing sponsor, any assurances of successful completion and operational stability of the housing development, and other terms and conditions of such mortgage loan shall be set forth in the board's resolution authorizing such mortgage loan or in the mortgage loan commitment issued on behalf of the authority pursuant to such resolution.

### § 2.2. Applications and processing.

A. The processing of applications for authority mortgage loans pursuant to this Part II will be governed by the

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procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations.

B. Upon satisfactory completion of the processing of such application by the authority staff in accordance with the aforesaid procedures, instructions and guidelines and approval of the application by the executive director, the authority staff's analysis of the application and the executive director's recommendation with respect thereto shall be presented to the board.

The board shall review each such analysis and recommendation and, if it determines that the application meets the requirements of the Act, these rules and regulations and the authority's procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations, the board may by resolution authorize an authority mortgage loan to the housing sponsor. Such resolution shall authorize the executive director to issue an authority mortgage loan commitment to the housing sponsor for the financing of the proposed housing development.

~~An authority mortgage loan shall not be authorized unless the board by resolution shall make the applicable findings required by § 36-55.30 of the Code of Virginia; provided, however, that the board may in its discretion authorize the authority mortgage loan without making the finding, if applicable, required by subsection B of § 36-55.30 of the Code of Virginia, subject to the condition that such finding be made by the board prior to the financing of the authority mortgage loan.~~

C. *Notwithstanding anything in subsection B hereof to the contrary, for any loan which has a maximum principal amount of \$300,000 or less and which is to finance the development, construction, rehabilitation and/or the ownership and operation of a multi-family housing development intended for occupancy by persons of low and moderate income who are mentally disabled, the executive director may, in his discretion, issue on behalf of the authority an authority mortgage loan commitment to the applicant for the financing of such development without following the procedure described in subsection B hereof; provided, however, that such a commitment shall in all cases be subject to the approval or ratification thereof by resolution of the board.*

D. ~~Such~~ Any such resolution made pursuant to either subsection B or C hereof, or the authority mortgage loan commitment issued by the executive director pursuant to or subject to approval and ratification by such resolution, as applicable, shall include such terms and conditions as the authority considers appropriate with respect to the development, construction or rehabilitation of the proposed housing development, the marketing and occupancy of such housing development, the disbursement and repayment of the authority mortgage loan, and other matters related to the development, construction or rehabilitation and the ownership and operation of the proposed housing development. Such resolution or authority

mortgage loan commitment may include a financial analysis of the proposed housing development, setting forth the initial schedule of rents, the approved initial budget for operation of the housing development and a schedule of the estimated housing development costs. Such a resolution authorizing an authority mortgage loan to a for-profit housing sponsor shall, if applicable, include a determination of the maximum annual rate at which distributions may be made by such for-profit housing sponsor with respect to such housing development pursuant to the provisions of subsection B of § 2.4 of these rules and regulations.

E. *An authority mortgage loan shall not be authorized by the board in advance of commitment therefor in accordance with subsection B hereof or ratified thereafter in accordance with subsection C hereof unless the board by resolution shall make the applicable findings required by § 36-55.39 of the Code of Virginia; provided, however, that the board may in its discretion authorize the authority mortgage loan in advance of the issuance of the commitment therefor or ratify the commitment therefor all in accordance herewith without making the finding, if applicable, required by subsection B of § 36-55.39 of the Code of Virginia, subject to the condition that such finding be made by the board prior to the financing of the authority mortgage loan.*

G. F. Subsequent to adoption of the resolution of the board authorizing an authority mortgage loan, the executive director may, without further action by the board, increase the principal amount of such authority mortgage loan by an amount not to exceed 2.0% of the principal amount of such authority mortgage loan, provided that such an increase is consistent with the Act, these rules and regulations and the procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations.

## § 2.3. Regulation of housing sponsors.

The authority shall have the power to supervise the housing sponsor in accordance with the provisions of § 36-55.34:1 of the Code of Virginia and the terms of the agreements relating to the authority mortgage loan at all times during which the authority mortgage loan is outstanding. The executive director may require the housing sponsor to execute a regulatory agreement with the authority, and such other related documents as the executive director shall determine to be necessary or appropriate, which shall authorize the authority to regulate such aspects of the development, construction or rehabilitation, operations, use and disposition of the proposed housing development and of the activities of the housing sponsor as the executive director shall determine to be necessary or appropriate to protect the interests of the authority and to permit fulfillment of the authority's duties and responsibilities under the Act and these rules and regulations.

§ 2.4. Allowable categories of cost; limited dividend distributions.

A. The categories of cost which shall be allowable by the authority in development, construction or rehabilitation of a housing development financed under this Part II shall include the following: (i) development and construction or rehabilitation costs, including equipment, labor and materials furnished by the owner, contractor or subcontractors, general requirements for job supervision, an allowance for office overhead of the contractor, building permit, bonds and letters of credit to assure completion, water, sewer and other utility fees, and a contractor's profit or a profit and risk allowance in lieu thereof; (ii) architectural and engineering fees; (iii) interest on the mortgage loan; (iv) real estate taxes, hazard insurance premiums and mortgage insurance premiums; (v) title and recording expenses; (vi) surveys; (vii) test borings; (viii) the authority's financing fees; (ix) legal and accounting expenses; (x) in the case of a nonprofit housing sponsor, organization and sponsor expenses, consultant fees, and a reserve to make the project operational; (xi) off-site costs; (xii) the cost or fair market value of the land and any improvements thereon to be used in the housing development; (xiii) tenant relocation costs; (xiv) operating reserves to be funded from proceeds of the mortgage loan; (xv) and such other categories of costs which the authority shall determine to be reasonable and necessary for the development and construction or rehabilitation of the housing development. The extent to which costs in any of such categories shall be recognized or allowed in respect of a specific housing development shall be established by the terms of a cost certification guide which shall be prepared and, from time to time, revised by the executive director and which shall be incorporated by reference into the documents executed with respect to each such mortgage loan. Upon completion of the development and construction or rehabilitation of the housing development, the housing sponsor shall certify to the authority the total of the housing development costs in accordance with these rules and regulations and the cost certification guide, subject to the review and determination of the authority. In lieu of such certification of housing development costs, the executive director may require the housing sponsor to provide such other assurances of housing development costs as he shall deem necessary to enable the authority to determine with reasonable accuracy the actual amount of such housing development costs.

B. In connection with an authority mortgage loan to a for-profit housing sponsor pursuant to this Part II:

1. The board's resolution authorizing such mortgage loan shall prescribe the maximum annual rate, if any, at which distributions may be made by such for-profit housing sponsor with respect to such housing development, expressed as a percentage of such for-profit housing sponsor's equity in such housing development (such equity being established in accordance with paragraph 3 of this subsection), which rate, if any, shall not be inconsistent with the provisions of the Act. In connection with the establishment of any such rates, the board shall not

prescribe differing or discriminatory rates with respect to substantially similar housing developments. The board's resolution authorizing such mortgage loan shall specify whether any such maximum annual rate of distributions shall be cumulative or noncumulative;

2. Any payments to a person or entity who is a principal, stockholder or holder of a beneficial interest in such for-profit housing sponsor shall not be deemed a "distribution" or "return" to such person or entity if the funds with which such payment is made are funds paid or contributed to such for-profit housing sponsor by persons or entities purchasing a beneficial interest in such for-profit housing sponsor; and

3. Subsequent to completion of such housing development and in conjunction with other determinations made on behalf of the authority as to allowable housing development costs and related matters, the executive director shall establish the for-profit housing sponsor's equity in such housing development. Such equity shall be the difference between (i) the amount of either (A) the total housing development costs of such housing development as finally determined by the authority or (B) the fair market value of such housing development and (ii) the final principal amount of the authority mortgage loan as to such housing development. The authority may thereafter from time to time adjust such equity to be the difference, as of the date of adjustment, between the fair market value of such housing development and the outstanding principal balance of the authority mortgage loan. The manner for so determining and adjusting such equity shall be established in the board's resolution authorizing the authority mortgage loan or in amendments to such resolution.

## § 2.5. Tenant selection plan.

As a part of each application for an authority mortgage loan under this Part II, the housing sponsor shall prepare and submit to the authority for its review and approval a proposed tenant selection plan with respect to the proposed housing development. The proposed tenant selection plan shall include, among other information that the executive director may require from time to time, the following:

1. The proposed rent structure of the proposed housing development;
2. The utilization of any subsidy or other assistance from the federal government or any other source;
3. Income limitations of the authority for initial occupancy of the dwelling units in the proposed housing development as determined in accordance with these rules and regulations;
4. The proposed income levels of occupants;

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5. Any arrangements contemplated by the housing sponsor for occupant referrals or relocations from federal, state or local government agencies or community organizations;

6. The marketing activities to be performed with respect to the leasing of the proposed housing development (including any affirmative marketing efforts and media advertising plans) and the identity and qualifications of the proposed marketing and management agents of the housing sponsor; and

7. Any criteria to be used for disapproving applicants and for establishing priorities among eligible applicants for occupancy of the proposed housing development.

## PART III. SINGLE FAMILY DEVELOPMENT AND CONSTRUCTION LOANS.

### § 3.1. Development and construction loans.

A. This Part III shall govern mortgage loans made by the authority to housing sponsors for the development and construction or rehabilitation of single family residential housing for eventual sale to persons or families of low or moderate income.

B. Authority mortgage loans as described in subsection A of this section may be made to housing sponsors for terms not in excess of five years and in original principal amounts not to exceed 95% of the estimated total housing development costs as determined by the authority, except that in the case of nonprofit housing sponsors the original principal amount of the authority mortgage loans may not exceed 100% of the estimated total housing development costs as determined by the authority. In determining the estimated total housing development costs, the categories of costs which shall be includable therein shall be those set forth in § 2.4 of these rules and regulations, to the extent deemed by the executive director to be applicable to the housing development, and such other costs as the authority shall deem reasonable and necessary for the sale and conveyance of the single family dwelling units. The estimated total housing development costs and the principal amount of the authority mortgage loan with respect to such housing development, together with other terms and conditions of the authority mortgage loan and related matters, shall be set forth in the board's resolution authorizing such mortgage loan or in the mortgage loan commitment issued by the authority pursuant to such resolution.

### § 3.2. Applications and processing.

A. The processing of applications for authority mortgage loans pursuant to this Part III will be governed by the procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations.

B. Upon satisfactory completion of the processing of

such application by the authority staff in accordance with the aforesaid procedures, instructions and guidelines and approval of the application by the executive director, the authority staff's analysis of the application and the executive director's recommendation with respect thereto shall be presented to the board.

The authority board shall review each such analysis and recommendation and, if it determines that the application meets the requirements of the Act, these rules and regulations and the authority's procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations, the board may by resolution authorize an authority mortgage loan to the housing sponsor. Such resolution shall authorize the executive director to issue an authority mortgage loan commitment to the housing sponsor for the financing of the proposed housing development.

An authority mortgage loan shall not be authorized unless the board by resolution shall make the findings required by subsection A § 36-55.39 of the Code of Virginia.

Such resolution, or the authority mortgage loan commitment issued by the executive director pursuant to such resolution, shall include such terms and conditions as the authority considers appropriate with respect to the construction of the proposed housing development, the marketing and sale of the single family dwelling units in such housing development, the disbursement and repayment of the authority mortgage loan, assurances of successful completion of the proposed housing development, and all other matters related to the development, construction or rehabilitation and sale of the proposed housing development. Such resolution or authority mortgage loan commitment may include a financial analysis of the proposed housing development setting forth the sales price limits for the single family dwelling units within the proposed housing development and a schedule of the estimated housing development costs.

Subsequent to adoption of the resolution of the board authorizing an authority mortgage loan pursuant to this Part III, the executive director may, without further action by the board, increase the principal amount of such authority mortgage loan by an amount not to exceed 2.0% of such mortgage loan, provided that such an increase is consistent with the Act, these rules and regulations and the procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations.

### § 3.3. Regulation of housing sponsors.

The authority shall have the power to supervise the housing sponsor in accordance with the provisions of § 36-55.34:1 of the Code of Virginia and the terms of the agreements relating to the authority mortgage loan at all times during which the authority mortgage loan is outstanding. The executive director may require the housing sponsor to execute a regulatory agreement with

the authority, and such other related documents as the executive director shall determine to be necessary or appropriate, which shall authorize the authority to regulate such aspects of the development, construction or rehabilitation and sale of the proposed housing development as the executive director shall determine to be necessary or appropriate to protect the interests of the authority and to permit fulfillment of the authority's duties and responsibilities under the Act and these rules and regulations.

## § 3.4. Sale of single family housing units.

A. As a part of each application for an authority mortgage loan under this Part III, the housing sponsor shall prepare and submit to the authority a proposed marketing plan for review and approval by the authority. The proposed marketing plan shall include, among other information that the executive director may require from time to time, the following:

1. The proposed sales prices of the single family dwelling units;
2. The utilization of any mortgage insurance, subsidy or other assistance from the federal government or any other source;
3. The proposed income levels of purchasers therefor, which income levels shall not exceed the income limitations of the authority applicable to the single family dwelling units; and
4. The marketing activities to be performed with respect to the sale of the single family dwelling units (including any affirmative marketing efforts and media advertising plans) and the identity and qualifications of the proposed marketing agent of the housing sponsor.

B. In the event that a single family dwelling unit shall be sold to a purchaser who is not qualified to receive an authority mortgage loan under the applicable income limitations established pursuant to subsection A of § 1.2 of these rules and regulations, the authority shall have the right to require the housing sponsor to pay a penalty in such amount as shall be prescribed in the board's resolution authorizing the mortgage loan or in the authority mortgage loan commitment issued pursuant to such resolution.

## PART IV. SINGLE FAMILY LOANS TO INDIVIDUAL PURCHASERS.

### § 4.1. Mortgage loans.

A. This Part IV shall govern mortgage loans made by the authority to persons or families of low or moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family

dwelling units.

B. Authority mortgage loans pursuant to subsection A of this section may be made only to persons or families of low or moderate income qualified pursuant to subsection A of § 1.2 of these rules and regulations.

C. The board may from time to time establish by resolution sales price limits for single family dwelling units financed or to be financed by the authority. Such sales price limits may vary based upon the area of the state, the type of program, the size and circumstances of the person or family who is to occupy such dwelling unit, the type and characteristics of such dwelling unit, and any other factors determined by the board to be necessary or appropriate for the administration of the program under this Part IV.

D. An authority mortgage loan to be financed under this Part IV hereof may be made for a term not to exceed 50 years. The original principal amount and term of any such authority mortgage loan, the amortization period, the terms and conditions relating to the prepayment thereof, and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth in the mortgage loan commitment issued on behalf of the authority with respect to such mortgage loan.

E. The original principal amount of authority mortgage loans made pursuant to this Part IV shall not exceed 98% of the first \$25,000 of the sales price of the single family dwelling unit and 95% of the amount of the sales price of the single family dwelling unit in excess of \$25,000 or, in the case of authority mortgage loans guaranteed or insured by the Veterans' Administration, 100% of the sales price of the single family dwelling unit, to the extent such sales price is approved by the executive director and subject to such further limitations as may be provided in the procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations. The term "sales price," with respect to authority mortgage loans for the combined acquisition and rehabilitation of a single family dwelling unit, shall include the cost of acquisition, plus the cost of rehabilitation and debt service for such period of rehabilitation, not to exceed three months, as the executive director shall determine that such dwelling unit will not be available for occupancy.

### § 4.2. Applications and processing.

A. The processing of applications for authority mortgage loans pursuant to this Part IV will be governed by the procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations.

B. If the applicant and the application meet the requirements of the Act, these rules and regulations and the procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations, the executive director may issue on behalf of the authority an authority mortgage loan commitment to the applicant for



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the financing of the single family dwelling unit, subject to the approval or ratification thereof by the board. Such authority mortgage loan commitment shall be issued only upon the determination of the authority that such a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions, and such determination shall be set forth in the authority mortgage loan commitment.

## PART V. HOME REHABILITATION LOANS.

### § 5.1. General purpose.

This Part V shall govern the making of loans by the authority to persons or families of low or moderate income for the rehabilitation of single family dwelling units. For the purposes of this Part V, such loans shall be referred to as "home rehabilitation loans."

### § 5.2. Terms of home rehabilitation loans.

A. A home rehabilitation loan may be made pursuant to this Part V only to a borrower who is a person or family of low and moderate income qualified pursuant to subsection A of § 1.2 of these rules and regulations. The types of improvements which may be financed by a home rehabilitation loan shall be established from time to time by the board and shall be set forth in the procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations.

B. Home rehabilitation loans to be financed under this Part V may be made for a term not to exceed 30 years. The original principal amount of any such home rehabilitation loan shall not exceed 100% of the total cost of the rehabilitation.

C. Home rehabilitation loans shall be secured by mortgages, in such form or forms as may be approved by the executive director, on the real property with respect to which such home rehabilitation loans are made.

### § 5.3. Application and processing.

A. The processing of application for home rehabilitation loans under this Part V will be governed by the procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations.

B. If the executive director determines that the applicant and the application for a home rehabilitation loan meet the requirements of the Act, the rules and regulations set forth in this Part V, and the applicable procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations, he may issue on behalf of the authority a commitment to the applicant with respect to such home rehabilitation loan, subject to the approval or ratification thereof by the authority board. The original principal amount, term and interest rate or rates on the home rehabilitation loan and

such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth in the commitment.

## PART VI. ENERGY LOANS.

### § 6.1. General purpose; applicability.

A. This Part VI shall govern the making of loans to finance the purchase and installation of energy saving measures and alternative energy sources which will reduce the reliance on present sources of energy for use in the dwellings of residents of the Commonwealth of Virginia or in public or nonprofit buildings or facilities. Such measures and sources shall include, but not be limited to, insulation, caulking, weatherstripping, storm windows and doors, furnace modification or replacement, and solar energy devices. For purposes of this Part VI, such loans shall be referred to as "energy loans."

B. Any energy loans made with respect to dwellings shall be limited to dwellings occupied by persons and families of low and moderate income qualified pursuant to subsection A of § 1.2 of these rules and regulations or pursuant to standards under applicable federal rules and regulations as approved by the board with any modifications thereto. Energy loans shall be made only for the purposes set forth in subsection A of this section.

### § 6.2. Terms of energy loans.

A. Energy loans to be financed under this Part VI may be made for a term not to exceed 30 years. The original principal amount of any such energy loans shall not exceed 100% of the total cost of the energy saving measures and alternative energy sources as described in § 6.1 of these rules and regulations.

B. The authority may, at its option, require that energy loans (i) be insured by a private mortgage insurance company; (ii) be insured or otherwise assisted by an appropriate agency of the federal or state government; and/or (iii) be secured by a mortgage.

### § 6.3. Processing of loan application and issuance of loan commitments.

The processing of applications for energy loans pursuant to this Part VI will be governed by the procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations. If the executive director determines that the applicant and the application for an energy loan meet the requirements of (i) the Act; (ii) the rules and regulations set forth in this Part VI; and (iii) the applicable procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations, he may issue on behalf of the authority a loan commitment to the applicant with respect to such energy loan, subject to the approval or ratification thereof by the authority board. The original principal

amount, term and interest rate or rates on any energy loan and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth in the loan commitment issued by the authority with respect to such energy loan.

## PART VII. PURCHASE OF MORTGAGE LOANS.

### § 7.1. Applicability.

This Part VII shall govern the purchase of mortgage loans from a mortgage lender to finance residential housing for persons and families of low and moderate income qualified pursuant to § 1.2 of these rules and regulations.

### § 7.2. Purchase of mortgage loans to finance single family dwelling units.

A. The authority may from time to time purchase from mortgage lenders mortgage loans which at the time of such purchase are financing single family dwelling units. Any mortgage loan to be so purchased shall have been made to a mortgagor who as of the date of the mortgage loan was a person or family of low or moderate income qualified pursuant to subsection A of § 1.2 of these rules and regulations. The sales price for the single family dwelling unit to be financed by any such mortgage loan shall comply with any applicable limits established pursuant to subsection C of § 4.1 of these rules and regulations or otherwise established by resolution of the board. The term of the mortgage loan to be so purchased shall not exceed 50 years, and the date on which the mortgage loan was made shall not precede the date of the issuance of the authority's commitment to purchase such mortgage loan by such numbers of years as the executive director may from time to time prescribe. The original principal amount of the mortgage loan shall not exceed the limits set forth in subsection E of § 4.1 of the rules and regulations.

B. The processing of applications for the purchase of mortgage loans pursuant to this § 7.2 will be governed by the procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations. If the applicant and the application meet the requirements of the Act, these rules and regulations and the procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations, the executive director may issue on behalf of the authority a commitment to the mortgage lender to purchase such mortgage loan, subject to the approval or ratification thereof by the authority board. Such commitment shall include such terms and conditions as the executive director shall consider necessary or appropriate with respect to such purchase of the mortgage loan.

### § 7.3. Purchase of mortgage loans to finance multi-family dwelling units.

A. The authority may from time to time purchase from mortgage lenders mortgage loans which at the time of such purchase are financing multi-family dwelling units. The term of the mortgage loan to be so purchased shall not exceed 50 years, including the period (if any) of development and construction or rehabilitation. The date on which the mortgage loan was made shall not precede the date of the issuance of the authority's commitment to purchase such mortgage loan by such number of years as the executive director may from time to time prescribe. Any mortgage loan to be so purchased shall comply with, and shall be subject to, the provisions of §§ 2.3 and 2.5 of these rules and regulations and such other provisions of Part II of these rules and regulations as the resolution authorizing the purchase of such mortgage loan, or the commitment issued pursuant thereto, shall require.

B. The processing of application for the purchase of mortgage loans pursuant to this § 7.3 will be governed by the procedures, instructions and guidelines promulgated by the authority pursuant to § 1.3 of these rules and regulations.

Upon satisfactory completion of the processing of such application by the authority staff in accordance with the aforesaid procedures, instructions and guidelines and approval of the application by the executive director, the authority staff's analysis of the application and the executive director's recommendation with respect thereto shall be presented to the board.

The board shall review each such analysis and recommendation and, if it determines that the application meets the requirements of the Act, these rules and regulations and the authority's procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations, the board may by resolution authorize the purchase of the mortgage loan and the issuance of a commitment with respect thereto.

Such resolution, or the authority commitment issued by the executive director pursuant to such resolution, shall include such terms and conditions as the authority considers appropriate with respect to any construction or rehabilitation of the housing development, the marketing and occupancy of such housing development, the disbursement and repayment of the mortgage loan, and other matters related to the financing of the housing development. Such resolution or authority commitment may include a financial analysis of the housing development, which shall set forth the initial schedule of rents, the initial budget approved by the authority for operation of the housing development and, if applicable, a schedule of the estimated housing development costs. Subsequent to adoption of such resolution, the executive director may increase the principal amount of the mortgage loan in accordance with the provisions of subsection C of § 2.2 of these rules and regulations.

### § 7.4. Requests for proposals; reinvestment of proceeds; certification as to prudent investment.

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A. The executive director may from time to time request mortgage lenders to submit offers to sell mortgage loans to the authority in such manner, within such time period and subject to such terms and conditions as he shall specify in such request. The executive director may take such action as he shall deem necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to mortgage lenders, advertising in newspapers or other publications, and any other methods of public announcement which he may select as appropriate under the circumstances. The executive director may also consider and accept offers for sale of individual mortgage loans submitted from time to time to the authority without any solicitation therefor by the authority.

B. The authority shall require as a condition of the purchase of any mortgage loans from a mortgage lender pursuant to this Part VII that such mortgage lender within 180 days from the receipt of proceeds of such purchase shall enter into written commitments to make, and shall thereafter proceed as promptly as practical to make and disburse from such proceeds, residential mortgage loans in the Commonwealth of Virginia having a stated maturity of not less than 20 years from the date thereof in an aggregate principal amount equal to the amount of such proceeds.

C. At or before the purchase of any mortgage loan pursuant to this Part VII, the mortgage lender shall certify to the authority that the mortgage loan would in all respects be a prudent investment and that the proceeds of the purchase of the mortgage loan shall be reinvested as provided in subsection B of this section or invested in short-term obligations pending such investment.

D. The purchase price for any mortgage loan to be purchased by the authority pursuant to this Part VII shall be established in accordance with subdivision 2 of § 36-55.35 of the Code of Virginia.

The effective date of the foregoing rules and regulations shall be August 10, November 1, 1987.

\* \* \* \* \*

**Title of Regulation:** VR 400-02-0013. Procedures, Instructions and Guidelines for Multi-Family Housing Developments for Mentally Disabled Persons.

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

**Public Hearing Date:** N/A  
(See Calendar of Events section for additional information)

**Summary:**

The proposed regulation will establish a program under which the Virginia Housing Development Authority may finance the development, construction,

rehabilitation and/or the ownership and operation of multi-family housing developments intended for occupancy by persons of low and moderate income who are mentally disabled. Although a potential sponsor of such a development may currently apply for a mortgage loan from the authority through the authority's multi-family program, certain of the requirements under the multi-family program have been deemed unnecessary or inapplicable to loans to finance housing for the mentally disabled. The proposed regulations have not only eliminated such requirements in order to encourage and facilitate such loans but have also added certain other provisions deemed necessary by the authority because of certain unique characteristics of such loans.

VR 400-02-0013. Procedures, Instructions and Guidelines for Multi-Family Housing Development for Mentally Disabled Persons.

§ 1. Definitions.

"Act" means the Virginia Housing Development Authority Act, being Chapter 1.2 (§ 36-55.24, et seq.) of Title 36 of the Code of Virginia.

"Authority" means the Virginia Housing Development Authority.

"Board" means the board of commissioners of the authority.

"Closing" means the time of execution by the mortgagor of the documents evidencing the M/D loan, including the deed of trust note, deed of trust and other documents required by the authority. (In the case of a construction loan, "closing" means the initial closing of the M/D loan.)

"Construction" means construction of new structures and the rehabilitation, preservation or improvement of existing structures.

"DMHMR" means the Department of Mental Health, Mental Retardation and Substance Abuse Services of the Commonwealth of Virginia.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the board.

"Final closing" means, for a construction loan, the time of final disbursement of the M/D loan proceeds after satisfaction by the mortgagor of all of the authority's requirements therefor.

"M/D development" means a multi-family housing development intended for occupancy by persons of low and moderate income who are mentally disabled.

"M/D loan" means a mortgage loan made by the

authority to finance the development, construction, rehabilitation and/or the ownership and operation of an M/D development.

"Seed loan" means a mortgage loan made by the authority to finance preconstruction or other related costs approved by the authority and the financing of which by the authority is determined by the authority to be necessary to the mortgagor's ability to obtain an M/D loan for the construction of an M/D development.

## § 2. Purpose and applicability.

The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the Virginia Housing Development Authority (the "authority") to mortgagors to provide the construction and/or permanent financing of M/D developments. Such loans are referred to herein as "M/D loans." These procedures, instructions and guidelines shall be applicable to the making of such M/D loans directly by the authority to mortgagors, the purchase of such M/D loans, the participation by the authority in such M/D loans with mortgage lenders and any other manner of financing of such M/D loans under the Virginia Housing Development Authority Act. These procedures, instructions and guidelines shall not, however, apply to any M/D developments which are subject to any other procedures, instructions and guidelines adopted by the authority. If any M/D loan is to provide either the construction or permanent financing (but not both) of an M/D development, these procedures, instructions and guidelines shall be applicable to the extent determined by the executive director to be appropriate for such financing. In addition, notwithstanding the foregoing, the executive director may, in his discretion, determine that any M/D loan should be processed under the Procedures, Instructions and Guidelines for Multi-Family Housing Developments, whereupon the application for such M/D loan and any other information related thereto shall be transferred to the authority's multi-family division for processing under the aforementioned Multi-Family Procedures, Instructions and Guidelines.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any M/D development to waive or modify any provision herein where deemed appropriate by him for good cause, to the extent not inconsistent with the Act, the authority's rules and regulations, and covenants and agreements with the holders of its bonds.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the mortgagor, the contractor or other members of the

development team under the closing documents as described in § 8 of these procedures, instructions and guidelines.

These procedures, instructions and guidelines are intended to provide a general description of the authority's processing requirements and are not intended to include all actions involved or required in the processing and administration of M/D loans under the authority's multi-family housing programs for M/D developments. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to any particular development or developments or any multi-family housing program or programs for M/D developments.

## § 3. Income limits and general restrictions.

The amounts payable, if any, by persons occupying M/D developments are deemed not to be rent. As a result, the authority's income limit set forth under § 1.2.B of its rules and regulations limiting a person's or family's adjusted family income to an amount not greater than seven times the total annual rent is inapplicable; instead, in accordance with the same aforementioned section of the authority's rules and regulations, the income limits for persons occupying such developments shall be as follows: All units of each M/D development, with the sole exception of those units occupied by an employee or agent of the mortgagor, shall be occupied or held available for occupancy by persons who have adjusted family incomes (as defined in the authority's rules and regulations and as determined at the time of their initial occupancy) which do not exceed 150% of the applicable area median income as determined by the authority and who are mentally disabled.

If federal law or rules and regulations impose limitations on the incomes of the persons or families who may occupy all or any of the units in an M/D development, the adjusted family incomes (as defined in the authority's rules and regulations) of applicants for occupancy of all of the units in the M/D development shall be computed, for the purpose of determining eligibility for occupancy thereof under the authority's rules and regulations and these procedures, instructions and guidelines, in the manner specified in such federal law and rules and regulations, subject to such modifications as the executive director shall require or approve in order to facilitate processing, review and approval of such applications.

Notwithstanding anything to the contrary herein, all M/D developments and the processing thereof under the terms hereof must comply with (i) the Act and the authority's rules and regulations, (ii) the applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued by the authority to finance such M/D developments, (iii) the requirements set forth in the

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resolutions pursuant to which the notes or bonds, if any, are issued by the authority to finance the M/D developments. Copies of the authority's applicable note and bond resolutions, if any, are available upon request.

## § 4. Terms of mortgage loans.

The authority may make or finance mortgage loans secured by a lien on real property or, subject to certain limitations in the Act, a leasehold estate in order to finance M/D developments. The term of the mortgage loan shall be equal to (i) if the M/D loan is to finance the construction of the proposed M/D development, the period determined by the executive director to be necessary to: (1) complete construction of the M/D development, and (2) consummate the final closing of the M/D loan; plus (ii) if the M/D loan is to finance the ownership and operation of the proposed M/D development, an amortization period set forth in the M/D loan commitment but not to exceed 45 years. The executive director may require that such amortization period not extend beyond the termination date of any assistance or subsidy.

M/D loans may be made to (i) for-profit housing sponsors in original principal amounts not to exceed the lesser of the maximum principal amount specified in the M/D loan commitment (which amount shall in no event exceed 95% of the fair market value of the property as determined by the authority) or such percentage of the housing development costs of the M/D development as is established in such commitment, but in no event to exceed 95%, and (ii) nonprofit housing sponsors in original principal amounts not to exceed the lesser of the maximum principal amount specified in the M/D loan commitment (which amount shall in no event exceed 95% of the fair market value of the property as determined by the authority) or such percentage of the housing development costs of the M/D development as is established in such commitment, but in no event to exceed 100%.

The maximum principal amount and percentage of housing development costs specified or established in the M/D loan commitment shall be determined by the authority in such manner and based upon such factors as it deems relevant to the security of the M/D loan and the fulfillment of its public purpose. Such factors may include the economic feasibility of the proposed M/D development in terms of its ability to pay the projected debt service on the M/D loan and the projected operating expenses of the proposed M/D development.

The interest rate on the M/D loan shall be established at the closing and may be thereafter adjusted in accordance with the authority's rules and regulations and the terms of the deed of trust note. The authority shall charge a financing fee equal to 1.5% of the M/D loan amount, unless the executive director shall for good cause require the payment of a different financing fee. Such fee shall be payable at such times as hereinafter provided or at such other times as the executive director shall for

good cause require.

## § 5. Solicitation of proposals.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit proposals for the financing of M/D developments. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of proposals and the selections of M/D developments as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available funds of the authority are to be allocated and such other matters as he shall deem appropriate relating to the selection of proposals. The authority may also consider and approve proposals for financing of M/D developments submitted from time to time to the authority without any solicitation therefor on the part of the authority.

## § 6. Application and review.

### A. Information to be submitted.

Application for an M/D loan shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority, including, but not limited to:

1. Information with respect to the status of the proposed development site and the surrounding community;
2. Any option or sales contract to acquire the site;
3. An evaluation of the need and effective demand for the proposed M/D development in the market area of such site;
4. Information regarding the legal, business and financial status and experience of the applicant;
5. Information regarding amenities and services proposed to be offered to the tenants;
6. A determination by DMHMR on such form or forms as the executive director may from time to time prescribe to the effect that (i) the mortgagor has the intent and ability to provide the services deemed necessary by DMHMR for the success of a housing development intended for occupancy by persons of low and moderate income who are mentally disabled, (ii)

that the proposed location and type of housing are suitable for the contemplated residents and that there exists a need in the area of the proposed location for housing for the mentally disabled, and (iii) that the development is economically feasible to the extent that it is projected to have or receive funds in an amount sufficient to pay the debt service on the proposed M/D loan and to pay for all of the requisite services deemed necessary by DMHMR for the success of such a development (for those M/D developments which are to receive funding other than that directly from the mortgagor, a breakdown of the source and amount of such funding upon which DMHMR relied in making its determination must be included);

7. Architectural and engineering plans, drawings and specifications in such detail as shall be necessary or appropriate to determine the requirements for construction of the proposed development;

8. The applicant's (i) best estimates of the housing development costs and the components thereof, (ii) proposed M/D loan amount, (iii) proposed annual operating budget and the individual components thereof, (iv) best estimates of the monthly utility expenses and other costs for each dwelling unit if paid by the resident, and (v) amount of any subsidy or assistance, including any described in item 6 above, that the applicant is requesting for the proposed M/D development. The applicant's estimates shall be in such detail and with such itemization and supporting information as shall be requested by the executive director;

9. The applicant's tenant selection plans, including description and analysis of tenant selection strategies, techniques and procedures to be followed;

10. Any documents required by the authority to evidence compliance with all conditions and requirements necessary to acquire, own, construct, operate and manage the proposed development, including local governmental approvals, proper zoning status, availability of utilities, licenses and other legal authorizations necessary to perform requisite functions and any easements necessary for the construction and operation of the development; and

11. A nonrefundable processing fee equal to 0.5% of the proposed M/D loan amount. Such fee shall be applied at closing toward the payment of the authority's financing fee.

In the selection of an application or applications for processing, the executive director may take into account the desirability of allocating funds to different sponsors throughout the Commonwealth of Virginia.

The executive director may for good cause permit the applicant to file one or more of the foregoing forms, documents and information at a later time, and any

review, analysis, determination or other action by the authority or the executive director prior to such filing shall be subject to the receipt, review and approval by the executive director of such forms, documents and information.

An appraisal of the land and any improvements to be retained and used as a part of the M/D development will be obtained at this time or as soon as practical thereafter from an independent real estate appraiser selected by the authority. Such appraisal shall not be obtained until the authority has received the processing fee required by § 6.A.11 above. The authority may also obtain such other reports, analyses, information and data as the executive director deems necessary or appropriate to evaluate the proposed M/D development.

If at any time the executive director determines that the applicant is not processing the application with due diligence and best efforts or that the application cannot be successfully processed to commitment and closing within a reasonable time, he may, in his discretion, terminate the application and retain any fees previously paid to the authority.

## B. Review of the application.

The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each proposed M/D development. Such review shall be performed in accordance with subdivision 2 of subsection D of § 36-55.33:1 of the Code of Virginia and shall include, but not be limited to, the following:

1. An analysis of the site characteristics, surrounding land uses, available utilities, transportation, recreational opportunities, shopping facilities and other factors affecting the site;

2. An evaluation of the ability, experience and financial capacity of the applicant;

3. An analysis of the estimates of construction costs and the proposed operating budget and an evaluation as to the economic feasibility of the proposed M/D development;

4. A review of the tenant selection plans, including its effect on the economic feasibility of the proposed M/D development and its efficacy in carrying out the programs and policies of the authority;

5. An analysis of the drawings and specifications, the marketability of the units, the amenities and facilities to be provided to the proposed residents, and the management and maintenance characteristics of the proposed M/D development.

## C. Requirement that application satisfy certain criteria.

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Based upon the authority staff's analysis of such documents and information and any other information obtained by the authority in its review of the proposed M/D development, the executive director may issue a commitment for a M/D loan to the applicant with respect to the proposed M/D development provided that he has determined that all of the following criteria have been satisfied:

1. The vicinity of the proposed M/D development is and will continue to be a residential area suitable for the proposed M/D development and is not now, nor is it likely in the future to become, subject to uses or deterioration which could cause undue depreciation in the value of the proposed M/D development or which could adversely affect its operation, marketability or economic feasibility.
2. There are or will be available on or before the estimated completion date (i) direct access to adequate public roads and utilities and (ii) such public and private facilities (such as schools, churches, transportation, retail and service establishments, parks and recreational facilities) in the area of the proposed M/D development as the executive director determines to be necessary or desirable for use and enjoyment by the contemplated residents.
3. The applicant either owns or leases the site of the proposed M/D development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to process the application and consummate the initial closing.
4. The applicant and general contractor have the experience, ability and financial capacity necessary to carry out their respective responsibilities for the acquisition, construction, ownership, operation, maintenance and management of the proposed M/D development.
5. The application and proposed M/D development conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these procedures, instructions and guidelines.
6. The proposed M/D development will assist in meeting the need for such housing in the market area of the proposed M/D development.
7. The applicant's estimates of housing development costs (i) include all costs necessary for the development and construction of the proposed M/D development, (ii) are reasonable in amount, (iii) are based upon valid data and information, and (iv) are comparable to costs for similar multi-family rental developments; provided, however, that if the applicant's estimates of such costs are insufficient in amount under the foregoing criteria, such criteria may

nevertheless be satisfied if, in the judgment of the executive director, the mortgagor will have the financial ability to pay any costs estimated by the executive director to be in excess of the total of the applicant's estimates of housing development costs.

8. Subject to review by the authority, in the case of construction loans at final closing or in the case of permanent loans at closing, the categories of the estimated housing development costs to be funded from the proceeds of the mortgage loan are eligible for such funding under the closing documents or under such other requirements as shall be agreed to by the authority.

9. Any administrative, community, health, nursing care, medical, educational, recreational, commercial or other nonhousing facilities to be included in the proposed M/D development are incidental or related to the proposed M/D development and are necessary, convenient or desirable with respect to the ownership, operation or management of the proposed development.

10. The estimated income from the proposed M/D development, including any estimated subsidy or assistance, is sufficient to pay when due the estimates of the debt service on the mortgage loan, the operating expenses, and replacement and other reserves required by the authority.

11. The drawings and specifications shall demonstrate that the proposed M/D development as a whole and the individual units therein shall provide safe and habitable living accommodations and environment for the contemplated residents.

12. The tenant selection plans submitted by the applicant shall comply with the authority's rules and regulations and shall be satisfactory to the authority.

13. The proposed M/D development will comply with (i) all applicable federal laws and regulations governing the federal tax exemption of the notes or bonds, if any, issued or to be issued by the authority to finance the proposed M/D development and (ii) all requirements set forth in the resolutions, if any, pursuant to which such notes or bonds are issued or to be issued.

14. The prerequisites necessary for the applicant to acquire, own, construct or rehabilitate, operate and manage the proposed M/D development have been satisfied or can be satisfied prior to initial closing. These prerequisites include, but are not limited to obtaining (i) site plan approval, (ii) proper zoning status, (iii) assurances of the availability of the requisite public utilities, (iv) commitments by public officials to construct such public improvements and accept the dedication of streets and easements that are necessary or desirable for the construction and

use of the proposed M/D development, (v) building permits, and (vi) fee simple ownership of the site, a sales contract or option giving the applicant or mortgagor the right to purchase the site for the proposed M/D development and obtain fee simple title, or a leasehold interest of the time period required by the Act (any such ownership or leasehold interest acquired or to be acquired shall be free of any covenants, restrictions, easements, conditions, or other encumbrances which would adversely affect the authority's security or the construction or operation of the proposed M/D development).

15. The proposed M/D development will comply with all applicable state and local laws, ordinances, regulations, and requirements.

16. The proposed M/D development will contribute to the fulfillment of the public purposes of the authority as set forth in its Act.

17. Subject to a final determination by the board, the financing of the proposed M/D development will meet the applicable requirements set forth in § 36-55.39 of the Code of Virginia. For the purposes of satisfying subsection B of the aforementioned code section, the term "substantial rehabilitation" means the repair or improvement of an existing housing unit, the value of which repairs or improvements equals at least 25% of the total value of the rehabilitated housing unit.

## § 7. Commitment.

If the executive director determines that the foregoing criteria set forth in § 6.C above are satisfied and that he will recommend approval of the application and issuance of the commitment therefor, he shall either (i) present his recommendations to the board or (ii) in accordance with the authority's rules and regulations, issue the commitment subject to the approval and ratification of the board. If the executive director determines that one or more of the foregoing criteria have not been adequately satisfied, he may nevertheless in his discretion either (i) in the case of an M/D loan application for which the board's approval is sought in advance of the issuance of the commitment therefor, recommend to the board that the application be approved and that a mortgage loan commitment be issued subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate or (ii) in the case of an M/D loan commitment to be issued by the executive director subject to ratification by the board all in accordance with the authority's rules and regulations, issue such commitment subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate.

In the case of an M/D loan application for which the board's approval is sought in advance of the issuance of the commitment therefor, the board shall review and consider the recommendation of the executive director, and if it concurs with such recommendation, it shall by

resolution approve the application and authorize the issuance of a commitment, subject to such terms and conditions as the board shall require in such resolution. Such resolution and the commitment issued pursuant thereto shall in all respects conform to the requirements of the authority's rules and regulations.

If the executive director determines not to recommend approval of the application and issuance of a commitment, he shall so notify the applicant. If any application is not so recommended for approval, the executive director may select for processing one or more applications in its place.

## § 8. Closing.

Upon issuance of the commitment, the applicant shall direct its attorney to prepare and submit the legal documentation (the "closing documents") required by the commitment within the time period specified. When the closing documents have been submitted and approved by the authority staff, the board has approved or ratified the commitment and has determined that the financing of the proposed M/D development meets all the applicable requirements of § 36-55.39 of the Code of Virginia, and all other requirements in the commitment have been satisfied, the closing of the M/D loan shall be held. At this closing, the closing documents shall be, where required, executed and recorded, and the mortgagor will pay to the authority the balance owed on the financing fee, will make any equity investment required by the closing documents and will fund such other deposits, escrows and reserves as required by the commitment. The initial disbursement of M/D loan proceeds will be made by the authority, if appropriate under the commitment and the closing documents.

The actual interest rate on the M/D loan shall be established by the executive director at the time of the execution of the deed of trust note at closing and may thereafter be altered by the executive director in accordance with the authority's rules and regulations and the terms of such note.

The executive director may require such accounts, reserves, deposits, escrows, bonds, letters of credit and other assurances as he shall deem appropriate to assure the satisfactory construction, completion, occupancy and operation of the M/D development, including without limitation one or more of the following: working capital deposits, construction contingency funds, operating reserve accounts, payment and performance bonds or letters of credit, latent construction defect escrows, replacement reserves, and tax and insurance escrows. The foregoing shall be in such amounts and subject to such terms and conditions as the executive director shall require and as shall be set forth in the initial closing documents.

## § 9. Construction.

In the case of construction loans, the construction of the M/D development shall be performed in accordance with



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the closing documents. The authority shall have the right to inspect the M/D development as often as deemed necessary or appropriate by the authority to determine the progress of the work and compliance with the closing documents and to ascertain the propriety and validity of M/D loan disbursements requested by the mortgagor. Such inspections shall be made for the sole and exclusive benefit and protection of the authority. A disbursement of M/D loan proceeds may only be made upon compliance with the terms and conditions of the closing documents with respect to any such disbursement; provided, however, that in the event that such terms and conditions have not been satisfied, the executive director may, in his discretion, permit such disbursement if additional security or assurance satisfactory to him is given. The amount of any disbursement shall be determined in accordance with the terms of the initial closing documents and shall be subject to such retainage or holdback as is therein prescribed.

## § 10. Completion of construction and final closing.

In the case of construction loans, the closing documents shall specify those requirements and conditions that shall be satisfied in order for the M/D development to be deemed to have attained final completion. Upon such final completion of the M/D development, the mortgagor, general contractor, and any other parties required to do so by the closing documents shall each diligently commence, complete and submit to the authority for review and approval their cost certification in accordance with the closing documents or in accordance with such other requirements as shall have been agreed to by the authority.

Prior to or concurrently with final closing, the mortgagor, general contractor and other members of the development team shall perform all acts and submit all contracts and documents required by the closing documents in order to attain final completion, make the final disbursement of M/D loan proceeds, obtain any subsidy or assistance and otherwise consummate the final closing.

At the final closing, the authority shall determine the following in accordance with the closing documents:

1. The total development costs, the fair market value of the M/D development, the final mortgage loan amount, the balance of M/D loan proceeds to be disbursed to the mortgagor, the equity investment of the mortgagor and, if applicable, the maximum amount of annual limited dividend distributions;
2. The interest rate to be applied initially upon commencement of amortization, the date for commencement and termination of the monthly amortization payments of principal and interest, the initial amount of such monthly amortization payments, and the initial amounts to be paid monthly into the escrow accounts for taxes, insurance, replacement

reserves, or other similar escrow items; and

3. Any other funds due the authority, the mortgagor, general contractor, architect or other parties that the authority requires to be disbursed or paid as part of the final closing.

## § 11. Seed money loans.

Notwithstanding anything herein to the contrary, the executive director may, in his discretion, approve an application on such forms as he may prescribe for a seed money loan and issue a commitment therefor subject to ratification by the board.

## § 12. M/D loan increases.

Prior to closing, the principal amount of the M/D loan may be increased, if such an increase is justified by an increase in the estimated costs of the proposed M/D development, is necessary or desirable to effect the successful construction and operation of the proposed M/D development, can be funded from available proceeds of the authority's notes or bonds, and is not inconsistent with the provisions of the Act or the authority's rules and regulations or any of the provisions of these procedures, instructions and guidelines. Any such increase shall be subject to such terms and conditions as the authority shall require.

Subsequent to closing, the authority will consider and, where appropriate, approve an M/D loan increase to be financed from the proceeds of the authority's notes or bonds in the following instances:

1. Where cost increases are incurred as the direct result of (i) changes in work required or requested by the authority or (ii) betterments to the M/D development approved by the authority which will improve the quality or value of the M/D development or will reduce the costs of operating or maintaining the M/D development;
2. Where cost increases are incurred as a direct result of the failure by the authority during processing of the M/D development to properly perform an act for which the authority is solely responsible;
3. Where an M/D loan increase is determined by the authority, in its sole and absolute discretion, to be in the best interests of the authority in protecting its security for the mortgage loan; or
4. Where the authority has entered into an agreement with the mortgagor prior to closing to provide an M/D loan increase if certain cost overruns occur in agreed line items, but only to the extent set forth in such agreement.

Any such increase in the M/D loan subsequent to closing may be subject to such terms and conditions as the

authority shall require, including (but not limited to) one or more of the following:

1. The ability of the authority to sell bonds to finance the M/D loan increase in amounts, at rates and under terms and conditions satisfactory to the authority (applicable only to an M/D loan to be financed from the proceeds of the authority's notes or bonds).
2. The obtaining by the owner of additional subsidy (if the M/D development is to receive such subsidy) in amounts necessary to fund the additional debt service to be paid as a result of such M/D loan increase. The provision of such additional subsidy shall be made subject to and in accordance with all applicable federal regulations.
3. A determination by the authority that the M/D loan increase will have no material adverse effect on the financial feasibility or proper operation and maintenance of the M/D development.
4. A determination by the authority that the M/D loan, as increased, does not exceed such percentage of the total development cost (as certified in accordance with the closing documents as approved by the authority) as is established in the resolution authorizing the M/D loan in accordance with § 3 of these procedures, instructions and guidelines.
5. Such terms and conditions as the authority shall require in order to protect the security of its interest in the M/D loan, to comply with covenants and agreements with the holders of its bonds issued to finance the mortgage loan, to comply with the Act and the authority's rules and regulations, and to carry out its public purpose.

The executive director may, without further action by the board, increase the principal amount of the M/D loan at any time by an amount not to exceed 2.0% of the maximum principal amount of the M/D loan set forth in the commitment, provided that such increase is consistent with the Act and the authority's rules and regulations and the provisions of these procedures, instructions and guidelines. Any increase in excess of such 2.0% shall require the approval of the board.

Nothing contained in this § 12 shall impose any duty or obligation on the authority to increase any M/D loan, as the decision as to whether to grant an M/D loan increase shall be within the sole and absolute discretion of the authority.

#### § 13. Operation and management.

The M/D development shall be subject to certain regulatory covenants in closing documents entered into at closing between the authority and the mortgagor. Such regulatory covenants shall govern the occupancy, maintenance, operation, use and disposition of the M/D

development and the activities and operation of the mortgagor.

The mortgagor shall lease the units in the M/D development only to persons who are eligible for occupancy thereof as described in § 3 of these procedures, instructions and guidelines. The mortgagor shall comply with the provisions of the authority's rules and regulations regarding (i) the examination and determination of the income and eligibility of applicants for initial occupancy of the M/D development and (ii) the periodic reexamination and redetermination of the income and eligibility of residents of the M/D development.

In selecting eligible residents, the mortgagor shall comply with such occupancy criteria and priorities and with the tenant selection plan approved by the authority pursuant to § 6 of these procedures, instructions and guidelines.

The authority shall have the power to supervise the mortgagor and the M/D development in accordance with § 36-55.34:1 of the Code of Virginia and the terms of the closing documents or other agreements relating to the M/D loans. The authority shall have the right to inspect the M/D development, conduct audits of all books and records of the M/D development and to require such reports as the authority deems reasonable to assure compliance with this § 13.

#### § 14. Transfers of ownership.

A. It is the authority's policy to evaluate requests for transfers of ownership on a case-by-case basis. The primary goal of the authority is the continued existence of low and moderate income rental housing stock maintained in a financially sound manner and in safe and sanitary condition. Any changes which would, in the opinion of the authority, detrimentally affect this goal will not be approved.

The provisions set forth in this § 14 shall apply only to transfers of ownership to be made subject to the authority's deed of trust.

For the purposes hereof, the terms "transfer of ownership" and "transfer" shall include any direct or indirect transfer of a partnership or other ownership interest (including, without limitation, the withdrawal or substitution of any general partner) or any sale, conveyance or other direct or indirect transfer of the M/D development or any interest therein; provided, however, that if the owner is not then in default under the deed of trust or regulatory agreement, such terms shall not include (i) any sale, transfer, assignment or substitution of limited partnership interests prior to final closing of the M/D loan or, (ii) any sale, transfer, assignment or substitution of limited partnership interests which in any 12-month period constitute in the aggregate 50% or less of the partnership interests in the owner. The term "proposed ownership entity," as used herein, shall mean (i) in the case of a

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transfer of a partnership interest, the owner of the M/D development as proposed to be restructured by such transfer, and (ii) in the case of a transfer of the M/D development, the entity which proposes to acquire the M/D development.

B. The proposed ownership entity requesting approval of a transfer of ownership must initially submit a written request to the authority. This request should contain (i) a detailed description of the terms of the transfer, (ii) all documentation to be executed in connection with the transfer, (iii) information regarding the legal, business and financial status and experience of the proposed ownership entity and of the principals therein, including current financial statements (which shall be audited in the case of a business entity), (iv) an analysis of the current physical and financial condition of the M/D development, including a current audited financial report for the M/D development, (v) information regarding the experience and ability of any proposed management agent, and (vi) any other information and documents requested by the authority relating to the transfer. The request will be reviewed and evaluated in accordance with the following criteria:

1. The proposed ownership entity and the principals therein must have the experience, ability and financial capacity necessary to own, operate and manage the M/D development in a manner satisfactory to the authority.

2. The M/D development's physical and financial condition shall be acceptable to the authority as of the date of transfer or such later date as the authority may approve. In order to assure compliance with this criteria, the authority may require any of the following:

a. The performance of any necessary repairs and the correction of any deferred or anticipated maintenance work;

b. The addition of any improvements to the M/D development which, in the judgment of the authority, will be necessary or desirable for the successful marketing of the M/D development, will reduce the costs of operating or maintaining the M/D development, will benefit the residents or otherwise improve the liveability of the M/D development, or will improve the financial strength and stability of the M/D development;

c. The establishment of escrows to assure the completion of any required repairs, maintenance work, or improvements;

d. The establishment of such new reserves and/or such additional funding of existing reserves as may be deemed necessary by the authority to ensure or preserve the financial strength and stability or the proper operation and maintenance of the M/D

development; and

e. The funding of debt service payments, accounts payable and reserve requirements such that the foregoing are current at the time of any transfer of ownership.

3. The management agent, if any, to be selected by the proposed ownership entity to manage the M/D development on its behalf must have the experience and ability necessary to manage the M/D development in a manner satisfactory to the authority. The management agent must satisfy the qualifications established by the authority for approval thereof.

C. The authority will charge the proposed ownership entity a fee of \$5,000 or such higher fee as the executive director may for good cause require. This fee is to be paid at the closing.

D. In the case of a transfer from a nonprofit owner to a proposed for-profit owner, the authority may require the proposed for-profit owner to deposit and/or expend funds in such amount and manner and for such purposes and to take such other actions as the authority may require in order to assure that the principal amount of the mortgage loan does not exceed the limitations specified in the Act and the authority's rules and regulations or otherwise imposed by the authority. No transfer of ownership from a nonprofit owner to a for-profit owner shall be approved if such transfer would, in the judgment of the authority, affect the tax-exemption of the notes or bonds, if any, issued by the authority to finance the development. The authority will not approve any such transfer of ownership if any loss of property tax abatement as a result of such transfer will, in the determination of the authority, adversely affect the financial strength or security of the M/D development.

The authority may require that any cash proceeds received by the nonprofit owner (after the payment of transaction costs and the funding of any fees, costs, expenses, reserves or escrows required or approved by the authority) be used for such charitable or other purposes as the authority may approve.

E. A request for transfer of ownership shall be reviewed by the executive director and may be approved by him subject to such terms and conditions as he may require.

After approval of the request, an approval letter will be issued to the mortgagor consenting to the transfer. Such letter shall be contingent upon the delivery and execution of any and all closing documents required by the authority with respect to the transfer of ownership and the fulfillment of any special conditions required by the executive director.

The authority may require that the proposed ownership entity execute the then current forms of the authority's M/D loan documents in substitution of the existing M/D

loan documents and/or to execute such amendments to the existing M/D loan documents as the authority may require in order to cause the provisions of such documents to incorporate the then existing policies, procedures and requirements of the authority. At the closing of the transfer, all documents required by the approval letter shall be, where required, executed and recorded; all funds required by the approval letter will be paid or deposited in accordance therewith; and all other terms and conditions of the approval letter shall be satisfied. If deemed appropriate by the executive director, the original mortgagor shall be released from all liability and obligations which may thereafter arise under the documents previously executed with respect to the M/D development.

In the case of an M/D development which is in default or which is experiencing or is expected by the authority to experience financial, physical or other problems adversely affecting its financial strength and stability or its proper operation, maintenance or management, the authority may waive or modify any of the requirements herein as it may deem necessary or appropriate in order to assist the M/D development and/or to protect the authority's interest as lender.

#### § 15. Prepayments.

It shall be the policy of the authority that no prepayment of an M/D loan shall be made without its prior written consent for such period of time set forth in the note evidencing the M/D loan as the executive director shall determine, based upon his evaluation of then existing conditions in the financial and housing markets, to be necessary to accomplish the public purpose of the authority. The authority may also prohibit the prepayment of M/D loans during such period of time as deemed necessary by the authority to assure compliance with applicable note and bond resolutions and with federal laws and regulations governing the federal tax exemption of the notes or bonds, if any, issued to finance such mortgage loans. Requests for prepayment shall be reviewed by the executive director on a case-by-case basis. In reviewing any request for prepayment, the executive director shall consider such factors as he deems relevant, including without limitation the following (i) the proposed use of the M/D development subsequent to prepayment, (ii) any actual or potential termination or reduction of any subsidy or other assistance, (iii) the current and future need and demand for low and moderate housing in the market area of the development, (iv) the financial and physical condition of the M/D development, (v) the financial effect of prepayment on the authority and the notes or bonds, if any, issued to finance the M/D development, and (vi) compliance with any applicable federal laws and regulations governing the federal tax exemption of such notes or bonds. As a precondition to its approval of any prepayment, the authority shall have the right to impose restrictions, conditions and requirements with respect to the ownership, use, operation and disposition of the M/D development, including without limitation any restrictions

or conditions required in order to preserve the federal tax exemption of notes or bonds issued to finance the M/D development. The authority shall also have the right to charge a prepayment fee in an amount determined in accordance with the terms of the resolutions authorizing the notes or bonds issued to finance the M/D development or in such other amount as may be established by the executive director in accordance with the terms of the deed of trust note and such resolutions. The provisions of this § 15 shall not be construed to impose any duty or obligation on the authority to approve any prepayment, as the executive director shall have sole and absolute discretion to approve or disapprove any prepayment based upon his judgment as to whether such prepayment would be in the best interests of the authority and would promote the goals and purposes of its programs and policies.

The effective date of the foregoing procedures, instructions and guidelines for multi-family housing developments for mentally disabled persons shall be November 1, 1987.

# FINAL REGULATIONS

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.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**NOTE:** The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulation.

**Title of Regulation:** VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program.

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

**Effective Date:** September 15, 1987

### Summary:

*Pursuant to the Temporary Regulations for Mortgage Credit Certificates issued by the Internal Revenue Service on May 8, 1985 (26 C.F.R. Parts 1, 6 and 602), the Virginia Housing Development Authority elected not to issue \$9,731,504 in mortgage revenue bond issuing authority for the calendar year 1985 and to use those funds for a Mortgage Credit Certificate Program. The current procedures, instructions and guidelines implement VHDA's Mortgage Credit Certificate Program. Under such procedures, instructions and guidelines, mortgage credit certificates may be issued only to purchasers of new mobile/manufactured housing. The amendment modifies such program to permit issuance of mortgage credit certificates for site-built housing units also.*

VR 400-02-0010. Procedures, Instructions and Guidelines for Mortgage Credit Certificate Program.

### PART I. PURPOSE AND APPLICABILITY.

#### § 1.1. Definitions.

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

**"Acquisition cost"** means the purchase price of the a mobile/manufactured or site-built home, and the cost of land and improvements, including any well or septic system, if owned for less than two years; the cost of completing any unfinished space; the cost of any fixtures not included in the purchase price; any set-up costs including transportation of a mobile/manufactured home, if not included in the purchase price; settlement or

financing costs which are in excess of usual or reasonable costs and the capitalized value of any ground rent.

**"Application for Commitment"** means a request to the authority by an applicant for an MCC commitment on a specified loan. This request shall be made on the Application for Commitment form.

**"Authority"** means the Virginia Housing Development Authority, a political subdivision of the Commonwealth of Virginia constituting a public instrumentality.

**"Certified indebtedness"** means the amount of indebtedness as determined by the authority incurred by the applicant to acquire a mobile/manufactured or site-built home, in accordance with federal requirements and as specified in the MCC.

**"Commitment"** means the obligation of the authority to provide an MCC to an eligible applicant pursuant to an approved Application for Commitment.

**"Commitment fee"** means the fee payable or paid by an eligible applicant to the authority in connection with an Application for Commitment.

**"Commitment term"** means the period of time during which the eligible applicant may obtain a loan to which the MCC applies and during which the authority is obligated to issue an MCC pursuant to a commitment.

**"Eligible applicant"** means any person meeting the criteria for an eligible applicant as set forth in Part II of these procedures, instructions and guidelines.

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

**"Loan"** means any extension of credit, to which an MCC applies, provided to an eligible applicant to finance the purchase of a mobile/manufactured or site-built home which meets the conditions set forth in these procedures, instructions and guidelines.

**"Mobile/manufactured home"** means any mobile/manufactured housing unit that meets the criteria set forth in Part II of these procedures, instructions and guidelines.

**"Mortgage credit certificate" or "MCC"** means a certificate issued by the authority pursuant to § 25 of the

Internal Revenue Code as amended by § 612 of the Tax Reform Act of 1984.

*"Mortgage credit certificate rate"* means the rate specified by the authority in the MCC that determines the allowable percentage of annual loan interest payments for which the applicant is eligible to take a federal tax credit.

*"Participating lender"* means any person or organization legally authorized to engage in the business of making loans for the purchase of mobile/manufactured homes or for the purchase or construction of site-built homes and meeting the qualifications set forth in these procedures, instructions and guidelines.

*"Principal residence"* means that the dwelling will be occupied as the primary residence of the purchaser and will not be property held in a trade or business, or investment property, and is not a recreational or second home and that no part of the dwelling shall be used for any business purposes for which expenses may be deducted for federal income tax purposes.

*"Program"* means the authority's Mortgage Credit Certificate Program.

*"Purchase price"* means, with regard to a mobile/manufactured home, the amount paid by the applicant or any other person to or for the benefit of the seller for the such mobile/manufactured home (excluding the cost of any land or personal property which is not a permanently attached fixture); with regard to a site-built home it shall mean the amount paid for such home including land and improvements.

*"Qualified mortgage bond"* means a tax-exempt security, as defined under § 103A of the Internal Revenue Code, issued by a state, certain agencies or authorities or a local government, the proceeds of which are used to provide financing for owner-occupied residential property.

*"Qualified veterans bond"* means a tax-exempt security, as defined under § 103A of the Internal Revenue Code, issued by a state or certain agencies or authorities, the proceeds of which are used to provide financing for owner-occupied residences of certain veterans of military, naval or air service.

*"Site-built home"* means a single family residence intended to be the principal residence of the purchaser which is permanently affixed to real property and is not a mobile/manufactured home.

## § 1.2. Purpose and applicability.

Section 25 of the Internal Revenue Code, as amended, authorizes states and political subdivisions to issue MCC's in lieu of qualified mortgage revenue bonds. These MCC's entitle qualifying individuals to a credit against the individual's federal income taxes. The amount of the credit is determined by multiplying the certificate credit

rate by the amount of mortgage interest paid or accrued by the taxpayer during the taxpayer's taxable year. The maximum allowable credit is \$2,000 per year.

The authority has elected to participate in the program and hereby sets forth its procedures, instructions and guidelines thereunder.

The following procedures, instructions and guidelines will be applicable to MCC's which are to be issued by the authority to persons and families of low and moderate income for the purpose of assisting them in the purchase of mobile/manufactured or site-built homes. This program is being implemented pursuant to federal regulations found in 26 CFR, Parts 1, 6a and 602, which were published in the Federal Register on May 8, 1985.

Notwithstanding anything to the contrary herein, the executive director of the authority is authorized with respect to any MCC to waive or modify any provision herein where deemed appropriate by him "for good cause" to the extent not inconsistent with the Virginia Housing Development Authority Act (hereinafter "the Act"), the authority's rules and regulations and federal statutes and regulations.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of the authority's requirements and processing and are not intended to include all actions involved or required in the processing and administration of MCC's. These procedures, instructions and guidelines are subject to amendment at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to the program.

Notwithstanding anything to the contrary herein, all MCC's must comply with the applicable federal laws, rules and regulations governing the issuance of MCC's.

## PART II. ELIGIBILITY REQUIREMENTS.

### § 2.1. Eligible persons and families.

In order to be qualified as a person or family of low and moderate income eligible for an MCC, the person or family must have an annual adjusted gross family income (as defined in the authority's rules and regulations) which does not exceed \$20,400.00. The person or family must also have an annual gross income which does not exceed \$34,270.00. Those limits established from time to time by the authority's Board of Commissioners in the authority's Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Additionally, in order to be eligible to receive an MCC, an applicant must, on the date the loan is made:

1. Be a purchaser who will use the

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mobile/manufactured or *site-built* home for a permanent principal residence within the Commonwealth of Virginia;

2. Possess the legal capacity to incur the obligations of the loan;

3. Agree to notify the authority if the mobile/manufactured or *site-built* home ceases to be the purchaser's permanent principal residence;

4. Agree not to sell or transfer the MCC; and

5. Shall not have had a present ownership interest in a principal residence at any time during the three-year period ending on the date on which the loan is executed (not applicable in targeted areas and not applicable to previous ownership of a mobile/manufactured home classified as personal property).

## § 2.2. Eligible properties.

### A. General.

1. *Mobile/manufactured homes* Properties which are eligible under the program are ~~mobile/manufactured housing those~~ units which are new and have not been previously occupied and which have a minimum of 400 square feet of living space and a minimum width in excess of 102 inches and which are of a kind customarily used at a fixed location and designed primarily for residential housing for one family. The dwellings must be of a type which is manufactured with a permanently affixed chassis for the purpose of transporting the dwelling to its site. All permanently attached fixtures are included as a part of the dwelling unit.

2. *Site-built homes which are eligible under the program are those units that meet BOCA standards and otherwise qualify under the authority's Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.*

### B. Purchase price and acquisition cost limits.

The purchase price of the mobile/manufactured or *site-built* home may not exceed ~~\$50,000.00~~ those limits established from time to time by the Board of Commissioners of the authority in the *Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income*. The total acquisition cost, which includes the cost of land if owned by the applicant less than two years, may not exceed ~~\$67,400.00~~ those limits established from time to time in compliance with the federal requirements.

### C. Location of property.

At the time the MCC is issued or within 60 days thereafter, the property must be located and occupied within the Commonwealth of Virginia.

## § 2.3. Eligible lenders.

The authority may not limit the use of an MCC obtained under this program by an eligible applicant to loans incurred from any particular lender. Therefore, the eligible applicant may obtain a loan from any lender engaged in the business of extending credit for the purchase of mobile/manufactured homes or *the purchase or construction of site-built homes*, who agrees to comply with all federal and authority MCC requirements and regulations. A loan may not be obtained from a related person, as defined in the federal regulations.

## § 2.4. Eligible loans.

### A. Time of loan.

To be eligible for an MCC issued by the authority, an applicant's certified indebtedness must have been incurred during the period when the authority is permitted to offer MCC's to eligible applicants.

### B. Type of loan.

MCC's will be issued only to eligible applicants who obtain loans for the purpose of financing the purchase of mobile/manufactured or *site-built* homes for use as the principal residences of the eligible applicants. No loan may be made to refinance an existing loan unless such loan was a bridge loan or similar temporary initial financing. No portion of the financing of the dwelling may be made from the proceeds of a qualified mortgage bond or a qualified veterans bond.

### C. Interest rates and term.

The interest rate shall not exceed and the term of loans made in connection with MCC's shall not substantially vary from those that are customarily used with respect to mortgages not provided in connection with MCC's. The authority shall from time to time monitor prevailing rates and terms within the industry for the purpose of determining compliance with this section.

### D. Permissible loan fees.

The lender may not, without the prior written approval of the authority, require the applicant to pay, either directly or indirectly in obtaining the loan to which the MCC is to be applied, any points, origination fees, servicing fees, application fees, insurance fees, or similar settlement or financing costs in amounts exceeding those that are customarily charged with respect to mortgages not provided in connection with MCC's.

## PART III. ALLOCATION OF CREDITS.

## § 3.1. Allocation of credits to targeted areas.

The authority will comply with all targeted area requirements as contained in federal regulations. This includes the reservation of 20% of the MCC authority for use in targeted areas for a period of one year from the date on which the MCC's are first made available. A complete listing of targeted areas is available from the authority as well as instructions regarding the procedures for the designation of new targeted areas.

## § 3.2. Discretion of authority to allocate.

Notwithstanding anything to the contrary herein, in administering the program, the executive director may impose limitations or restrictions on the allocation of MCC's in order to insure a broad geographic dispersal of MCC's throughout the Commonwealth.

### PART IV. APPLICATION AND PROCESSING.

## § 4.1. Application for and issuance of commitments.

The applicant shall submit such forms, documents and information and fees as the executive director may require in order to apply for an MCC. The executive director or his designee shall review the application and, if it is determined that the Application for Commitment complies with these procedures, instructions and guidelines and any applicable federal laws, rules and regulations, then the authority shall issue a commitment to the applicant with respect to such MCC, subject to the ratification thereof by the authority's Board of Commissioners. The maximum principal amount, amortization period and interest rate on the applicant's loan and such other terms, conditions and requirements as the executive director deems necessary or appropriate shall be set forth in the commitment. The commitment term shall be for 60 days, except that the term may be extended "for good cause" in the sole discretion of the authority.

## § 4.2. Issuance of MCC.

The closing of the loan shall be consummated in accordance with the terms of the commitment. Upon receipt of such forms, documents, information and commitment fees as the executive director may require upon closing, the authority shall issue an MCC to the applicant. The MCC shall specify the applicable mortgage credit certificate rate and the certified indebtedness amount.

## § 4.3. Compliance inspections.

The mobile/manufactured home shall be transported to its site and occupied within 60 days of loan closing. The authority shall have the right from time to time to enter upon the property on which the mobile/manufactured or site-built home is located in order to determine

compliance with program requirements. Any such inspection shall be made for the sole and exclusive benefit and protection of the authority.

### PART V. REVOCATION OF A MORTGAGE CREDIT CERTIFICATE.

§ 5.1. The authority may impose such sanctions or pursue such remedies, as legally available, including revocation of a certificate holder's MCC for noncompliance with applicable regulations and requirements pursuant to federal guidelines. Such noncompliance shall include, but is not limited to, the mobile/manufactured or site-built home ceasing to be the MCC holder's principal residence. An MCC may be revoked by the authority's notification to the certificate holder and the Internal Revenue Service that the certificate is revoked.

The effective date of the foregoing Regulations amendments shall be ~~January 20, 1987~~ September 15, 1987.

### MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-0010. Pertaining to the Harvesting of Clams.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: September 1, 1987

### PART I. PERTAINING TO THE TAKING OR CATCHING OF SOFT SHELL CLAMS FROM LEASED GROUNDS.

#### § 1.1. License required.

A. It shall be unlawful to take or catch soft shell clams from any leased grounds in any of the tidal waters of the Commonwealth by the use of a hydraulic dredge without first obtaining (i) a soft shell clam dredge license for each boat used for such a purpose and (ii) a permit for each boat and operator thereof.

B. Any lessee desiring to take or catch soft shell clams from leased ground by the use of a hydraulic dredge shall apply to the District Inspector, in writing, specifying the location and identify the specific lease or leases where he desires to dredge and request the privilege to dredge the specific lease or leases.

C. Each application will be reviewed by the Commission. The Commission may conduct a public hearing on such



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application if, in its discretion, it is deemed necessary. If the Commission deems it wise to permit dredging of soft shell clams within the area of such a lease, the Commission engineers shall first approve the existing boundaries, survey and plat of each lease. Any surveying or marking of the lease which may be necessary shall be at the expense of the lessee, unless such survey shows that the leased ground was properly marked.

D. Pursuant to § 28.1-23 of the Code of Virginia, the commission hereby establishes a license fee of \$50 for each boat using a hydraulic dredge for the purpose of taking or catching soft shell clams from leased ground or public ground. There shall be no refund of the license fee or any part thereof in case a license or permit is suspended or revoked.

## § 1.2. Additional permits required.

A. After the license is issued by the District Inspector and before the licensee may begin to operate the hydraulic dredge, the lessee shall obtain from the District Inspector a separate and individual permit which combines the identification of each lease, boat, and the operator thereof. An additional permit shall be obtained from the District Inspector each time there is any change in operations which does not comply with all provisions in the original permit.

B. The license and permit shall at all times be on board the boat available for inspection by any inspector of the Commission.

## § 1.3. Operation of dredge.

A. It shall be unlawful to operate a hydraulic dredge in the nighttime between the hours of sunset and sunrise or on Sunday.

B. It shall be unlawful to operate a hydraulic dredge on any lease for less than three acres unless adjoining other leases where the combined leases total more than three acres.

C. It shall be unlawful to operate a hydraulic dredge on any leased ground unless the boundaries of the lease are distinctly marked between corners to the satisfaction of the District Inspector. All such marking shall be continually maintained during the dredging operations.

D. If any person is found operating a dredge anywhere outside of the approved lease or in violation of any provisions of this regulation, any inspector may immediately suspend the permit and the boat operator shall surrender the permit to the inspector upon the inspector's request. Any such suspension shall continue in full force and effect until review by the Commission. The review shall be held not later than 40 days thereafter. The Commission shall determine whether or not to revoke the permit or reinstate the permit.

## § 1.4. Penalty.

Any person violating any provisions of this regulation shall be guilty of a misdemeanor.

## PART II.

### PERTAINING TO THE TAKING OR CATCHING OF SOFT SHELL CLAMS FROM PUBLIC OR UNASSIGNED GROUNDS.

## § 2.1. Definitions.

A. Public grounds shall be defined in § 28.1-100 of the Code of Virginia or areas set aside as public ground by court order.

B. Unassigned ground shall be taken to mean any ground outside of the areas as defined in § 28.1-100 of the Code of Virginia which has not been set aside, or assigned by lease, permit or easement by the Commission.

## § 2.2. Dredge prohibited.

It shall be unlawful for any person to take or catch soft shell clams from any unassigned ground in the tidal waters of the Commonwealth by the use of a dredge.

## § 2.3. License required.

A. It shall be unlawful for any person, other than an employee of the Commission or the Virginia Institute of Marine Science while conducting tests or experiments, to take or catch soft shell clams from any public grounds in the tidal waters of the Commonwealth by the use of a dredge without first obtaining (i) a soft shell clam dredge license for each boat used for such purpose and (ii) a permit for each boat and operator thereof.

B. Any person desiring to take or catch soft shell clams from the public grounds by the use of a hydraulic dredge shall apply to the District Inspector, in writing, describing the area and requesting the privilege to dredge the specific area.

C. Each application shall be reviewed by the Commission. The Commission shall conduct a public hearing to determine the suitability of the area for the production of oysters, and shall make such further investigations and studies as in its discretion it deems necessary. If the Commission deems it wise to permit dredging of soft shell clams in such an area, the area must be surveyed and marked by the Commission before a license and permit is issued.

D. If the application is approved by the Commission, no person shall have the exclusive use of the area for taking or catching soft shell clams by hydraulic dredge. The area shall be open to the general public for such a purpose provided each person obtains the necessary license and permit and complies with all other provisions of this regulation.

E. Pursuant to § 28.1-23 of the Code of Virginia, the Commission hereby establishes a license fee of \$50 for each boat utilizing a hydraulic dredge for the purpose of taking or catching soft shell clams from public grounds or leased grounds. There shall be no refund of the license fee or any part thereof in case a license or permit is suspended or revoked.

#### § 2.4. Additional permit required.

A. After the license is issued by the District Inspector, and before the licensee may begin to operate the hydraulic dredge, the licensee shall obtain from the District Inspector a separate and individual permit which combines the identification of the approved area, boat and the operator thereof. An additional permit shall be obtained from the District Inspector each time there is any change in operations which does not comply with the provisions in the original permit.

B. The license and permit shall at all times be on board the boat available for inspection by any inspector of the Commission.

#### § 2.5. Operation of dredge.

A. It shall be unlawful to operate a hydraulic dredge in the nighttime between the hours of sunset and sunrise, or on Saturday and Sunday.

B. If any person is found operating a dredge anywhere outside of the approved marked area or in violation of any provision of this regulation, any inspector may immediately suspend the permit and the boat operator shall surrender the permit to the inspector upon the inspector's request. Any such suspension shall continue in full force and effect until reviewed by the Commission. The review shall be held not later than 40 days thereafter. The Commission shall determine whether or not to revoke the permit or reinstate the permit.

#### § 2.6. Penalty.

Any person violating any provision of this regulation shall be guilty of a misdemeanor.

### PART III PERTAINING TO THE TAKING OR CATCHING OF HARD SHELL CLAMS FROM PUBLIC, UNASSIGNED AND LEASED GROUND.

#### § 3.1. Definitions.

A. "Public grounds" shall be as defined in § 28.100 of the Code of Virginia or areas set aside as public ground by court order.

B. "Unassigned ground" shall be taken to mean any ground outside of the areas as defined in § 28.1-100 of the Code of Virginia which has not been set aside or assigned by lease, permit or easement by the Commission.

C. "Shoals" are defined by § 28.1-1 of the Code of Virginia to mean tidal bottoms where the water is less than four feet in depth at mean low water.

D. "Conventional dredge" shall be taken to mean the type of dredge that has been customarily used in Virginia to dredge oysters and crabs. It excludes any type of dredge that functions by hydraulic action.

E. A "conventional hard clam rake" shall be a device designed for use by hand for the purpose of harvesting clams. The hard clam rake mouth width shall not exceed 16 inches, the teeth on the bar shall not be longer than seven inches, the attached holding basket shall not hold greater than 1/10 of a bushel of clams and bottom material, and the handle shall not be longer than 10 feet.

#### § 3.2. Crab dredge boat not to take clams.

It shall be unlawful for any person in charge of any boat licensed to catch crabs with a dredge to have or allow on board any clams in excess of 250.

#### § 3.3. Hydraulic dredge.

It shall be unlawful to take or catch hard shell clams from any leased grounds in any of the tidal waters of the Commonwealth by the use of a hydraulic dredge. The Commission will determine if it should consider applications to dredge after the Virginia Institute of Marine Science reports the results of their hard shell clam research projects to the Commission.

#### § 3.4. Conventional dredge.

A. It shall be unlawful to take or catch hard shell clams from any public or unassigned grounds in the tidal waters of the Commonwealth by the use of a conventional dredge except as provided in § 3.4 (b) of this regulation.

B. It shall be lawful between December 1 and April 1, to take or catch hard shell clams by the use of a conventional dredge from public or unassigned ground on the seaside of Accomack and Northampton counties where the water is more than four feet in depth at mean low water, provided each person complies with all the provisions of this regulation.

C. It shall be unlawful to take or catch hard shell clams from natural oyster rocks, beds or shoals within the public or unassigned areas on the seaside of Accomack and Northampton counties by the use of a conventional dredge in water less than four feet in depth at mean low water.

D. It shall be unlawful to operate a conventional dredge as permitted in § 3.4 (b) of this regulation between one hour before sunset and one after sunrise, or on Sunday.

E. Any person who may desire to take or catch hard shell clams from leased ground by the use of a conventional dredge shall comply with all provisions of §

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28.1-134 of the Code of Virginia, except the provisions thereof relating to planting of seed oysters or shells and the use of said ground for cultivation of oysters.

## § 3.5. Conventional rake.

*It shall be unlawful to take hard shell clams from any public or unassigned grounds in the tidal waters of Virginia by means of a clam rake that does not have the characteristics provided in § 3.1(e). Further, a clam rake may only be used by hand; any other means of use, including any method of attachment to a boat while the gear is harvesting, shall be unlawful.*

## § 3.6. License required.

A. Pursuant to § 28.1-23 of the Code of Virginia, the Commission hereby establishes a license fee of \$35 for each boat using one or more power-lifted conventional dredges and \$15 for each boat using one or more hand-operated conventional dredges for the purpose of taking or catching hard shell clams from public or unassigned grounds on the seaside of Accomack and Northampton counties, as specified in § 3.4 (b) of this regulation.

B. The license shall at all times be on board the boat available for inspection by any inspector of the Commission.

## § 3.7. Revocation of license.

If any person is found operating a dredge in violation of any provision of this regulation, any inspector may immediately suspend the license and the boat operator shall surrender the license to the inspector upon the inspector's request. Any such suspension shall continue in full force and effect until a hearing before the Commission. The hearing shall be held not later than 40 days thereafter. The Commission shall determine whether or not to revoke the license or reinstate the license.

## § 3.8. Penalty.

Any person violating any provisions of this regulation shall be guilty of a misdemeanor.

/s/ William A. Pruitt  
Commissioner  
September 8, 1987

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**NOTE:** Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

**Title of Regulation:** VR 450-01-0035. Pertaining to the Culling of Oysters.

**Statutory Authority:** §§ 28.1-23, 28.1-85 and 28.1-127 of the Code of Virginia.

**Effective Date:** September 1, 1987

## Preamble:

*This regulation establishes a minimum size limit, culling requirements, and inspection procedures for oysters taken from public oyster beds, rocks, and shoals.*

VR 450-01-0035. Pertaining to the Culling of Oysters.

## § 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23, 28.1-85 and 28.1-127 of the Code of Virginia.

B. This regulation amends previous regulation VR 450-01-0035 which was promulgated by the Marine Resources Commission and made effective October 20, 1986 March 9, 1987.

C. The effective date of this regulation is March 9, 1987 September 1, 1987.

D. These provisions of this regulation concerning a minimum size limit for market oysters taken from the James River seed area shall terminate on June 1, 1987.

## § 2. Purpose.

The purpose of this regulation is to establish culling requirements (minimum size limit) and inspection procedures which will provide protection for the public oyster beds, rocks, and shoals in Virginia's tidal waters.

## § 3. Definitions.

A. Clean cull areas: All natural public oyster beds, rocks, or shoals in the tidal water of Virginia, except those designated by the Marine Resources Commission as seed areas, shall be considered clean cull areas.

B. Seed areas: All natural public oyster beds, rocks, or shoals designated for the harvest of seed oysters, as follows:

1. Seaside of Eastern Shore - All of the public oyster grounds on the eastern side of Accomack and Northampton counties on Virginia's Eastern Shore.

2. James River - All of the public oyster grounds in the James River and its tributaries above a line drawn from Cooper's Creek in Isle of Wight County on the south side of the James River to a line in a northeasterly direction across the James River to the Newport News municipal water tank located on Warwick Boulevard between 59th Street and 60th

Street in the City of Newport News, excluding the clean cull area at the Southwest corner of Jail Island as described in VMRC Order 82-8.

C. Oysters in the James River seed area will be defined as follows for the purposes of this regulation (see related cull standards § 6.e):

1. Market oysters, also known as clean culls or pick outs, must equal or exceed 2.5 inches in length, are not intended to be replanted in other waters, will not exceed 600 count of live oysters per bushel, and will exceed \$6.00 per bushel in dockside value.

2. Soup-sized seed oysters, generally between 1.5 and 2.5 inches in length, are intended for replanting in other waters, will not exceed 600 count of live oysters per bushel, and will have a dockside value between \$3.00 and \$5.00 per bushel.

3. Small seed oysters, generally less than 1.5 inches in length, are intended for replanting in other waters, will exceed 600 count of live oysters per bushel, and will have a dockside value of less than \$3.00 per bushel.

#### § 4. Minimum ("cull") size.

*In order to encourage a continued supply of marketable oysters minimum size limits are hereby established. Undersized oysters and/or shells shall be returned immediately to their natural beds, rocks, or shoals where taken. When small oysters are adhering so closely to the shell of the marketable oyster as to render removal impossible without destroying the young oyster, then it shall not be necessary to remove it. Allowances for undersized oysters and shells incidently retained during culling are found in § 5 of this regulation.*

A. All Oysters taken from clean cull areas shall be culled on their natural beds, rocks, or shoals as taken and shall not be less than three inches in length. All undersized oysters and shells shall be returned immediately to their natural beds, rocks, or shoals. When small oysters are adhering so closely to the shell of the marketable oysters as to render removal impossible without destroying the young oyster, then it shall not be necessary to remove it not have shells less than three inches in length .

B. In the James River seed area, it there shall be unlawful for any person, firm, or corporation to offer for sale or purchase oysters for direct market taken from said area whose shells measure less than two and one-half inches in length no size limit, except as restricted in § 4(c) .

C. In the James River seed area, the shells of oysters marketed for direct consumption shall not be less than 2-1/2 inches in length. (Oysters marketed as seed oysters shall have no size limit.)

#### § 5. Culling requirements tolerances or standards .

A. All oysters taken from natural public oyster beds, rocks, or shoals shall be placed on the culling board and culled by hand to the inside open part of the boat in a loose pile; however, when oysters are taken by hand and held in baskets or other containers they shall be culled as taken and transferred from the container to the inside open part of the boat in a loose pile and subject to inspection by any Marine Resources Commission law-enforcement officer. In the clean cull areas, if more than one four quart measure of undersized oysters or shells is found per bushel inspected it shall constitute a violation of this regulation.

B. If oysters from leased grounds and oysters from public grounds are mixed in the same cargo on a boat or motor vehicle, the entire cargo shall be subject to inspection under this regulation. In the seed areas, except the James River Seed Area, if more than one six quart measure of shells is found per bushel inspected it shall constitute a violation of this regulation.

C. It shall be unlawful for any harvester/catcher to store oysters taken from public grounds on any boat in any type of container and all oysters taken from said areas shall be sold or purchased only in the regular oyster one-half bushel or one bushel measure as described in § 28.1-136 of the Code of Virginia. In the James River seed area, if more than one four quart measure of undersized (less than 2-1/2 inches) oysters and shell is found per bushel inspected of oysters marketed for direct consumption, or if more than one 10 quart measure of shell is found per bushel inspected of seed oysters it shall constitute a violation of this regulation.

#### § 6. Culling and inspection procedures.

In the inspection of oysters the law-enforcement officer shall, with a shovel, take at least one bushel of oysters at random, provided that the entire bushel shall be taken at one place in the open pile of oysters.

A. In the clean cull areas, if as much as one four-quart measure of undersized oysters and shells are found per bushel inspected it shall constitute a violation of this regulation. All oysters taken from natural public beds, rocks, or shoals shall be placed on the culling board and culled by hand to the inside open part of the boat in a loose pile; however, when oysters are taken by hand and held in baskets or other containers they shall be culled as taken and transferred from the container to the inside open part of the boat in a loose pile and subject to inspection by any Marine Resources Commission law-enforcement officer.

B. In the seed areas, except the James River seed area, if as much as one six-quart measure of shells are found per bushel inspected it shall constitute a violation of this regulation. If oysters from leased grounds and oysters from public grounds are mixed in the same cargo on a

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boat or motor vehicle, the entire cargo shall be subject to inspection under this regulation.

C. In the James River seed area, if as much as one four-quart measure of undersized oysters or shell is found per bushel of market oysters, or if as much as one six-quart measure of shells is found per bushel of clean eull or soup-sized seed oysters, or if as much as one 10-quart measure of shell is found per bushel of small seed oysters, it shall constitute a violation of this regulation. (See § 3 C for definitions of clean eull, soup-sized seed, and small seed oysters for the James River.) It shall be unlawful for any harvester to store oysters taken from public grounds on any boat in any type of container. All oysters taken from said areas shall be sold or purchased only in the regular oyster one-half bushel or one bushel measure as described in § 28.1-136 of the Code of Virginia.

D. In the inspection of oysters the law-enforcement officer shall, with a shovel, take at least one bushel of oysters at random, provided that the entire bushel shall be taken at one place in the open pile of oysters.

## § 7. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt  
Commissioner  
September 1, 1987

## DEPARTMENT OF SOCIAL SERVICES

**Title of Regulation:** VR 615-45-1. Policy Regarding Child Protective Services Central Registry Information.

**Statutory Authority:** § 63.1-248.1 et seq. of the Code of Virginia.

**Effective Date:** November 11, 1987

### Summary:

This regulation establishes the criteria for entry of identifying information (name, race, sex, and date of birth) of individuals involved in child abuse/neglect reports into the child abuse and neglect Central Registry. It also establishes the length of time such identifying information can be maintained. It recognizes the need to consider the level of risk of abuse or neglect to a child. It recognizes the need to differentiate between the various degrees of seriousness of abuse and neglect when determining the length of time identifying information should be maintained.

An earlier proposal differed from the published proposal in the following ways:

1. Name entry into the Central Registry was to be based upon the assessed level of risk to the child. Only high risk cases would require name entry.

2. Retention of names in high risk cases would be for a period of seven years.

3. No names would be retained permanently.

A large number of comments favored the timeframes in the earlier proposal (listed above), therefore, the department determined that the timeframes should be changed to reflect the concerns voiced. The timeframes for name retention were changed to reflect the earlier proposal as suggested by the majority of those commenting.

Additionally, concerns were raised by a number of individuals regarding the length of time names would be retained in child sexual abuse cases. The argument was effectively made that the dynamics in sexual abuse cases are recognized to be different than in other types of child abuse. These dynamics make recidivism more likely and there are often multiple victims over time. Because of these factors, the department determined that retention of these names for a longer period of time was justified and altered the timeframes accordingly.

VR 615-45-1. Policy Regarding Child Protective Services Central Registry Information.

## PART I. DEFINITIONS.

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning, unless the context clearly indicates otherwise:

"Central registry" means the name index of individuals involved in child abuse and neglect reports maintained by the Virginia Department of Social Services.

"Child protective services" means the identification, receipt and immediate investigation of complaints and reports of child abuse and neglect for children under 18 years of age. It also includes documenting, arranging for, and providing social casework and other services for the child, his family, and the alleged abuser.

"Complaint" means a valid report of suspected child abuse/neglect which must be investigated by the local department of social services.

"Founded" means that a review of all the facts shows clear and convincing evidence that child abuse or neglect exists.

"Identifying information" means name, race, sex, and date of birth of the subject.

"Investigating agency" means the local department of social services responsible for conducting investigations of child abuse/neglect complaints pursuant to § 63.1-248.6 of the Code of Virginia.

"Reason to suspect" means that a review of [ all ] the facts shows no clear and convincing evidence that child abuse and neglect exists. However, the child's situation gives the worker reason to believe that abuse or neglect may have occurred.

"Unfounded" means that a review of [ all ] the facts shows no reason to believe that abuse or neglect occurred.

PART II  
POLICY.

§ 2.1. Determination of risk.

The investigating agency determines risk by completing a thorough assessment of factual information available to the investigating agency as it pertains to the complaint situation. The assessment includes information about the abuse/neglect incident, the care-taker, the child, the family and any other special circumstances to determine what level of risk the situation poses to the child [ or to other children ].

§ 2.2. Levels of risk.

The three levels of risk are:

1. High risk.

The worker's assessment of risk-related factors indicates a likelihood that [ there will be no change in the situation, that ] the child [ will be is ] in jeopardy of abuse/neglect, and that intervention [ will be is ] necessary in order to protect the child [ or other children ].

2. Moderate risk.

The worker's assessment of risk-related factors indicates that [ the child or other children are in possible jeopardy, but that a positive ] change in the situation is likely to occur with minimal intervention [ needed in order to protect the child ].

3. [ Low/no No reasonably assessable ] risk.

The worker's assessment of risk-related factors indicates that the situation can and will be changed, that no additional intervention [ will be is ] necessary and that the child [ is or other children are ] at no reasonably assessable risk or abuse/neglect.

§ 2.3. Maintenance of identifying information.

Identifying information in reports of child abuse and neglect shall be maintained in the central registry as follows:

1. [ Ten Seven ] years for a complaint determined by the investigating agency to be founded [ or reason to suspect ] and high risk [ , except sexual complaints ].

[ 2. Eight years for a complaint determined to be:

a. Founded and moderate risk; or

b. Reason to suspect and high risk.

2. Thirty years for a sexual abuse complaint determined to be founded or reason to suspect and high risk. ]

[ 3. Five years for a complaint determined to be reason to suspect and moderate risk.

3. Ten years for a sexual abuse complaint determined to be founded or reason to suspect and moderate risk. (All sexual abuse complaints that are founded or reason to suspect and are not high risk shall be entered as moderate risk.) ]

[ 4. Permanently when:

a. The determination of the case is high risk, founded sexual abuse;

b. The abuser/neglector is convicted of felony child abuse or neglect;

c. A child dies as a result of child abuse/neglect;

d. Parental rights are terminated as a result of abuse/neglect.

\* \* \* \* \*

Title of Regulation: VR 615-50-4. Family Based Social Services.

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

Effective Date: November 11, 1987

Summary:

This regulation establishes the philosophy of service delivery in serving families by local social service agencies. It identifies the broad services to be provided to families and identifies target populations to be served. This regulation also sets forth certain requirements for local social service agencies and the Virginia Department of Social Services in family based social service delivery. Most changes between the draft and the final regulation were made to clarify the regulation. Significant changes include the deletion

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of the local plan requirement, changing, "families referred by the court" from an encouraged population to a required population, and expansion of the section related to Benefit Programs.

VR 615-50-4. Family Based Social Services.

## PART I. DEFINITIONS AND PHILOSOPHY.

### § 1.1. Definitions.

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

"Adult" means any individual age 18 or over [ , or under 18 if legally emancipated ].

"Benefit programs" means [ social ] services which provide direct cash aid [ such as aid to dependent children, general relief, and auxiliary grants ], medical [ care and assistance ], and aid for food, fuel, and home heating repairs.

"Child/children" means any individual under age 18 [ , or any individual age 18-21 in the custody of a local agency ].

"Department" means the Virginia Department of Social Services.

"Family" means any [ individual ] adult [ ; or ] adult(s) or children related by blood, marriage, adoption, or [ a feeling an expression ] of kinship who [ consider themselves function as ] a family unit.

"Family based" means an approach to social service delivery where the focus of service is on the family unit, not just individual members viewed in isolation.

[ "Impaired" means any person whose physical or mental capacity is diminished to the extent that he needs counseling or supervisory assistance, or assistance with activities of daily living such as feeding, bathing, and walking, or instrumental activities of daily living such as shopping and money management. ]

[ "Incapacitated" means any person who is impaired by reason of mental illness, mental retardation, physical illness or disability, advanced age or other causes to the extent that he lacks sufficient understanding or capacity to make, communicate, or carry out responsible decisions concerning his well-being. ]

"Local agency" means any local department of social services/welfare in the Commonwealth of Virginia.

"Service programs" means [ social ] services which provide [ an ] assessment and [ a full array of service activities delivery of broad services which include Intake

Services, Adult Services, Prevention and Support Services for Families, Adult Protective Services, Child Protective Services, Foster Care and Adoption Services, and Employment Services ] to meet family needs.

[ "Social services" means benefit programs and service programs. ]

"State board" means the Virginia Board of Social Services.

### § 1.2. Philosophy.

The philosophy of social service practice of the department and local agencies shall be family based, as follows:

The family is and should continue to be the central structure around which a caring and self-sufficient society must be built. The family is the best environment for raising children and caring for vulnerable members. [ Accordingly, the family must be able to provide the necessary nurture, protection, shelter, and education for its members. ]

When intervention into a family's life by a local agency is necessary, the following beliefs shall direct that intervention:

1. The family is to be the basic unit for social service delivery.

[ 2. Social services should be delivered as part of a total system, with cooperation and coordination occurring among administration, benefit programs and service programs. ]

[ 3. ] Every [ reasonable ] effort should be made to maintain the family as a functioning unit and to prevent its breakup.

[ 4. ] [ Adults and ] children should be protected from serious harm and to do so may necessitate temporary or permanent separation from certain family members.

[ 5. ] The worker/family relationship is a primary vehicle for change.

[ 6. ] Positive change is possible.

[ 7. ] The most effective way to address a family's needs is to recognize and support its strengths and enhance its integrity and self-esteem.

[ 8. ] [ Social ] services are successful by virtue of how they are presented, understood, and used by the family.

[ 9. ] [ Social ] services should empower families to function independently of the social service system.

[ ~~9~~ 10. ] [ Social ] services should preserve and protect, whenever appropriate, [ ~~an~~ each ] individual's right to self-determination.

## PART II. SERVICE PROGRAMS.

### Article I. Services.

#### § 2.1. Intake services.

A. Intake services are designed to provide a timely, coordinated transition for the family to needed services and sufficient information or services to enable a family to utilize personal or community resources.

#### B. Target population required to be served [ ~~includes~~ ]:

Anyone eligible for Medicaid who is seeking assistance in arranging for family planning or early periodic screening, diagnosis, and treatment (EPSDT) for children.

#### C. Target population encouraged to be served to the extent funds are available [ ~~includes~~ ]:

Anyone seeking the services of the local agency.

#### § 2.2. Adult services.

A. Adult services are designed to allow the adult to remain in the least restrictive setting and function as independently as possible by establishing and strengthening appropriate family and social support systems [ or by supporting the adult in self-determination ].

#### B. Target population required to be served [ ~~includes~~ ]:

[ 1. ] Any impaired adult who [ ~~requests home based services or is in need of~~ ] nursing home preadmission screening.

[ 2. An impaired adult with low income who is in need of home based services, to the extent funds are available. ]

#### C. Target population encouraged to be served to the extent funds are available [ ~~includes~~ ]:

1. Any [ impaired ] adult who, upon emancipation from a local agency's custody, is assessed to be in need of services.

2. Any impaired adult who is in need of services to prevent abuse, neglect, or exploitation and requests services.

3. Any impaired adult who is in need of alternate living arrangements to avoid inappropriate institutionalization and requests services.

4. Any impaired adult who is in need of community based care to avoid institutionalization and requests services.

#### D. Target population to be served at the option of the local agency:

Any family with no minor children in the home who requests services.

#### § 2.3. Prevention and support services for families.

A. Prevention and support services for families are designed to strengthen the family's ability to function more effectively and independently in order to prevent family breakup or family violence.

#### B. Target population required to be served [ ~~includes~~ ]:

1. Family with a child who is likely to enter foster care unless services are provided, and who are not already being served under child protective services.

2. Family referred by the court for an adoptive home study.

3. Child and family where a referral or placement has been made through interstate compact and a home study or supervision is required.

[ 4. Family referred by the court for a custody study or other service ordered by the court. ]

#### C. Target populations encouraged to be served to the extent funds are available [ ~~includes~~ ]:

1. Family receiving benefit programs or with low income based on the department's adopted levels, who request services to enhance their parental capacities to care for and nurture a child.

2. Family with a child formerly in a local agency's custody when the assessment indicates a need for services and services are requested.

[ 3. Family referred by the court for a custody study or other service ordered by the court. ]

#### D. Target population to be served at the option of the local agency:

Any family with minor children in the home who requests services.

#### § 2.4. Adult protective services.

A. Adult protective services are designed to establish or strengthen appropriate family and social support systems in order to protect adults who are at risk of abuse, neglect, or exploitation.



# Final Regulations

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## B. Target population required to be served [ ~~includes~~ ]:

1. Any incapacitated adult 18 years of age and over, and any adult 60 years of age and over on whose behalf a complaint of abuse, neglect, or exploitation is made.

2. Any adult identified above who is determined to need adult protective services, if the adult is willing to accept services or if these services are ordered by the court.

## § 2.5. Child protective services.

A. Child protective services are designed to protect the child at risk of abuse or neglect, reestablish a successful parent-child relationship, and allow the child to remain in his own home whenever possible.

## B. Target population required to be served [ ~~includes~~ ]:

1. Any child on whose behalf a complaint of abuse/neglect is made.

2. Any child, his siblings, and his family where a complaint is determined to be founded or [ ~~unfounded~~ ] reason-to-suspect, and the child remains at risk of abuse or neglect.

C. Target population encouraged to be served to the extent funds are available [ ~~includes~~ ]:

An abuser/neglector, once the investigation is complete, who requests services and is not a member of the family unit.

## § 2.6. Foster care and adoption services.

A. Foster care and adoption services are designed to reunite a child in a local agency's custody with his own family or to establish another permanent family for the child when successful reunification is not possible.

## B. Target population required to be served [ ~~includes~~ ]:

1. Any child entrusted or committed to the local agency's board, or for whom after care supervision has been delegated by the court.

2. [ ~~Birth~~ ] Family of a child in custody.

3. Foster family with whom a child in custody is placed.

4. Relatives of a child in custody if the goal is to place the child with these relatives.

5. Adoptive parents of a foster child if the goal is adoption by these parents.

## § 2.7. Employment services.

A. Employment services are designed to [ ~~establish the family's ability~~ enable the family ] to be financially self-supporting and to strengthen the self-esteem of family members responsible for supporting other members.

## B. Target population required to be served:

1. Any applicant or recipient of certain benefit programs, based on the local agency's employment plan, who does not meet criteria for exempt status.

2. Any applicant or recipient of certain benefit programs, based on the local agency's employment plan, who is exempt from mandatory registration but who requests the service.

3. Any child of a recipient of aid to dependent children (ADC) who needs child day care in order for the parent/guardian to continue employment, obtain education or training leading to employment, or seek employment.

C. Target population encouraged to be served to the extent funds are available [ ~~include~~ ]:

Any family [ with low income ] requesting child day care services related to employment or training.

D. Target population to be served at the option of the local agency:

Any family requesting the assistance of the local agency with problems related to employment.

## Article 2. Activities.

## § 2.8. Array of service activities.

Various activities may be utilized in providing any of the [ ~~board broad~~ ] services and in developing strategies and interventions with families which best meet the needs of the family. These include assessment [ ~~and~~ , ] referral [ to benefit programs and other resources ] , service planning, case work and group work, intensive services, emergency shelter and other emergency needs, home based services, day and residential care, education and training, and other activities to aid the family.

These activities may be provided directly by local agency staff or volunteers, purchased from approved providers, or provided through referral to community resources.

## PART III. BENEFIT PROGRAMS.

### [ § 2.1. Preliminary assessment and referral.

This social service, performed during the process of gathering data for benefit programs, includes the gathering

of information relevant to the family's situation in order to screen for indicators of risk of abuse, neglect exploitation, risk or placement, or need for service programs. If indicators are present, a referral of the family will be made for appropriate services or resources within the agency or community.

## § 3.1. Benefits.

Benefit programs are designed to provide income support benefits to assist families who are unable to provide the necessities of life and maintain minimum standards of health and well-being through their own efforts. Initial determinations and redeterminations of eligibility are based on a process of the gathering of information relevant to the family's situation in order to assess the need and eligibility for benefit programs. This process also includes an assessment of need for service programs and other resources to assist the family. If other needs exist, the family is referred for appropriate services or resources within the agency or community.

## § 3.2. Target population.

### A. Target population required to be served:

Family who is experiencing financial difficulty and meets criteria for state and federally mandated benefit program social services.

### B. Target population encouraged to be served to the extent funds are available:

Family who is experiencing financial difficulty, fails to meet criteria for state and federally mandated programs, but qualifies for optional state and local programs.

## § 3.3. Activities.

An array of benefit programs activities includes initial screening, gathering of information relevant to the family's situation, assessment, referral to service programs and other resources, verification and evaluation of information, final action and periodic reevaluation and review.

These activities shall result in timely and accurate processing to meet the needs of families without unnecessary delays. ]

## PART IV. REQUIREMENTS.

§ 4.1. The state board and department shall promote and advocate for the development of family based social services. Specific activities shall include:

1. Allocating available funds and seeking additional funding for family based social services;
2. Permitting flexible social service delivery within

current state law and federal laws and regulations; and

3. Granting policy waivers [ when feasible upon appropriate review and approval ].

§ 4.2. To assure the success of family based social services, the department and local agencies shall coordinate the planning, development and implementation of:

1. Benefit and service programs; and
2. State/community resources.

§ 4.3. The department and local agencies shall assure that their [ ~~organization and~~ organizational, ] administrative [ , and social services ] practices support and reinforce family based social services.

§ 4.4. The department shall assure that policy development and any training and orientation shall reflect the philosophy of family based social services.

[ § 4.5. Each local agency shall develop and implement an agency-wide service delivery plan which demonstrates the philosophy of family based social services. The department shall review and approve local agency plans. ]

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# GOVERNOR

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## EXECUTIVE ORDER NUMBER 51 (87)

### DECLARATION OF STATE OF EMERGENCY ARISING FROM FLOODING IN THE ROANOKE RIVER BASIN

On September 5-7, 1987, unusually heavy rains and flooding occurred in the Commonwealth, causing substantial damage in the Roanoke River basin.

The health and general welfare of the citizens of the affected localities require that state action be taken to help alleviate the conditions brought about by this situation, which constitutes an emergency as contemplated under the provisions of Section 44-146.16 of the Code of Virginia.

By virtue of the authority vested in me by Section 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby proclaim a state of emergency to exist in the affected areas of the Commonwealth and direct that appropriate assistance be rendered by agencies of the state and local government to alleviate these conditions.

This Executive Order shall become effective on the date of its signing and shall remain in full force and effect until June 30, 1988, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 18th day of September, 1987.

/s/ Gerald L. Baliles  
Governor

## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

### STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution.

Governor's Comment:

No objections to the proposed regulations as presented.

/s/ Gerald L. Baliles  
September 14, 1987

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-03-3.1501. Standards for Coverage of Organ Transplants.

Governor's Comment:

The regulations appear carefully drawn to bring the State Plan for Medical Assistance Services into compliance with federal requirements. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles  
September 14, 1987

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# GENERAL NOTICES/ERRATA

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

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Auctioneers Board intends to consider amending regulations entitled: **Rules and Regulations for the Registration of Auctioneers**. The purpose of the proposed amendments is to provide clarification to existing regulations regarding the Registration of Auctioneers.

Statutory Authority: §§ 54-824.9:1 and 54-824.9:3 of the Code of Virginia.

Written comments may be submitted until October 31, 1987.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free 1-800-552-3016)

## DEPARTMENT OF COMMERCE

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider promulgating regulations entitled: **Asbestos Licensing Regulations**. The purpose of the proposed regulation is to carry out the provisions of Chapter 7, § 54-145.10:11 of Title 54, regarding training and licensing of any person or entity engaging in work as an asbestos worker, contractor/supervisor, or inspector.

Statutory Authority: § 54-145.5 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

**Contact:** Peggy Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8595, SCATS 327-8595 or toll-free 1-800-552-3016

## STATE BOARD OF EDUCATION

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider promulgating regulations entitled: **Regulations Governing Education Programs in Secure Regional Detention Homes and Certain Local Detention Homes**. The purpose of the proposed regulation is to provide standards for the operation of education programs in secure regional detention homes and certain local detention homes.

Statutory Authority: §§ 22.1-16 and 22.1-209.2 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

**Contact:** Nancy W. Haynes, Supervisor Institutional & Related Services, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2883, SCATS 335-2883 or toll-free 1-800-422-2083

## DEPARTMENT OF HEALTH (STATE BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Definition of "Area of Need."** The purpose of this action is to amend definitions used in granting practice approval to recipients of State Medical Scholarships.

Statutory Authority: § 23-35.3 of the Code of Virginia.

Written comments may be submitted until October 16, 1987.

**Contact:** Sally Camp, Staff Assistant, James Madison Bldg., 109 Governor St., Room 400, Richmond, Va. 23219, telephone (804) 786-3561

# General Notices/Errata

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## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Definitions of "Practice of Family Medicine."** The purpose of this action is to amend the definitions used in granting practice approval to recipients of State Medical Scholarships.

Statutory Authority: § 23-35.3 of the Code of Virginia.

Written comments may be submitted until October 16, 1987.

Contact: Sally Camp, Staff Assistant, James Madison Bldg., 109 Governor St., Room 400, Richmond, Va. 23219, telephone (804) 786-3561

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Extended Repayment Schedule.** The purpose of the proposed amendments is to provide for the director's discretion to extend the schedule of repayments beyond the current 12 months when undue hardship may result from the current schedule. Medicaid providers shall make repayments when they are found to have received overpayments.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 5 p.m., October 26, 1987.

Contact: N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7931

## VIRGINIA BOARD OF OPTOMETRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Optometry intends to consider amending regulations entitled: **Regulations of the Virginia Board of Optometry.** The purpose of the proposed amendment is to raise fees so that the board can collect adequate revenue to cease operating with a deficit.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until October 28, 1987.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

### † 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 consider amending regulations entitled: **Agency Placement Adoptions.** The purpose of the proposed amendments is to clarify and strengthen agency placement adoption policy to facilitate the more timely and appropriate placement of children who have become permanently and legally separated from their birth parents. The amended regulations will implement Senate Bill 334, promote the use of adoptive assistance in agency placements which has been a barrier to adoption, and strengthen local agency decision making. Particular focus on Adoption Assistance (Subsidy) and policy to enact Senate Bill 334.

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

Written comments may be submitted until November 12, 1987.

Contact: Brenda Kerr, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081

### † 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 consider amending regulations entitled: **Child Day Care Program As It Relates To The Provision And Payment For Child Day Care Services.** The purpose of the proposed amendments is to improve the child day care program by assuring approved providers a reasonable rate of pay, and by assuring eligible families full choice among licensed providers.

Statutory Authority: §§ 63.1-25, 63.1-55, 63.1-133.24 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until November 2, 1987.

Contact: Paula S. Mercer, Child Day Care Specialist, Department of Social Services, 8007 Discovery Dr.,

Richmond, Va. 23229-8699, telephone (804) 281-9032  
(toll-free 1-800-552-7091)

## † 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 consider amending regulations entitled: **Foster Care**. The purpose of the proposed amendments is to strengthen foster care policy to facilitate the achievement of permanent plans for children committed or entrusted to a local agency in a timely manner. These changes will implement Senate Bill 334 and enhance state compliance to Public Law 96-272.

Statutory Authority: §§ 16.1-382, 16.1-281 and 63.1-25 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

Contact: Pamela T. Fitzgerald, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081

## Division of Licensing Programs

### 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 consider amending regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. The purpose of the proposed action is to (i) amend standards relating to residents' rights, (ii) revise definition of "nursing and convalescent care," (iii) amend standards addressing the maintenance of records, (iv) amend standards relating to the maintenance of residents' personal funds, (v) revise definition of "maintenance and care," (vi) amend planned activity requirement, and (vii) review standards relating to restraints.

Statutory Authority: §§ 63.1-25 and 63.1-174 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

Contact: Jeffrey A. Setien, Program Development Supervisor, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

## STATE WATER CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency public participation guidelines that the State Water Control Board intends to consider promulgating regulations entitled: **Rappahannock River Basin Water Quality Management Plan**. The purpose of the proposed regulation is to set forth measures for the State Water Control Board to implement in order to reach and maintain applicable water quality goals in general terms and also by establishing numeric loading for five day biochemical (BOD5) and/or nitrogenous oxygen (NOD5).

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

Written comments may be submitted until 5 p.m., November 27, 1987.

Contact: Dale F. Jones, Office of Water Resources Planning, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6422, SCATS 327-6422

## GENERAL NOTICES

### VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES Division of Animal Health

#### † DIVISION ADMINISTRATIVE DIRECTIVE NUMBER 79-1

#### METHODS PRESCRIBED OR APPROVED FOR ANIMAL EUTHANASIA

##### I. PURPOSE:

This Directive sets forth methods that are currently prescribed and approved by the State Veterinarian for use in the euthanasia of animals by animal wardens, employees of humane societies or public animal shelters, and other officers as defined in § 3.1-796.96 of the Comprehensive Animal Laws.

##### II. AUTHORITY:

Chapter 27.4, Article 4, § 3.1-796.96 of the Code of Virginia cites as the authority of Local Governing Bodies and Licensing of Dogs, states, in part, "Any animal destroyed following the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian."

##### III. APPROVED METHODS:

# General Notices/Errata

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- A. Sodium pentobarbital administered parenterally.
- B. Carbon monoxide gas dispensed into a chamber.
- C. Firearms under specified conditions.

## IV. APPROVED PROCEDURES:

Methods currently prescribed or approved by the State Veterinarian for the euthanasia of animals pursuant to the provisions contained in § 3.1-796.96 of Chapter 27.4 are as follows:

### A. Sodium pentobarbital.

Sodium pentobarbital is to be administered by hypodermic syringe and needle in a concentration of not less than 4 grains of sodium pentobarbital per cubic centimeter (cc) of water. Current regulations of the Board of Pharmacy specify that the drug must be ordered in the injectable form only.

#### Route of administration

##### Intravenously

The preferred route of administration is intravenous if (1) performed by a trained and skilled operator capable of properly performing intravenous injection; (2) the animal is able to be handled and can be properly restrained without undue stress; and (3) a vein is readily accessible. The amount of drug needed will be dependent upon the body weight of the animal. In general, one (1) cc per 10 pounds of body weight is needed, but dosage directions on the product should be followed. In all cases, an overdose rather than an underdose is preferred. The minimum use, regardless of size, is one (1) cc. The use of a 20- or 22-gauge needle, one inch in length, is suggested for injection in dogs.

Intravenous euthanasia of cats requires increased expertise and requires the use of a smaller gauge (i.e. 24- or 25-gauge) one inch needle. Cats can be euthanized using the alternate method of intraperitoneal injection.

##### Intraperitoneally

An alternate method of sodium pentobarbital injection is intraperitoneal. This is the easiest method to learn and is especially effective for young animals, cats and small dogs, wildlife or animals that are difficult to handle.

It is suggested that the solution be injected into the peritoneal cavity about one inch behind the umbilicus. Again, a trained and skilled person is necessary to administer the injection and proper restraint must be used. A one inch, 20-gauge needle is suggested for dogs over 20 pounds; for cats and

dogs under 10 pounds, a 24-gauge needle works well. The volume of the drug used should be double or triple the intravenous dose; a rule of thumb is 2 or 3 cc per 20 pounds of body weight. The minimum dosage, regardless of size, is 3 cc. The higher dose required for intraperitoneal injection is due to the increased time it takes for the drug to be absorbed and take effect when given in the abdomen. Due to this prolonged time, death does not occur instantaneously, often taking up to 30 minutes. After intraperitoneal injection, the animal should be placed in a cage or run, preferably in a quiet area, and observed so that it does not injure itself by stumbling or falling as unconsciousness occurs. The time from unconsciousness to death will vary.

##### Intracardiac

According to the 1986 American Veterinary Medical Association Report on Euthanasia, "Because crying and struggling may follow improper intracardiac injection, this route of administration is objectionable. Skill is required to penetrate the heart of an animal with one thrust of a hypodermic needle, especially if the animal is not easily restrained. Intracardiac injection of drugs is not recommended for euthanasia, except in depressed, anesthetized, or comatose animals." Therefore, intracardiac injection is not approved.

##### Considerations

All animals, regardless of route of injection, should be carefully checked to be sure death has occurred before disposal. Lack of a heartbeat, pupillary reflexes, and respiratory movement are indications that death has occurred.

It is preferable that euthanasia by injection be done when two people are present, one to administer the drug and one to restrain the animal. This reduces stress on the animal, ensures proper administration of the drug, and protects the administrator.

The procedure to obtain and use sodium pentobarbital involves state (Board of Pharmacy) and federal (Drug Enforcement Agency) licensing.

### B. Carbon monoxide gas

Carbon monoxide gas at a chamber concentration of at least 6% may be a preferred method for euthanasia of wildlife and animals that are difficult to manage. It is also acceptable for euthanasia of most dogs and cats. Puppies and kittens under eight weeks of age cannot be effectively euthanized with carbon monoxide gas due to their small lung capacity and the use of carbon monoxide to euthanize such young animals should not be used unless absolutely necessary. If parenteral or intraperitoneal administration of sodium pentobarbital cannot be used to euthanize such young animals, the concentration of gas in the chamber

should be increased to 10% or more and the young animals put in small, lightweight, open-wire cages with solid metal-pan bottoms. Time until unconsciousness and death is prolonged for young animals. Commercial-grade carbon monoxide gas shall be dispensed from a cylinder into the chamber at a pressure and rate that it achieves a 6% concentration within the chamber. Too much or too little gas will result in animal struggling and suffering. Unconsciousness should result in 45 to 60 seconds; death should occur within 2 to 4 minutes. Some reflex movements and sounds may occur from the unconscious animals; this must be differentiated from conscious struggling.

The chamber should be well sealed, should have a functioning light inside the chamber and should be used during the operation of the chamber, and should have a window through which the animals may be observed to ensure that euthanasia is occurring properly. Animals should never be crowded together or placed in the chamber with other animals already euthanized. Only compatible animals of the same size and species should be placed in the chamber together. Cats should be placed into the chamber individually in separate lightweight open-wire cages with metal-pan bottoms.

Carbon monoxide euthanasia should occur only in well ventilated areas because of the danger to the operator. The animals should be left in the chamber at least ten minutes after death has occurred before the chamber is opened. The operator should open the chamber in a well ventilated area and again leave the animals another 5 to 10 minutes.

Animals euthanized by carbon monoxide must be carefully examined to ensure death has occurred, using the absence of heartbeat, breathing and eye reflexes to indicate death prior to disposal.

C. Firearms

The shooting of animals with firearms for the purpose of effecting euthanasia is not approved for routine use. According to the authority granted to the State Veterinarian by Chapter 27.4, the shooting of animals for the purpose of effecting euthanasia is approved for use only when conditions do not permit the employment of the aforementioned prescribed or approved methods of euthanasia and when all humanely accepted methods of capture have failed.

NOTE: Please observe local rules and regulations governing the use of firearms.

V. APPROVAL OF ADDITIONAL METHODS AND PROCEDURES

Advances in animal euthanasia research will be continually monitored by the Office of the State Veterinarian and those methods which are proved to be acceptable will be added to the approved list.

Local authorities or individuals seeking approval of specific methods of animal euthanasia may submit request for the consideration of such proposal to:

State Veterinarian  
Division of Animal Health  
Washington Building, Suite 600  
1100 Bank Street  
Richmond, VA 23219  
PHONE: (804) 786-2481

VI. PUBLIC HEARING

This Directive, relating to the approval of the State Veterinarian of methods of animal euthanasia, is drawn pursuant to § 3.1-796.96 of the Code of Virginia.

No public hearing or comment has been solicited concerning the publishing of this Directive. The State Veterinarian will receive, consider, and respond to, and petition for a hearing or for reconsideration of the methods prescribed or approved for animal euthanasia.

Such petitions should be submitted to State Veterinarian, Division of Animal Health, Washington Building, Suite 1600, 1100 Bank Street, Richmond, Virginia 23219, telephone (804) 786-2481.

Done in Richmond, Virginia, on this 1st day of July, 1987.

/s/ William D. Miller, D.V.M.  
State Veterinarian

\* \* \* \* \*

† DIVISION ADMINISTRATIVE DIRECTIVE  
NUMBER 83-1

APPROVED DRUGS AND DRUG ADMINISTERING  
EQUIPMENT

I. PURPOSE:

This Directive sets forth drugs and drug administering equipment approved by the State Veterinarian for use in the capture of dogs by animal wardens and other officers as defined in § 3.1-796.119 of the Comprehensive Animal Laws.

II. AUTHORITY:

Chapter 27.1, Article 5, § 3.1-796.119 of the Code of Virginia of 1984, states, in part, "All drugs and drug administering equipment used by animal wardens or other officers to capture dogs pursuant to this chapter shall have been approved by the State Veterinarian."

III. APPROVED DRUGS AND DRUG ADMINISTERING  
EQUIPMENT:

A. Drugs



# General Notices/Errata

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The following drugs are currently approved by the State Veterinarian for the chemical restraint of dogs pursuant to provisions contained in § 3.1-796.119 of the Comprehensive Animal Laws:

<u>GENERIC NAME</u>	<u>TRADE NAME</u>	<u>CLASS OF DRUG</u>
Xylazine	Rompun	1-3-Thiazine
Xylazine & Ketamine hydrochloride combination	Rompun & Ketaset	1-3-Thiazine derivative & cyclohexamine

According to Leon Nielsen, author of the book Chemical Immobilization in Urban Animal Control Work, intramuscular administration of a combination of Ketamine (5 mg/kg of body weight) and 10% Xylazine (1 mg/kg of body weight) is recommended for dogs only.

This regimen can induce immobilization (recumbency) in dogs in 2.6 to 3.6 minutes, with a recovery time of 131 and 110 minutes respectively. A practical way to prepare the combination is to add 2 ml (200 mg) of xylazine to 10 ml (1,000 mg) of ketamine. This pre-mixed solution will remain stable with undiminished potency for 6 months. The recommended dosage to use of this combination is 6.0 mg/kg of body weight.

The above recommended dosage of the combination is calculated to the 0.027 ml per pound of body weight or 0.82 ml per 30 seconds of body weight, using a 10% concentration of xylazine.

The suggested dose for xylazine alone must be determined by the supervising veterinarian. As a rule, animals under 25 pounds should not be captured chemically by means of remote injection.

Veterinary supervision is required for the purchase and administration of the above drugs. It is important that animal wardens and other officers receive instructions and training in the handling of hazardous drugs such as those administered for the chemical restraint of dogs.

## B. Drug administering equipment

Drug administering equipment manufactured by the following named companies is currently approved by the State Veterinarian for administering chemical restraint drugs to capture dogs:

### COMPANY NAME AND ADDRESS

CAP-CHUR Equipment  
Palmer Chemical & Equipment Company, Inc.  
P. O. Box 867, Palmer Village  
Douglasville, GA 30133

DIST-INJECT Equipment  
Glasgow Veterinary Supply  
Fort Pect Route

Glasgow, MT 59230

PAXARMS Equipment  
Nielsen Associates  
P. O. Box 17375  
Milwaukee, WI 53217

SIMMONS Equipment  
ZooLu Arms of Omaha  
10315 Wright Street  
Omaha, NE 68124

TELINJECT Equipment  
Telinject, U.S.A., Inc.  
16133 Ventura Boulevard  
Suite 635  
Encino, CA 91436

Research conducted by the State Veterinarian verifies that equipment manufactured by the above named firms will do an acceptable job of administering chemical restraint drugs used in the capture of dogs, provided that users of the equipment are well trained in its use, and that they follow operating instructions prescribed by the manufacturer. It is important that the equipment be well maintained and in a high state of repair at all times. The State Veterinarian does not recommend the equipment produced by one manufacturer over that of another.

## IV. APPROVAL OF ADDITIONAL DRUGS AND DRUG ADMINISTERING EQUIPMENT

Advances in research relative to drugs and drug administering equipment for use in capturing dogs will be monitored on a continuing basis by the Office of the State Veterinarian. Chemical restraint drugs and drug administering equipment which are proved to be acceptable will be added to the approved list.

Firms or individuals seeking approval of specific drugs or drug administering equipment for use in capturing dogs may submit a request for the consideration of such proposals to:

State Veterinarian  
Division of Animal Health  
Washington Building, Suite 600  
1100 Bank Street  
Richmond, VA 23219  
PHONE: (804) 786-2481

## V. PUBLIC HEARING

This Directive, relating to the approval of the State Veterinarian of approved drugs and drug administering equipment, is drawn pursuant to § 3.1-796.119 of the Code of Virginia.

No public hearing or comment has been solicited concerning the publishing of this Directive. The State Veterinarian will receive, consider, and respond to, any

petition for a hearing or for reconsideration of the approval of drugs and drug administering equipment.

Such petitions should be submitted to:

State Veterinarian  
Division of Animal Health  
Washington Building, Suite 600  
1100 Bank Street  
Richmond, VA 23219  
PHONE: (804) 786-2481

Done in Richmond, Virginia, on this 1st day of July, 1987.

/s/ William D. Miller, D.V.M.  
State Veterinarian

FORMS:

- NOTICE OF INTENDED REGULATORY ACTION - RR01
- NOTICE OF COMMENT PERIOD - RR02
- PROPOSED (Transmittal Sheet) - RR03
- FINAL (Transmittal Sheet) - RR04
- EMERGENCY (Transmittal Sheet) - RR05
- NOTICE OF MEETING - RR06
- AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08

Copies of the 1987 Virginia Register Form, Style and Procedures Manual may also be obtained from Jane Chaffin at the above address.

COMMONWEALTH OF VIRGINIA  
VIRGINIA DEPARTMENT OF HEALTH

ERRATA

Notice

Maternal and Child Health Services Block Grant  
Amendment to Report of Intended Expenditures  
Fiscal Year 1987

The Virginia Department of Health is amending the Maternal and Child Health Services Block Grant, Report of Intended Expenditures (RIE), Fiscal Year 1987 in order to receive supplemental funds for activities which promote access to primary health care services for children, community-based service networks, and case management services for children with special health care needs.

Details of the amendment are available upon request from:

Zsolt H. B. Koppanyi, M.D., M.P.H., Director  
Office of Family Health Services  
Virginia Department of Health  
109 Governor Street  
Richmond, Virginia 23219

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: 615-32-02. Regulation for Criminal Record Checks.

Publication: 3:25 VA.R. 2977 September 14, 1987

Correction:

- page 2977: First paragraph, first column, line 7, the word "or" should replace the word "of".

- page 2977: Fifth paragraph, first column, the words "not apply" were changed to "not be applied". It should be "not apply" as it is quoted from the code.

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# CALENDAR OF EVENTS

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## Symbols Key

- † Indicates entries since last publication of the Virginia Register  
♿ Location accessible to handicapped  
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

### 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 Virginia Register deadline may preclude a notice of such cancellation.

For additional 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.

### VIRGINIA CODE COMMISSION

## EXECUTIVE

### STATE BOARD OF ACCOUNTANCY

**October 20, 1987 - 10 a.m. – Public Hearing**  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ♿

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Accountancy intends to amend regulations entitled: **VR 105-01-2. Virginia State Board of Accountancy Rules and Regulations.** These rules and regulations govern the profession of certified public accountants. The board is amending § 1.2 of the regulation to facilitate conformance with § 54-1.28:1 of the Code of Virginia.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until October 17, 1987.

**Contact:** Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free 1-800-552-3016)

### GOVERNOR'S ADVISORY BOARD ON AGING

† **October 22, 1987 - 8:30 a.m. – Open Meeting**  
Hilton Inn, 8th and Atlantic, Virginia Beach, Virginia. ♿

The board will hear reports from its committees.

**Contact:** Bob Knox, Special Projects Manager, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271

### STATE AIR POLLUTION CONTROL BOARD

**October 19, 1987 - 10 a.m. – Public Hearing**  
State Air Pollution Control Board, Southwest Virginia Regional Office, 121 Russell Road, Abingdon, Virginia

**October 19, 1987 - 10 a.m. – Public Hearing**  
State Air Pollution Control Board, Valley of Virginia Region, 5338 Peters Creek Road, Suite A, Roanoke, Virginia

**October 19, 1987 - 10 a.m. – Public Hearing**  
State Air Pollution Control Board, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia

**October 19, 1987 - 10 a.m. – Public Hearing**  
State Air Pollution Control Board, State Capitol Region, 8205 Hermitage Road, Richmond, Virginia

**October 19, 1987 - 10 a.m. – Public Hearing**  
State Air Pollution Control Board, Hampton Roads Regional Office, Old Greenbriar Village, 2010 Old Greenbriar Road, Suite A, Chesapeake, Virginia

**October 19, 1987 - 10 a.m. – Public Hearing**  
State Air Pollution Control Board, National Capital Regional Office, Springfield Towers, 6320 Augusta Drive, Suite 502, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The regulations establish limits for sources of air pollution to the extent necessary to attain and maintain levels of air quality as will protect human health and welfare.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until October 19, 1987, to Director of Program Development, State Air

Pollution Control Board, P. O. Box 10089, Richmond, Virginia 23240.

Contact: Nancy S. Saylor, Division of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-1249

## ALCOHOLIC BEVERAGE CONTROL BOARD

October 20, 1987 - 9:30 a.m. - Open Meeting  
November 4, 1987 - 9:30 a.m. - Open Meeting  
November 17, 1987 - 9:30 a.m. - Open Meeting  
2901 Hermitage Road, Richmond, Virginia. ☐

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0617

\* \* \* \* \*

November 19, 1987 - 10 a.m. - Public Hearing  
2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Alcoholic Beverage Control Board intends to adopt and amend regulations concerning the possession, sale, distribution and consumption of alcoholic beverages. The proposed amendments will affect the following six categories:

Procedural Rules for the Conduct of Hearings Before the Commission and its Hearing Officers and the Adoption or Amendment of Regulations (VR 125-01-1);

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operators (VR 125-01-5);

Manufacturers and Wholesalers Operators (VR 125-01-6).

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted no later than 10 a.m. on November 19, 1987.

Contact: Robert N. Swinson, Secretary, P. O. Box 27491, 2901 Hermitage Rd., Richmond, Va. 23261, telephone (804) 257-0616

## STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

November 6, 1987 - 10 a.m. - Public Hearing  
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to adopt, amend and repeal regulations entitled: VR 130-01-2. Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects. The purpose of the regulations is to regulate the practice of architects, professional engineering, land surveying and certified landscape architecture and the professional corporations and business entities offering these professions.

Statutory Authority: § 54-25 of the Code of Virginia.

Written comments may be submitted until November 6, 1987.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

## AUCTIONEERS BOARD

† October 20, 1987 - 9 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. ☐

An open board meeting to conduct (i) review of complaints; (ii) discussion of revenue and expenditures; (iii) review of examination results; and (iv) new business.

Contact: Gerald W. Morgan, Assistant Director, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

October 23, 1987 - 10 a.m. - Open Meeting  
November 20, 1987 - 10 a.m. - Open Meeting  
Fourth Street State Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. ☐  
(Interpreter for deaf provided if requested) ☐

A meeting to consider (i) requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) appeals from the rulings of local appeal boards regarding application of the Virginia Uniform

# Calendar of Events

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Statewide Building Code, and (iii) to approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

## CHILD DAY CARE COUNCIL

† **October 20, 1987 - 10 a.m. - Open Meeting**  
Hanover County Fire Training Center, Route 696 & Route 606, Ashland, Virginia. ☒ (Interpreter for deaf provided if requested) ☛

A meeting to discuss issues, concerns, and programs that impact licensed child care centers. The board committees will meet at 9 a.m. before the working session.

Contact: Meredyth P. Partridge, Department of Social Services, Licensing, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9025

## BOARD OF COMMERCE

**October 22, 1987 - 10:30 a.m. - Open Meeting**  
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☒

A tentative meeting of the board. Agenda items may include additional consideration of subcommittee reports on current Board of Commerce legislatively mandated studies as follows:

1. The study of the desirability of regulating the profession of real estate appraisers (H.J.R. 198);
2. The study of the need for certifying interior designers (H.J.R. 245);
3. The study of the need to establish a private investigator's board (S.J.R. 144);
4. The study of issues relating to the practice of public accountancy (H.B. 1019).

Contact: Catherine M. Walker, Policy Analyst, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8564

## STATE BOARD OF CORRECTIONS

**October 14, 1987 - 10 a.m. - Open Meeting**  
**November 18, 1987 - 10 a.m. - Open Meeting**  
Department of Corrections, 4615 West Broad Street,

Richmond, Virginia. ☒

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

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

\* \* \* \* \*

† **December 16, 1987 - 10 a.m. - Public Hearing**  
Department of Corrections, 4615 West Broad Street, Board Room, 3rd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Corrections intends to amend regulations entitled: **VR 230-30-001. Minimum Standards for Jails and Lockups.** The purpose of these regulations is to establish minimum standards for the administration and operation of jails and lockups.

## STATEMENT

The Code of Virginia provides for the establishments and operation of jails and lockups by counties and cities throughout the Commonwealth. Currently, there are 91 jails, four jail farms and 26 lockups operating in Virginia.

The Board of Corrections is authorized to establish minimum standards for construction, equipment, administration and operations of these local corrections facilities. These standards have been promulgated to fulfill the requirements as outlined in the Code.

### Estimated Impact:

1. These standards will affect 91 jails, four jail farms and 26 lockups.
2. There is no additional cost to these entities for implementation or enforcement.
3. There is no additional cost to the department for implementation and compliance.
4. General funds will be used for implementation of and, compliance with, these standards.

Clarity and simplicity were assured in drafting the standards by:

1. Utilization of a working committee of experts from the Board of Corrections, Sheriff Offices, Office of the Attorney General, and the Sheriff's Association.
2. Interim review by Department of Corrections staff to working committee.
3. Final review by the Agency Regulatory

## Coordinators.

These standards have no impact upon small businesses or organizations in Virginia.

This regulatory action is being taken to adopt emergency regulations published in 3:18 VA.R. 1973 June 6, 1987.

Statutory Authority: §§ 53.1-5 and 53.1-68 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

Contact: Gayle L. Turner, Acting Manager, Certification Unit, Department of Corrections, 5001 West Broad St., Suite 300, Richmond, Va. 23230, telephone (804) 281-9240

## VIRGINIA BOARD OF DENTISTRY

December 5, 1987 - 9 a.m. - Open Meeting  
General Assembly Building, Capitol Square, House Room C (Tentative), Richmond, Virginia. ☒

An informational hearing for the purpose of receiving comment on regulation of administration of general anesthesia, conscious sedation and nitrous oxide oxygen inhalation analgesia and other possible regulations believed to be necessary to the public.

Contact: N. Taylor Feldman, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

## STATE BOARD OF EDUCATION

October 21, 1987 - 9 a.m. - Open Meeting  
October 22, 1987 - 9 a.m. - Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

† November 16, 1987 - 9 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms D & E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

A regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va., telephone (804) 225-2540

† December 8, 1987 - 1:30 p.m. - Public Hearing

James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☎

This meeting will constitute an official public hearing on the proposed permanent regulations governing Literary Loan Applications in Virginia. The proposed regulations are identical to emergency regulations which became effective on March 23, 1987.

Contact: M. E. Cale, Associate Superintendent for Financial and Support Services, Department of Education, P. O. Box 6-AG, Richmond, Va. 23216-2060, telephone (804) 225-2025

## DEPARTMENT OF EDUCATION (STATE BOARD OF)

† December 8, 1987 - 1:30 p.m. - Public Hearing  
James Monroe Building, 101 North 14th Street, Conference Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Education intends to repeal existing regulations and adopt new regulations entitled: VR 270-92-0009, Regulations Governing Literary Loan Applications in Virginia. The purpose of the regulations is to prescribe the application process and release of funds for loans from the Literary Fund to school divisions for school construction.

## STATEMENT

Subject and Substance: Proposed adoption by the Board of Education of permanent regulations governing the Literary Loan Applications in Virginia. The proposed regulations are identical to emergency regulations which became effective March 23, 1987.

Issues: None, as these proposed regulations are identical to the emergency regulations which became effective March 23, 1987.

Basis: Article VIII, § 8 of the Constitution of Virginia and §§ 22.1-16, 22.1-142 through 22.1-161 of the Code of Virginia

Purpose: To finalize the emergency regulations which became effective on March 23, 1987. The emergency regulations will expire on March 23, 1988, under the provisions of the Administrative Process Act.

Statutory Authority: §§ 22.1-16, 22.1-142 through 22.1-161 of the Code of Virginia.

Written comments may be submitted until December 11, 1987.

Contact: M. E. Cale, Associate Superintendent for Financial and Support Services, Department of Education, P. O. Box 6-Q, Richmond, Va. 23216-2060, telephone (804) 225-2025

# Calendar of Events

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## GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

NOTE: CHANGE OF DATE

† **October 27, 1987 - 10 a.m.** - Open Meeting  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

A regular monthly meeting to discuss and consider final reports of the commission's work. The agenda will be available prior to meeting.

Contact: Leonard L. Hopkins, Governor's Office, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

## VIRGINIA EMPLOYMENT COMMISSION

### Advisory Board

**October 14, 1987 - 1 p.m.** - Open Meeting  
**October 15, 1987 - 9 a.m.** - Open Meeting  
Howard Johnson Hotel, 3207 North Boulevard, Richmond, Virginia. ☒

A regular meeting of the advisory board to conduct general business.

Contact: Ronald M. Montgomery, 703 E. Main St., Richmond, Va. 23219, telephone (804) 786-1070

## VIRGINIA EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

† **October 21-23, 1987** - Open Meeting  
Roanoke Airport Marriott, 2801 Hershberger Road, NW, Roanoke, Virginia

The fourth Annual EEO/AA Conference.

Contact: Joyce D. Gass, OEE SPE, Department of Personnel and Training, James Monroe Bldg., 101 N. 14th St., 12th Fl., Richmond, Va. 23219

## FAMILY AND CHILDREN'S TRUST FUND

### Board of Trustees

† **October 16, 1987 - 1 p.m.** - Open Meeting  
† **October 17, 1987 - 8:30 a.m.** - Open Meeting  
Beach Quarters Hotel, 501 Atlantic Avenue, Virginia Beach, Virginia

A business meeting to determine goals and objectives,

and to develop a plan for the trust fund.

Contact: Margaret J. Friedenbergh, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9217

## FORENSIC ISSUES ADVISORY COMMITTEE

† **October 22, 1987 - 1:30 p.m.** - Open Meeting  
Institute of Law, Psychiatry and Public Policy, University of Virginia, Charlottesville, Virginia

A regular meeting to discuss issues related to the provision of forensic mental health, mental retardation and substance abuse services.

Contact: Russell C. Petrella, Director of Forensic Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-4837

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**October 26, 1987 - 9 a.m.** - Open Meeting  
**October 27, 1987 - 9 a.m.** - Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

October 26, 1987 - Informal fact-finding conferences

October 27, 1987 - A general board meeting to certify candidates for the November, 1987, examination. Regulations may be discussed.

**November 16, 1987 - 9 a.m.** - Open Meeting  
**November 17, 1987 - 9 a.m.** - Open Meeting  
Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia.

November 16, 1987 - Examination - National Conference

November 17, 1987 - A meeting to administer the Virginia State Board Examination, and a general board meeting. Regulations may also be discussed.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

## BOARD OF GAME AND INLAND FISHERIES

† **October 30, 1987 - 9:30 a.m.** - Open Meeting  
Department of Game and Inland Fisheries, 4010 West

Broad Street, Richmond, Virginia. ☐

The board will act on proposed amendments to regulations VR 325-03-1.4 and VR 325-03-2.11 pertaining to the sale of hybrid striped bass and fishing in certain portions of Little River.

A presentation of the Morgan Award will be given to the outstanding hunter education instructor for the fiscal year 1987-88.

General administrative matters will be considered also.

**Contact:** Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

† November 6, 1987 - 10 a.m. - Open Meeting  
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. ☐

The board 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:** M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P. O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

## VIRGINIA BOARD OF GEOLOGY

November 13, 1987 - 10 a.m. - Public Hearing  
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Geology intends to adopt, amend, and repeal regulations entitled: **VR 335-01-2. Rules and Regulations of the Virginia Board of Geology.** The purpose is to regulate the certification of professional geologists and their practice.

Statutory Authority: § 54-963 of the Code of Virginia.

Written comments may be submitted until November 3, 1987.

**Contact:** Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

## INTERAGENCY COORDINATING COUNCIL ON DELIVERY OF RELATED SERVICES TO HANDICAPPED CHILDREN

† October 20, 1987 - 1:30 p.m. - Open Meeting  
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☐

A regular monthly meeting of the council.

The council is designed to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

**Contact:** Dr. Michael M. Fehl, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

## VIRGINIA HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

† November 6, 1987 - 10 a.m. - Open Meeting  
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. ☐

The business of the meeting will consist of a program status report; a report on Title III of SARA, and discussions on criteria related to technical response team cost sharing; response reimbursement; and state/local government agreements.

**Contact:** Addison E. Slayton, Jr., State Coordinator, Department of Emergency Services, 310 Turner Rd., Richmond, Va. 23225, telephone (804) 323-2897

## COUNCIL ON HEALTH REGULATORY BOARDS

† October 19, 1987 - 1:30 p.m. - Open Meeting  
† October 20, 1987 - 8:30 a.m. & 11 a.m. - Open Meeting  
Department of Health Regulatory Boards, 1601 Rollings Hills Drive, Richmond, Virginia. ☐

The council and several committees will meet to conduct business. The council will hold a regularly scheduled quarterly meeting, which is designated as its annual meeting, to hear reports of its committees.

Monday, October 19, 1987

1:30 p.m. Compliance and Discipline Committee

Tuesday, October 20, 1987

8:30 a.m. Public & Professional Information and Education Committee

11 a.m. Council on Health Regulatory Boards

**Contact:** Richard D. Morrison, Executive Director, Council



# Calendar of Events

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on Health Regulatory Boards, 1601 Rolling Hills Dr.,  
Richmond, Va. 23229-5005, telephone (804) 662-9918

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

October 28, 1987 - 9:30 a.m. - Open Meeting  
† November 18, 1987 - 9:30 a.m. - Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh  
Avenue, Richmond, Virginia. ☐

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

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th  
Fl., Richmond, Va. 23219, telephone (804) 786-6371

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† October 20, 1987 - 2 p.m. - Open Meeting  
† October 21, 1987 - 9 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, 9th Floor  
Conference Room, Richmond, Virginia. ☐

A monthly council meeting. The agenda will be  
available on request.

Contact: Gayle I. Lessner, 101 N. 14th St., 9th Fl.,  
Richmond, Va. 23229, telephone (804) 225-2638

## GOVERNOR'S COMMISSION TO STUDY HISTORIC PRESERVATION

October 15, 1987 - 10 a.m. - Open Meeting  
General Assembly Building, Capitol Square, Richmond,  
Virginia. ☐

The committees on (i) general state legislation; (ii)  
state-owned landmarks; (iii) local legislation and (iv)  
budget and finance will meet.

October 15, 1987 - 2 p.m. - Open Meeting  
General Assembly Building, Capitol Square, Richmond,  
Virginia. ☐

A general business meeting.

October 29, 1987 - 7 p.m. - Public Hearing  
Roanoke Municipal Building, 215 Church Avenue, S.W.,  
Council Chambers, Roanoke, Virginia

November 5, 1987 - 7 p.m. - Public Hearing  
Richmond City Hall, 900 East Broad Street, Council  
Chambers, Richmond, Virginia. ☐

November 10, 1987 - 7 p.m. - Public Hearing  
Jefferson/Madison Library, 201 East Market Street,  
Charlottesville, Virginia

November 12, 1987 - 7 p.m. - Public Hearing  
Frederick County Courthouse, 5 North Kent Street,  
Winchester, Virginia

November 18, 1987 - 7 p.m. - Public Hearing  
The Lyceum, 201 South Washington Street, Alexandria,  
Virginia

December 3, 1987 - 7 p.m. - Public Hearing  
Norfolk City Hall, 810 Union Avenue, Council Chambers,  
Norfolk, Virginia. ☐

A public hearing to receive comment on the  
preservation program in Virginia.

Contact: Margaret Peters, Information Officer, Division of  
Historic Landmarks, 221 Governor St., Richmond, Va.  
23219, telephone (804) 786-3143

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† October 20, 1987 - 8:30 a.m. - Open Meeting  
Radisson Mark Plaza Hotel, 5000 Seminary Road,  
Alexandria, Virginia. ☐

A regular monthly meeting of the Board of  
Commissioners to (i) review and, if appropriate,  
approve the minutes from the prior monthly meeting;  
(ii) consider for approval and ratification mortgage  
loan commitments under its various programs; (iii)  
review the authority's operations for the prior month;  
(iv) consider and, if appropriate, approve the  
Procedures, Instructions and Guidelines for  
Multi-Family Housing Developments for Mentally  
Disabled Persons and proposed amendments to the  
Rules and Regulations, and (v) 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 office of the authority one  
week prior to the date of the meeting.

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

\* \* \* \* \*

† October 16, 1987 - Written comments may be submitted  
until this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Virginia Housing  
Development Authority intends to amend regulations  
entitled: VR 400-01-0001. Rules and Regulations.

STATEMENT

**Purpose:** The purpose of the proposed amendments is to permit the issuance of commitments, prior to approval thereof by the authority's Board of Commissioners, for loans with maximum principal amounts not in excess of \$300,000 for the development, construction, rehabilitation and/or the ownership and operation of multi-family housing developments intended for occupancy by persons of low and moderate income who are mentally disabled. Second, to provide that, in cases in which an occupant of a multi-family housing unit does not pay rent, the authority's Board of Commissioners shall establish income limits for such persons other than the rent-based limit now provided in the rules and regulations to ensure that such occupants meet the authority's requirement that they be of low or moderate income.

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

**Subject, substance and issues:** Currently, under the authority's rules and regulations, the authority's Board of Commissioners must approve each application for an authority mortgage loan to finance a multi-family housing development prior to the issuance of a commitment therefor. However, the authority anticipates that most of the loan applications it will receive under its proposed multi-family program to finance housing for mentally disabled persons will be for loan amounts which are significantly less than the typical multi-family loan and that for such smaller loans to be made under that program, the Board of Commissioners wishes to delegate to the executive director the authority to issue commitments for such loans prior to their approval. The scope of this delegated authority is limited in the proposed regulations to only those loans which have maximum amounts not in excess of \$300,000 and to only those loans which are made for the purpose of financing housing for mentally disabled persons. Moreover, the board will in all cases under the proposed regulations reserve unto itself the right to approve and ratify such commitments.

As for the proposed regulation which permits the authority's Board of Commissioners to establish new income limits for persons occupying multi-family dwellings for which they do not pay "rent" as determined by the board, such a provision is deemed necessary for cases such as those that are expected to arise under the authority's proposed multi-family program to finance housing for mentally disabled persons. Under that program, an occupant of a multi-family dwelling unit may be charged only a nominal fee, or, in some cases, no fee for the right to occupy the unit. In such cases, the authority's current income limit which states that a person or family may not have an annual adjusted family income in excess of seven times the annual rent that they pay is inapplicable. Thus, the proposed rules and regulations are designed to permit the board to determine in which cases there is no rent applicable to a dwelling unit and to require the board to establish other income limits in such cases to ensure that the authority can limit occupancy to persons of low and moderate income (as required by the authority's enabling legislation) even in cases in which

rent is not paid.

**Impact:** The proposed regulations will permit the implementation of the authority's proposed program for financing multi-family housing developments for mentally disabled persons. It is expected that that program will enable the authority to provide mortgage loan financing for approximately 100 multi-family housing developments which will serve approximately 500 persons of low and moderate income who are mentally disabled.

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

Written comments may be submitted until October 16, 1987.

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

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† October 16, 1987 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to adopt new regulations entitled: VR 400-02-0013. Procedures, Instructions and Guidelines for Multi-Family Housing Development for Mentally Disabled Persons. The proposed regulations establish a Virginia Housing Development Authority multi-family housing program for mentally disabled persons.

## STATEMENT

**Purpose:** To establish a program to promote and facilitate the financing by the authority of the development, construction, rehabilitation and/or the ownership and operation of multi-family housing developments intended for occupancy by persons of low and moderate income who are mentally disabled.

**Basis:** To be adopted pursuant to regulations which were issued under § 36-55.30:3 of the Code of Virginia.

**Subject, substance and issues:** Currently, a sponsor of a housing development for mentally disabled persons may apply for financing from the authority under the authority's multi-family program. However, many of the requirements of that program are either inapplicable to loans for housing the disabled or have been deemed by the authority to be unnecessary for such financing. Furthermore, the multi-family program fails to address certain issues unique to this type of housing and to make requirements in connection therewith. Accordingly, the proposed regulations have been drafted to create a program more particularly suited for the financing of housing for the mentally disabled. Under the program, the authority expects to make mortgage loans for both the construction and permanent financing of congregate care

# Calendar of Events

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facilities designed especially for mentally disabled persons. The state Department of Mental Health, Mental Retardation and Substance Abuse Services will, among other things, initially screen each applicant to determine whether it both intends to and is capable of providing the services necessary for the successful functioning of such a group home facility.

**Impact:** The authority expects the proposed regulations will enable the authority to provide mortgage loan financing for approximately 100 multi-family housing developments which will serve approximately 500 persons of low and moderate income who are mentally disabled.

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

Written comments may be submitted until October 16, 1987.

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

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-2. Certification of Tradesmen Standards.** The purpose of the amendments is to update minimum, statewide standards for the Certification of Tradesmen to be used by local governments that choose to require tradesmen who work within their boundaries to be certified.

Statutory Authority: § 15.1-11.4 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-04. Virginia Amusement Device Regulations/1987.** The purpose of these regulations is

to provide uniform safety standards for the construction, maintenance, operation and inspection of amusement devices.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-6. Virginia Statewide Fire Prevention Code/1987.** The purpose of these regulations is to provide uniform fire prevention standards for the protection of life and property in the use and maintenance of buildings.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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**November 16, 1987 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code - Volume I - New Construction Code/1984.** The purpose is to provide for minimum safety to life and property for the construction and use of buildings and structures.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

**Contact:** Jack A. Proctor, Deputy Director, Department of

Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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November 16, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-22. Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code/1984. The purpose is to provide uniform building maintenance standards for the protection of life and property in the use and maintenance of buildings.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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November 16, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-31. Virginia Industrialized Building and Mobile Home Safety Regulations/1984. The purpose of these amendments is to provide for safety to life and property from fire in manufactured buildings as defined in §§ 36-70 - 36-85.1 of the Code of Virginia.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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November 16, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of

the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-41. Virginia Public Building Safety Regulations/1984. These amendments are proposed to provide for safety to life and property from fire in public buildings.

Statutory Authority: § 27-72 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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November 16, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations. The purpose of the amendment is to establish minimum general standards covering design, installation and operation of LP Gas equipment and the odorization thereof for the protection of health, welfare and safety of the people.

Statutory Authority: § 27-87 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

Amusement Device Technical Advisory Committee

November 10, 1987 - 8:30 a.m. - Open Meeting  
205 North Fourth Street, 7th Floor Conference Room, Richmond, Virginia. ☐

A meeting to develop recommended regulations pertaining to the construction, maintenance, operation and inspection of amusement devices for consideration by the Board of Housing and Community Development.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

# Calendar of Events

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## GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† **October 19, 1987 - 10:30 a.m.** – Open Meeting  
Jefferson Sheraton Hotel, Adams and Franklin Streets,  
Richmond, Virginia. ☒

This is a general meeting of the council and is open to the public.

**Contact:** Gladys Walker, Governor's Employment and Training Department, 417 E. Grace St., P. O. Box 12083, Richmond, Va., telephone (804) 786-8085

## DEPARTMENT OF LABOR AND INDUSTRY

**October 13, 1987 - 7 p.m.** – Open Meeting  
Department of Motor Vehicles, Military Circle Branch Office, 5745 Poplar Hall Drive, Norfolk, Virginia

**October 14, 1987 - 7 p.m.** – Open Meeting  
Lynchburg Public Library, 2315 Memorial Avenue, Community Meeting Room, Lynchburg, Virginia

**October 15, 1987 - 7 p.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

In accordance with § 9-6.14:25 of the Code of Virginia and Executive Order 26 (86), the Department of Labor and Industry is currently undergoing an extensive regulatory review and is reviewing all of its existing regulations. The purpose of this review is to reduce the burden imposed by regulations, improve their clarity, and evaluate their effectiveness in meeting their stated purpose. Comments are encouraged to help identify regulations that are unclear, duplicative, or in conflict with regulations of other state agencies or the federal government. As a part of this review process, public meetings will be held throughout the Commonwealth for the purpose of soliciting comments and suggestions related to the below listed regulations:

1. Boiler and Pressure Vessel Rules and Regulations;
2. Rules and Regulations Governing Manufacture, Storage, Handling, Use and Sale of Explosives;
3. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia (except numeric ratio and evaluation procedure);
4. Virginia Rules and Regulations Declaring Hazardous Occupations as Promulgated by the Commissioner, Virginia Department of Labor and Industry;
5. Rules and Regulations for Public Safety for Passenger Tramways and Related Devices (Ski Resorts).

**Contact:** Janice M. Hathcock, Information Officer,

Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9873

## Virginia Apprenticeship Council

† **November 5, 1987 - 9 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A regular quarterly meeting. The public session begins at 9 a.m. and the council meeting is at 10 a.m.

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

## LIBRARY BOARD

† **November 7, 1987 - 9:30 a.m.** – Open Meeting  
Aurora Hills Branch, Arlington Department of Libraries, 735 18th Street, South, Arlington, Virginia. ☒

A regular meeting to discuss administrative matters.

**Contact:** Jean K. Reynolds, Virginia State Library and Archives, 11th Street and Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## LONG-TERM CARE COUNCIL

**October 29, 1987 - 9:30 a.m.** – Open Meeting  
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Room 622, Richmond, Virginia. ☒

The council will discuss issues related to the development and coordination of long-term care services in Virginia.

**Contact:** Catherine P. Saunders, Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271

## LONGWOOD COLLEGE

### Board of Visitors

† **October 22, 1987 - 4 p.m.** – Open Meeting  
† **October 23, 1987 - 4 p.m.** – Open Meeting

Longwood College, College Campus, Farmville, Virginia. ☒

A quarterly meeting to transact college business.

**Contact:** Dr. George R. Healy, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211, SCATS 265-4211

## MARINE RESOURCES COMMISSION

**November 5, 1987 - 9:30 a.m. -- Open Meeting**

**NOTE: TENTATIVE DATE**

Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia. ☐

The Virginia Marine Resources Commission will meet on the first Tuesday of each month, except November, which is a state holiday, at 9:30 a.m. in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. The commission will hear and decide cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It will also hear and decide appeals made on local wetlands board decisions.

Fishery management and conservation measures will be 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 measure within 5 days.

**Contact:** Sandra S. Blaher, Secretary to the Commission, 2401 West Ave., P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**November 30, 1987 --** Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **VR 460-03-4.194. Nursing Home Payment System.** The purpose is to establish methods and standards for Medicaid reimbursement of nursing home providers.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until November 30, 1987.

**Contact:** N. Stanley Fields, Director, Division of Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7931

## COMMISSION ON MEDICAL CARE FACILITIES CERTIFICATE OF PUBLIC NEED

**November 9, 1987 - 10 a.m. -- Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room D & E, Richmond, Virginia. ☐

By Executive Order 31 (86) Governor Bailes created an advisory commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need process.

**Contact:** E. George Stone, State Health Department, James Madison Bldg., 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

## VIRGINIA STATE BOARD OF MEDICINE

**October 16, 1987 - 9:30 a.m. -- Open Meeting**  
Sheraton Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☐

A formal hearing. The Virginia State Board of Medicine will inquire into allegations that a practitioner may have violated laws and regulations governing the practice of medicine in Virginia.

**November 4, 1987 - 10 a.m. -- Open Meeting**  
**November 5, 1987 - 10 a.m. -- Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☐

The informal conference previously scheduled for September 1, 1987 has been rescheduled for November 4 and 5, 1987. The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

### Informal Conference Committee

† **October 22, 1987 - 1:30 p.m. -- Open Meeting**  
Springfield Hilton, 6550 Lois Dale Road, Springfield, Virginia. ☐

**October 23, 1987 - 11 a.m. -- Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor,

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Richmond, Virginia. ☐

† **October 27, 1987 - 1 p.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☐

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

**Contact:** Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

## VIRGINIA STATE BOARDS OF MEDICINE AND NURSING

**October 19, 1987 -** Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia State Boards of Medicine and Nursing intend to promulgate new regulations and repeal existing regulations entitled: **VR 465-07-1; VR 495-02-1. Regulations Governing the Certification of Nurse Practitioners.** The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Statutory Authority: § 54-274 of the Code of Virginia.

Written comments may be submitted until October 19, 1987.

**Contact:** Corinne F. Dorsey, Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

† **November 3, 1987 - 1:30 p.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

The committee will review and respond to proposed Regulations Governing the Certification of Nurse Practitioners - VR 465-07-1 and VR 495-02-1 and make recommendations to the Board of Medicine and Board of Nursing for final action on the regulations. Other matters related to the regulation of nurse practitioners may be considered.

**Contact:** Corinne F. Dorsey, Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

## MENTAL HEALTH ADVISORY COUNCIL

† **October 21, 1987 - 10 a.m. - Open Meeting**  
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. ☐

The second meeting of the council for fiscal year 1988 to discuss mental health issues. Agenda items are available prior to this meeting.

**Contact:** Leslie S. Tramaine, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-2991

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **October 28, 1987 - 10 a.m. - Open Meeting**  
Western State Hospital, Staunton, Virginia. ☐

A regular monthly meeting. The agenda will be published on October 21 and may be obtained by calling Jane Helfrich.

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

## MILK COMMISSION

† **October 21, 1987 - 11 a.m. - Open Meeting**  
Ninth Street Office Building, Ninth and Grace Streets, Room 1015, Richmond, Virginia. ☐

A routine monthly meeting.

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

## VIRGINIA STATE BOARD OF NURSING

### Informal Conference Committee

**October 13, 1987 - 8:30 a.m. - Open Meeting**  
**October 22, 1987 - 8:30 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐  
(Interpreter for deaf provided if requested) ♣

A meeting to inquire into allegations that certain licensees may have violated laws and regulations

governing the practice of nursing in Virginia.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

## VIRGINIA BOARD OF OPTOMETRY

**October 13, 1987 - 9 a.m. - Open Meeting**  
Surry Building, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

**October 14, 1987 - 9 a.m. - Open Meeting**  
Koger Building, 1801 Franklin Farms Drive, Koger Conference Room 124, Richmond, Virginia

A meeting to (i) discuss general board business; (ii) discuss regulations and licensure fees; and (iii) consider disciplinary cases.

**Contact:** Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

## STATE BOARD OF PHARMACY

**November 4, 1987 - 9:30 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

A routine business meeting and adoption of proposed regulations.

**Contact:** Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921

## VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

**October 14, 1987 - 10 a.m. - Open Meeting**  
**October 15, 1987 - 9 a.m. - Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Koger Center, 2nd Floor, Richmond, Virginia. ☐

October 14, 1987 - A meeting to review credentials.

October 15, 1987 - A board meeting to conduct general business, review correspondence and set policies.

**Contact:** Joyce D. Williams, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

## BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

**November 18, 1987 - 10:30 a.m. - Open Meeting**  
Virginia Beach Pavilion, Director's Conference Room, Virginia Beach, Virginia. ☐

A meeting to consider preproposals and proposals from various localities requesting matching grand funds from the board.

**Contact:** Jack E. Frye, P. O. Box 1024, Gloucester Point, Va. 23062, telephone (804) 642-7121

## VIRGINIA REAL ESTATE BOARD

† **October 16, 1987 - 10 a.m. - Open Meeting**  
City Hall, Council Chambers, Chesapeake, Virginia

To conduct a formal fact-finding hearing: Virginia Real Estate Board vs. Donald H. Ives.

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

† **October 21, 1987 - 9 a.m. - Open Meeting**  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A regular business meeting of the board. The agenda will consist of (i) investigative cases (files) to be considered, (ii) files to be reconsidered, and (iii) matters relating to fair housing, property registration, and licensing issues (e.g., reinstatement, eligibility requests).

**Contact:** Joan L. White, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8552

† **October 28, 1987 - 10 a.m. - Open Meeting**  
Walter E. Hollman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

To conduct a formal fact-finding hearing: Virginia Real Estate Board vs. Hollis Ergenbright.

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

## BOARD FOR RIGHTS OF THE DISABLED

**October 27, 1987 - 2 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference Room C & D, Richmond, Virginia. ☐ (Interpreter for deaf



# Calendar of Events

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provided if requested) ☞

A quarterly meeting of Board for Rights of the Disabled to review committee reports and biennial report.

## Education Committee

† **October 27, 1987 - 11 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee's projects, completed and ongoing.

## Employment Committee

† **October 27, 1987 - 11 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee's projects, completed and ongoing.

## Health Committee

† **October 27, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee assignments.

## Housing Committee

† **October 27, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee's projects, completed and ongoing.

## Planning Committee

† **October 27, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms C & D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review committee projects, completed and ongoing.

## Transportation Committee

† **October 27, 1987 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review projects, completed and ongoing.

## Steering Committee

† **October 27, 1987 - noon** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms C & D, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A quarterly meeting to review agenda for full board meeting.

Contact: Sarah A. Liddle, 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free in Virginia 1-800-552-3962)

## STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

**October 14, 1987 - 10 a.m.** – Open Meeting  
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, James Madison Bldg., 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-3559

## VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **October 20, 1987 - 10 a.m.** – Public Hearing  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The authority will conduct its regular business meeting and a public hearing to consider Industrial Development Bond applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation.

Contact: Cathy Mackey, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

October 27, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House  
Appropriations, 9th Floor, 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 adopt regulations entitled: **VR 615-50-5. Fees for Services Provided by Local Departments of Social Services Related to Court Actions.** The purpose is to establish regulations and fee schedules for payment by the petitioner to the local department of social services for certain court ordered investigations.

Statutory Authority: §§ 14.1-114; 16.1-274; 63.1-25 and 63.1-236.1 of the Code of Virginia.

Written comments may be submitted until October 30, 1987.

Contact: Dorcas Douthit, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9818

\* \* \* \* \*

November 13, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.** The purpose of the amendments is to define as the home, the house in which the applicant/recipient lives, the lot, and all property contiguous to the lot. For the purpose of establishing eligibility for assistance in the ADC and GR programs, the home is a disregarded resource.

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

Written comments may be submitted until November 13, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Thomas J. Steinhauser, Program Specialist, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

\* \* \* \* \*

November 27, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Social

Services intends to amend regulations entitled: **VR 615-48-02. Employment Services Program Policy.** The purpose of the amendments is to (i) eliminate applicant job search as a condition of eligibility for ADC & GR; and (ii) waive the recipient job search requirements for ESP recipients under 21 years who participate in education or training activities.

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

Written comments may be submitted until November 27, 1987.

Contact: Penelope Boyd Pellow, Assistant State Employment Services Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9032 (toll-free 1-800-552-7091)

Division of Licensing Programs

November 12, 1987 - Written comments may be submitted until this date.

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: **VR 615-31-02. Regulation for Criminal Record Checks.** The purpose is to protect children in those licensed facilities by enforcing mandated requirements for criminal record checks.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

Contact: Sheila B. Rich, Program Development Supervisor, Blair Building, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

TREASURY BOARD

October 21, 1987 - 9 a.m. - Open Meeting  
November 18, 1987 - 9 a.m. - Open Meeting  
December 16, 1987 - 9 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☐

A regular monthly meeting.

Contact: Betty A. Ball, Department of Treasury, James Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

# Calendar of Events

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## BOARD FOR THE VISUALLY HANDICAPPED

**November 4, 1987 - 10 a.m. - Open Meeting**  
397 Azalea Avenue, Administrative Headquarters,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested) ☛

A bi-monthly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

**Contact:** Diane E. Allen, Executive Secretary Senior, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3140, telephone (804) 264-3148

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Advisory Committee on Services

**October 17, 1987 - 10:30 a.m. - Open Meeting**  
397 Azalea Avenue, Administrative Headquarters,  
Richmond, Virginia. ☒ (Interpreter for deaf provided if  
requested) ☛

A quarterly meeting to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

**Contact:** Diane E. Allen, Executive Secretary Senior, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3140, telephone (804) 264-3148

## VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **November 4, 1987 - 8:30 a.m. & 2:30 p.m. - Open Meeting**

† **November 5, 1987 - 8:30 a.m. - Open Meeting**  
Marriott Inn, 900 Prices Fork Road, NW, Blacksburg, Virginia

November 4:

8:30 a.m. - Council members will visit local vocational programs.

2:30 p.m. - General session: Reports on visits to vocational programs, update on the marketing program for vocational education, and update on VOICC.

November 5:

8:30 a.m. - Business session: Reports from the Virginia Department of Education, the Governor's Job Training Coordinating Council, and the Virginia Community College System.

**Contact:** George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, P. O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

## VIRGINIA VOLUNTARY FORMULARY BOARD

† **November 20, 1987 - 10 a.m. - Public Hearing**  
James Madison Building, 109 Governor Street, Main Floor  
Conference Room, Richmond, Virginia. ☒

The purpose of this hearing is to consider the proposed adoption and issuance of a revised Virginia Voluntary Formulary. The proposed revision to the Virginia Voluntary Formulary adds and deletes drugs and drug products to the Formulary that becomes effective on November 1, 1987.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on November 20, 1987 will be made a part of the hearing record and considered by the board.

**Contact:** James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

## DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

**October 13, 1987 - 3 p.m. and 7 p.m. - Open Meeting**  
Best Western Howard House Inn, 2001 Seymour Drive,  
South Boston, Virginia

**October 15, 1987 - 1 p.m. - Open Meeting**  
James Monroe Building, 101 North 14th Street, Conference  
Room C, Richmond, Virginia. ☒

**October 15, 1987 - 7 p.m. - Open Meeting**  
Chesterfield County Complex, Board of Supervisors Room,  
Richmond, Virginia

The Department of Waste Management has scheduled a series of public meetings to receive public comment on the draft Strategic Resources Committee's Proposed Initiatives Document. This document includes recommendations for the Commonwealth to undertake major recycling efforts, waste reduction program for hazardous wastes including legislation and other incentives to accomplish these objectives.

† **October 20, 1987 - 11 a.m. - Open Meeting**  
North Anna Power Station

The board will take a tour of Virginia Power's North Anna Power Station. No business will be conducted and no public hearing will be held.

Contact: Cheryl Cashman, 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667

\* \* \* \* \*

October 28, 1987 - 10 a.m. - Public Hearing  
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to amend regulations entitled: **VR 627-30-1. Regulations Governing the Transportation of Hazardous Materials.** The purpose of this action is to adopt by reference the U.S. Department of Transportation Hazardous Materials Regulations already in effect.

Statutory Authority: §§ 10-266 and 10-305 of the Code of Virginia.

Written comments may be submitted until October 28, 1987, to William F. Gilley.

Contact: Cheryl Cashman, Information Officer, Virginia Department of Waste Management, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free 1-800-552-2075)

**STATE WATER CONTROL BOARD**

November 18, 1987 - 7 p.m. - Public Hearing  
City of Charlottesville Council Chambers, City Hall, corner of 7th and Downtown Mall, Charlottesville, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-03. Upper James River Basin Water Quality Management Plan.** The purpose of the amendment is to revise poundage limits on the Rivanna River at Charlottesville.

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

Written comments may be submitted until November 30, 1987, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Charles T. Mizell, Water Resources Development Supervisor, Valley Regional Office, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595

**LEGISLATIVE**

**HOUSE APPROPRIATIONS COMMITTEE**

October 19, 1987 - 9:30 a.m. - Open Meeting  
Patrick Henry Community College, Martinsville, Virginia

A regular monthly meeting of the full committee.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Capitol Sq., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

**VIRGINIA CODE COMMISSION**

† November 30, 1987 - 9:30 a.m. - Open Meeting  
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☐

The commission will review the first draft of the revision of Title 10 (Conservation Generally) of the Code of Virginia.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

**JOINT SUBCOMMITTEE STUDYING DEFENSE SYSTEMS FOR THE INDIGENT**

† October 13, 1987 - 10 a.m. - Public Hearing  
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The subcommittee will receive testimony at the hearing and will have a work session to discuss proposed legislation following the hearing. HJR 189

Contact: Persons wishing to speak contact: Barbara H. Hanback, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Mary Devine, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

**JOINT SUBCOMMITTEE STUDYING THE NEED FOR EARLY CHILDHOOD PROGRAMS**

October 14, 1987 - 9:30 a.m. - Open Meeting  
Virginia Polytechnic Institute and State University, Donaldson Brown Continuing Education Center, Blacksburg, Virginia

This will be the third meeting of this subcommittee.

# Calendar of Events

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This will be a combined study tour and working session.

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

recommendations for legislation. HJR 303

**Contact:** Terry Barrett, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## JOINT SUBCOMMITTEE STUDYING ADOPTION OF NEW LYRICS FOR THE OFFICIAL SONG OF THE COMMONWEALTH

**October 16, 1987 - 2 p.m. - Public Hearing**  
James Madison University, Anthony Seeger Auditorium, South Main and Grace Streets, Harrisonburg, Virginia

**December 11, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Hearings to receive testimony on changing or retaining lyrics of Virginia's official song.

**Contact:** Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## SUBCOMMITTEE STUDYING THE PROBLEM OF TEEN PREGNANCY IN THE COMMONWEALTH

† **October 20, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Appropriations Committee Room, 9th Floor, Richmond, Virginia. ☐

A meeting and working session with members of the Curriculum and Instruction Subcommittee of the State Board of Education. HJR 280

**Contact:** Brenda H. Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

## JOINT SUBCOMMITTEE INVESTIGATING THE EXTENT OF UNFAIR COMPETITION BETWEEN NONPROFIT ORGANIZATIONS AND SMALL FOR-PROFIT BUSINESSES IN VIRGINIA

**October 13, 1987 - 10 a.m. - Open Meeting**  
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

The subcommittee will meet to develop

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### October 13

Labor and Industry, Department of Nursing, Virginia State Board of Optometry, Virginia Board of Unfair Competition Between Nonprofit Organizations and Small For-Profit Businesses in Virginia, Joint Subcommittee Investigating the Extent of Waste Management, Department of

#### October 14

Corrections, State Board of Early Childhood Programs, Joint Subcommittee Studying the Need for Employment Commission, Virginia - Advisory Board  
Labor and Industry, Department of Optometry, Virginia Board of Professional Counselors, Virginia Board of Sewage Handling and Disposal Appeals Review Board, State

#### October 15

Employment Commission, Virginia - Advisory Board  
Historic Preservation, Governor's Commission to Study Labor and Industry, Department of Professional Counselors, Virginia Board of Waste Management, Department of

#### October 16

† Family and Children's Trust Fund - Board of Trustees  
Medicine, Virginia State Board of  
† Real Estate Board, Virginia

#### October 17

† Family and Children's Trust Fund - Board of Trustees  
Visually Handicapped, Department for the - Advisory Committee on Services

#### October 19

Appropriations Committee, House  
† Health Regulatory Boards, Council on  
† Job Training Coordinating Council, Governor's

# Calendar of Events

## October 20

- Alcoholic Beverage Control Board
- † Auctioneers Board
- † Child Day Care Council
- † Handicapped Children, Interagency Coordinating Council on Delivery of Related Services to Handicapped Children
- † Health Regulatory Boards, Council on
- † Higher Education for Virginia, State Council of
- † Housing Development Authority, Virginia
- † Teen Pregnancy in the Commonwealth, Subcommittee Studying the Problem of
- † Waste Management Board, Virginia

## October 21

- Education, State Board of
- † Equal Employment Opportunity Council, Virginia
- † Higher Education for Virginia, State Council of
- † Mental Health Advisory Council
- † Milk Commission
- † Real Estate Board, Virginia
- Treasury Board

## October 22

- † Aging, Governor's Advisory Board on Commerce, Board of
- Education, State Board of
- † Equal Employment Opportunity Council, Virginia
- † Forensic Issues Advisory Committee
- † Longwood College
  - Board of Visitors
- † Medicine, Virginia State Board of
  - Informal Conference
- Nursing, Virginia State Board of
  - Informal Conference Committee

## October 23

- Building Code Technical Review Board, State
- † Equal Employment Opportunity Council, Virginia
- † Longwood College
  - Board of Visitors
- Medicine, Virginia State Board of
  - Informal Conference Committee

## October 26

- Funeral Directors and Embalmers, Virginia Board of

## October 27

- † Efficiency in Government, Governor's Commission on
- Funeral Directors and Embalmers, Virginia Board of
- † Medicine, Virginia State Board of
  - Informal Conference
- Rights of the Disabled, Board for
  - † - Education Committee
  - † - Employment Committee
  - † - Health Committee
  - † - Housing Committee
  - † - Planning Committee
  - † - Transportation Committee
  - † - Steering Committee

## October 28

- Health Services Cost Review Council, Virginia
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- † Real Estate Board, Virginia

## October 29

- Long-Term Care Council

## October 30

- † Game and Inland Fisheries, Board of

## November 3

- † Medicine and Nursing, Committee of the Joint Boards of

## November 4

- Alcoholic Beverage Control Board
- Medicine, Virginia State Board of
- Pharmacy, State Board of
- Visually Handicapped, Board for the
- † Vocational Education, Virginia Council on

## November 5

- † Labor and Industry, Department of
  - Virginia Apprenticeship Council
- Marine Resources Commission
- Medicine, Virginia State Board of
- † Vocational Education, Virginia Council on

## November 6

- † General Services, Department of
  - Art and Architectural Review Board
- † Hazardous Materials Emergency Response Advisory Council, Virginia

## November 7

- † Library Board

## November 9

- Medical Care Facilities Certificate of Public Need, Commission on

## November 10

- Housing and Community Development, Board of
  - Amusement Device Technical Advisory Committee

## November 16

- † Education, State Board of
- Funeral Directors and Embalmers, Virginia Board of

## November 17

- Alcoholic Beverage Control Board
- Funeral Directors and Embalmers, Virginia Board of

## November 18

- Corrections, State Board of
- † Health Services Cost Review Council, Virginia
- Public Beaches, Board on Conservation and Development of
- Treasury Board

# Calendar of Events

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**November 20**  
Building Code Technical Review Board, State

**November 30**  
† Code Commission, Virginia

**December 5**  
Dentistry, Virginia Board of

**December 8**  
† Education, State Board of

**December 16**  
Treasury Board

## PUBLIC HEARINGS

**October 13**  
† Defense Systems for the Indigent, Joint Subcommittee Studying

**October 16**  
New Lyrics for the Official Song of the Commonwealth, Joint Subcommittee Studying Adoption of

**October 19**  
Air Pollution Control Board, State

**October 20**  
Accountancy, State Board of  
† Small Business Financing Authority, Virginia

**October 27**  
Social Services, Department of  
Waste Management, Department of

**October 29**  
Historic Preservation, Governor's Commission to Study

**November 5**  
Historic Preservation, Governor's Commission to Study

**November 6**  
Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of

**November 10**  
Historic Preservation, Governor's Commission to Study

**November 12**  
Historic Preservation, Governor's Commission to Study

**November 13**  
Geology, Virginia Board of

**November 16**  
Housing and Community Development, Board of

**November 18**  
Historic Preservation, Governor's Commission to Study  
Water Control Board, State

**November 19**  
Alcoholic Beverage Control Board

**November 20**  
† Voluntary Formulary Board, Virginia

**December 3**  
Historic Preservation, Governor's Commission to Study

**December 8**  
† Education, Department of

**December 11**  
New Lyrics for the Official Song of the Commonwealth, Joint Subcommittee Studying Adoption of

**December 16**  
† Corrections, State Board of