

# THE VIRGINIA REGISTER

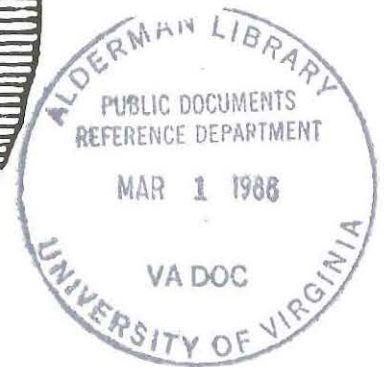
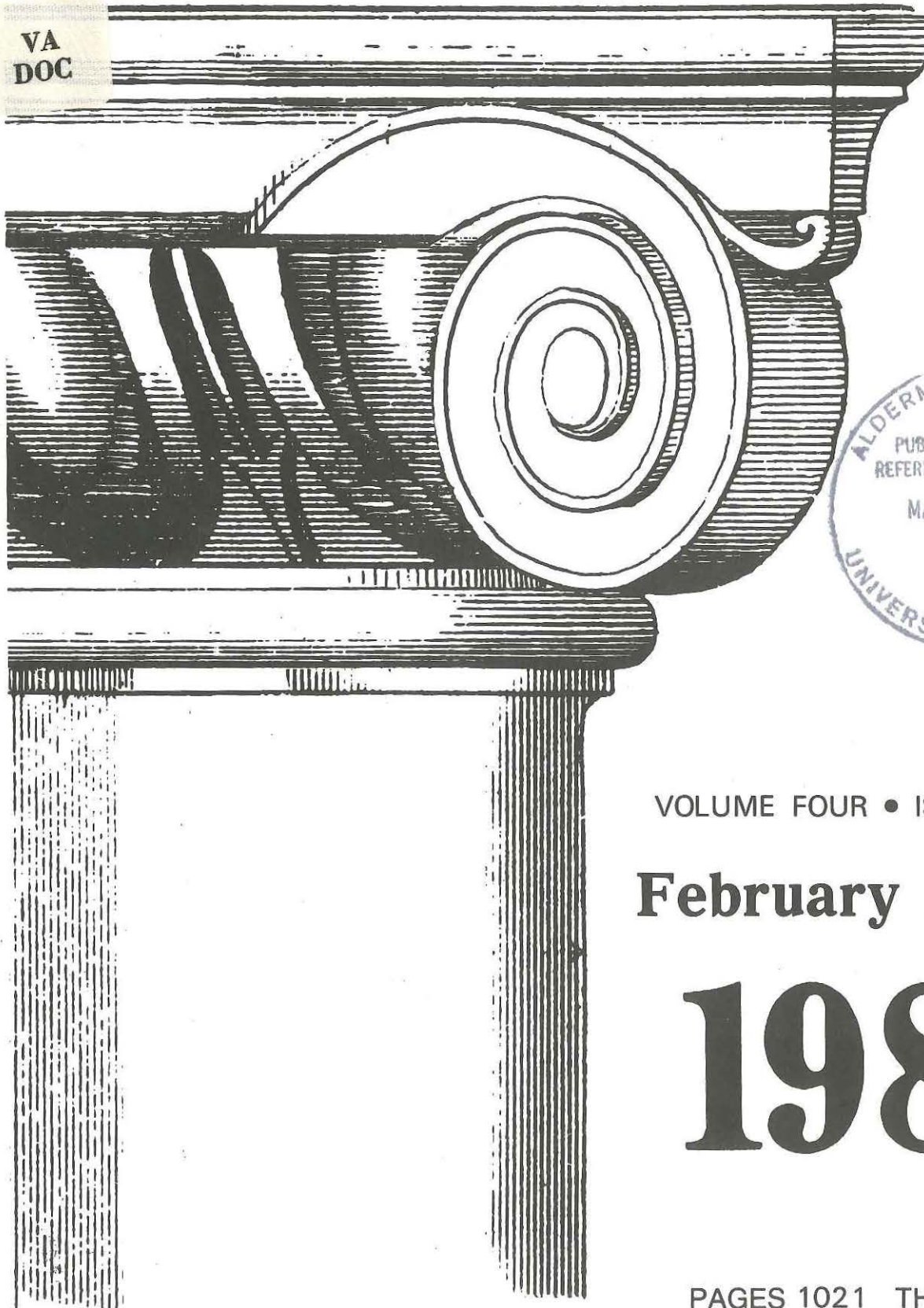
OF REGULATIONS

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# 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 HEALTH (STATE BOARD OF)

**Title of Regulation:** VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

**Statutory Authority:** §§ 28.1-176, 28.1-177 and 32.1-248 of the Code of Virginia.

**Public Hearing Date:** May 2, 1988 - 10 a.m.  
(See Calendar of Events section for additional information)

### Summary:

*These proposed regulations (Amendment 3) continue to prohibit commercial fishing in designated areas of the James River and its tributaries for specified finfish. Proposed regulations extend the restrictions for only a one-year period (July 1, 1988, through June 30, 1989). This reduced restriction reflects continued decreases in mean Kepone contamination levels found in specific finfish. Following intensive and ongoing scientific/public health scrutiny and review, current restrictions may be further relaxed during the proposed Amendment 3 period.*

VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

## PART I. DEFINITIONS.

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

"*Finfish*" means any cold-blooded, strictly aquatic, water-breathing craniate vertebrate with fins, including cyclostomes, elasmobranchs and higher gilled aquatic vertebrates with cartilaginous or bony skeletons. Eels are included in this category.

"*Kepone*" means a chlorinated pesticide known as chlordecone.

"*Recreational fishing*" means the catching exclusively by hook and line of finfish which may be kept for personal consumption. It does not include keeping for purposes of sale or distribution for sale.

"*The fall line of the James River*" means the line formed by the crossing of the Fourteenth Street Bridge

over the James River in the City of Richmond.

"*The mouth of the James River*" means the line formed by the crossing of the Hampton Roads Bridge-Tunnel across the James River through Willoughby Spit on the South shore of the James River northwesterly to the former toll plaza location at the Southwest end of Willard Avenue on the North shore of the James River.

"*The tributaries of the James River*" means those streams and rivers flowing into the James River and include but are not limited to the Elizabeth River, Nansemond River, Chuckatuck Creek, Chickahominy River, Appomattox River, Hampton River, Pagan River and Warwick River.

## PART II. GENERAL PROVISIONS.

### § 2.1. Authority.

A. Section 32.1-248 of the Code of Virginia authorizes the State Board of Health to adopt regulations or orders closing any river in which a toxic substance is present in such a manner as to constitute a present threat to public health and welfare. These regulations are also promulgated pursuant to the powers granted to the State Health Commissioner by § 28.1-177 of the Code of Virginia which provides, in pertinent part, as follows: When from examination of or analysis of the shellfish, finfish or crustacea in a shellfish, finfish or crustacea growing area, or the bottom in or adjacent to such area, or the water over such area, or the sanitary or pollution conditions adjacent to finfish or crustacea growing area, or the bottom in or adjacent to such area, the Health Commissioner determines that the shellfish, finfish or crustacea growing in such area is unfit for market, he shall cause limits or boundaries of such area upon which area shall be condemned, and remain so until such time as the Health Commissioner shall find such shellfish, finfish or crustacea or area sanitary and not polluted.

B. Section 28.1-176 of the Code of Virginia provides, in pertinent part: The Health Commissioner may establish, alter and change in his discretion, at any time, standards, examinations, analysis and inspections which shall control the taking and marketing from the health standpoint, of fish, shellfish, and crabmeat; and he shall be the sole judge as to whether or not such fish, shellfish and crabmeat are sanitary and fit for market and also such standards, examinations, analysis and inspections.

### § 2.2. Purpose of regulations.

# Proposed Regulations

The State Board of Health and State Health Commissioner promulgate these regulations to restrict the taking, distributing and consumption of finfish from designated portions of the James River and its tributaries. These regulations provide for the enforcement of the prohibitions imposed on the taking of finfish.

## § 2.3. Administration of regulations.

A. The State Board of Health and State Health Commissioner shall have the responsibility to promulgate, amend and repeal these regulations.

B. The State Board of Health and State Health Commissioner shall have the responsibility to review on a quarterly basis the specific data on which these regulations are based and thereafter to amend or repeal as may be appropriate.

C. The attorney for the Commonwealth, pursuant to § 28.1-180 of the Code of Virginia, is required to prosecute criminal violations without delay.

## § 2.4. Effective date of regulations.

These regulations shall become effective on July 1, 1986.

## § 2.5. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, shall govern the adoption, amendment, modification, and revision, of these regulations, and the conduct of all proceedings involving case decisions hereunder except when there is a lessening of the restrictions placed upon fishing or their usage of the waters subject to this regulation. The commissioner may adopt revisions which allow lessening of such restrictions without applying the provisions of the Administrative Process Act, as provided in § 32.1-248 of the Code of Virginia.

## § 2.6. Severability.

If any provision of these regulations, or the application thereof 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 provision(s) of these regulations and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

### PART III. PROHIBITED ACTS.

## § 3.1. Finfish.

### A. Prohibited acts.

No person shall catch, net or take finfish from the

James River or any of its tributaries from the fall line to the mouth of the James River as follows:

1. Commercial fishing for striped bass and croaker throughout the effective period.
2. Commercial fishing for eel without a depuration holding period of 50 days.
3. Commercial fishing for grey trout and bluefish between July 1, and December 31 of each year.

### PART IV. PENALTIES.

§ 4.1. Pursuant to § 32.1-27 of the Code of Virginia, violation of this regulation is a Class 1 misdemeanor punishable by a fine or up to \$1,000, a jail term of up to one year, or both.

### PART V. EXPIRATION OF REGULATIONS.

§ 5.1. This regulation shall expire on June 30, 1988 1989, unless earlier rescinded or extended by the Board of Health and State Health Commissioner.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

**NOTICE:** 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 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 regulations establish a program to permit the acquisition, development, ownership and operation by the authority (or a related entity) of multi-family housing developments intended for occupancy by low and moderate income persons and families as well as the making of mortgage loans by the authority to finance the development and construction of such developments prior to their acquisition by the authority (or a related entity). In addition to procedures and requirements for establishing the terms and conditions of authority acquisitions and construction loans, the proposed rules and regulations include provisions relating to the processing of applications for acquisitions and

*construction loans, the operation of the developments, the income limits applicable to the tenants of such developments, the selection of tenants, and the procedures and requirements applicable to acquisitions of developments by entities formed by and related to the authority, including provisions for the making of permanent mortgage loans by the authority to such entities to finance such acquisitions.*

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



# Proposed Regulations

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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 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

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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 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.

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. 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.

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

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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;
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

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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 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



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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

aforsaid 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.

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.

## PART VIII. MULTI-FAMILY HOUSING ACQUISITION PROGRAM.

### § 8.1. Acquisition of developments and the making of construction loans.

A. This Part VIII shall govern (i) the acquisition, ownership and operation by the authority of multi-family housing developments and (ii) the making of construction loans by the authority to housing sponsors to finance the development and construction of such developments prior to acquisition thereof by the authority. The term "construction" as used in this part shall be deemed to include rehabilitation.

B. Authority acquisitions as described in subsection A of this section shall be made at such purchase price and on such terms and conditions as shall be set forth in the board's resolution authorizing such acquisition or in the commitment issued on behalf of the authority pursuant to such resolution. The authority may acquire either (i) existing developments or (ii) proposed developments upon completion of construction in accordance with plans and specifications approved by the authority.

C. Authority construction 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 estimated housing development costs as determined by the authority, and to nonprofit housing sponsors in amounts not to exceed 100% of the estimated 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. The term of any such construction loan, the estimated housing development costs, the principal amount of the construction loan, the terms and conditions applicable to any equity contribution by the housing sponsor, any assurances of successful completion of the housing development, and other terms and conditions of such construction loan shall be set forth in the board's

resolution authorizing such construction loan and acquisition of the development or in the commitment issued on behalf of the authority pursuant to such resolution.

### § 8.2. Applications and processing.

A. The processing of applications for authority acquisitions and construction loans pursuant to this Part VIII 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 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 authority's acquisition of the development and, if applicable, an authority construction loan to the housing sponsor. Such resolution shall authorize the executive director to issue an authority commitment to the housing sponsor to enter into a contract to acquire the development and, if applicable, to provide construction financing for the development.

C. Any such resolution made pursuant to subsection B hereof, 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 the development and construction, if applicable, and the acquisition of the proposed housing development, the disbursement and repayment of the authority construction loan, if applicable, and other matters related to the development and construction, if applicable, and, prior to the acquisition thereof by the authority, the ownership, operation, marketing and occupancy of the proposed housing development. Such resolution or authority 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.

D. Neither an acquisition by the authority of a development nor an authority mortgage loan for such development pursuant to this Part VIII shall be authorized unless the board by resolution shall make the applicable findings required by § 36-55.33:2 and § 36-55.39, as applicable, of the Code of Virginia; provided, however, that the board may in its discretion authorize the authority

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acquisition or mortgage loan in advance of the issuance of the commitment therefor in accordance herewith without making the finding, if applicable, required by subsection A of § 36-55.33:2 and 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 authority's acquisition of the development and, if applicable, the financing of the authority mortgage loan for such development. As used in this section, mortgage loan shall include a construction loan as described in § 8.1 hereof or a mortgage loan as described in § 8.4 hereof.

E. Subsequent to adoption of the resolution of the board authorizing the acquisition by the authority of a development and, if applicable, an authority mortgage loan for such development, the executive director may, without further action by the board, increase the purchase price of such development and, if applicable and if deemed appropriate by the executive director, the principal amount of the authority mortgage loan for such development by an amount not to exceed 2.0% of such purchase price or mortgage loan, as applicable, 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.

## § 8.3. Tenant selection plan.

As a part of each application for the authority's acquisition of a development and, if applicable, an authority construction loan under this Part VIII, 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 as described in § 2.5 of these rules and regulations. Upon the acquisition of a development by the authority or by an entity described in § 8.4 of these rules and regulations, the authority or such entity, as applicable, shall also prepare a tenant selection plan as described in § 2.5 of these rules and regulations (it being understood that for the purpose of complying with that section the authority or aforementioned entity shall be deemed to be the housing sponsor with regard to the development). In addition, in the case of a tenant selection plan prepared by an entity described in § 8.4 of these rules and regulations, such plan shall be submitted to the authority for its review and approval.

## § 8.4. Acquisition by an entity formed by the authority.

With respect to any development which the authority contracts to acquire, the authority may assign all of its right, title and interest under such contract to acquire such development to an entity formed by the authority, on its own behalf or in conjunction with other parties, to serve as the housing sponsor for such development pursuant to § 36-55.33:2 of the Act. The resolution authorizing the acquisition of the development may authorize an authority mortgage loan to such entity to finance the acquisition and ownership of the development.

Such mortgage loan shall be made in such principal amount and on such terms and conditions as shall be set forth in the resolution or in the commitment, if any, issued on behalf of the authority pursuant thereto or as shall be determined by the executive director in accordance with the resolution authorizing such mortgage loan, the Act, these rules and regulations, and the procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations. Such entity shall be subject to regulation as provided in § 2.3 of these rules and regulations and, if such entity is a for-profit housing sponsor, the board may in its resolution prescribe in accordance with subsection B of § 2.4 of these rules and regulations, the maximum annual rate at which distributions may be made by such entity. For the purpose of determining any maximum annual dividend distributions and the maximum principal amount of the mortgage loan, the total development cost shall be the cost of acquisition as determined by the authority and such other costs relating to such acquisition, the financing of the mortgage loan and the ownership and operation of the development as the authority shall determine to be reasonable and necessary. Except as otherwise expressly provided herein, the provisions of this Part VIII shall, with respect to any mortgage loan to such an entity and the ownership, operation and occupancy of the development financed thereby, supersede Part I and any provisions of these rules and regulations contrary hereto or inconsistent herewith.

## § 8.5. Operation and income limits.

A. The developments shall be owned and operated by the authority (or an entity as described in § 8.4 of these rules and regulations) in accordance with the procedures, instructions and guidelines promulgated pursuant to § 1.3 of these rules and regulations.

B. To be considered eligible for occupancy of a multi-family dwelling unit in a development acquired by an authority (or an entity as described in § 8.4 of these rules and regulations), 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 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. The authority (or an entity as described in § 8.4 of these rules and regulations) shall examine and determine the income and eligibility of applicants for occupancy of multi-family dwelling units in a development acquired pursuant to this Part VIII and shall 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. In the case of determinations and redeterminations made by an entity described in § 8.4 of these rules and regulations, such entity shall report such determinations and redeterminations to the authority in such form as the executive director may require. It shall be the responsibility of each applicant for occupancy of such a dwelling unit, and of each occupant thereof, 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 authority (or an entity as described in § 8.4 of these rules and regulations) 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 surcharges 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 authority (or an entity as described in § 8.4 of these rules and regulations) may 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.

The effective date of the foregoing rules and regulations shall be November 1, 1987 March 16, 1988 .

\* \* \* \* \*

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

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

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

**NOTICE:** Documents and forms referred to as exhibits have not been adopted by the authority as a part of the Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income but are attached thereto for reference and informational purposes. Accordingly, such documents and forms have not been included in the amendments to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income. Copies of such documents and forms are available upon request at the office of the authority.

Summary:

The proposed regulations will subdivide three of the five existing areas of the Commonwealth and thereby create 10 separate areas of the Commonwealth for which maximum sales prices and income limits are established by the authority. The proposed regulations will also increase the maximum allowable sales prices and maximum allowable gross family incomes for certain areas of the Commonwealth. The proposed regulations will correct the provision concerning applicants' net worth by deleting therefrom the concept of adjusted income, correct the provision regarding discount points to require those points to be remitted to the authority by the PDS Agents, and make certain other clarifying or administrative changes.

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

PART I.  
GENERAL.

§ 1.1. General.

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 authority to persons and families of low and moderate income for the acquisition (and, where applicable, rehabilitation), ownership and occupancy of single family housing units.

In order to be considered eligible for a mortgage loan hereunder, a "person" or "family" (as defined in the authority's rules and regulations) must have an "adjusted family income" or "gross family income" (as determined in accordance with the authority's rules and regulations) as applicable, which does not exceed the applicable income limitation established by the authority. Furthermore, the sales price of any single family unit to be financed hereunder must not exceed the applicable sales price limit established by the authority. In addition, each mortgage loan must satisfy all requirements of federal law applicable to loans financed with the proceeds of tax-exempt bonds. Such income and sales price limitations and other restrictions shall be set forth in the

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Processing and Disbursing Guide set forth in Part II hereof.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any mortgage loan hereunder to waive or modify any provisions of these procedures, instructions and guidelines where deemed appropriate by him for good cause, to the extent not inconsistent with the authority's act, rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein 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.

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 or the mortgagor under the agreements and documents executed in connection with the mortgage loan.

The procedures, instructions and guidelines set forth herein 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 mortgage loans under the authority's single family housing program. 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.

## § 1.2. PDS agents.

A. The processing of applications for the making or financing of mortgage loans hereunder, the disbursement of proceeds of mortgage loans and the servicing of mortgage loans shall be performed through commercial banks, savings and loan associations and private mortgage bankers approved as Processing/Disbursing/Servicing Agents ("PDS agents") of the authority. To be initially approved as PDS agents, the applicant must meet the following qualifications:

1. Be authorized to do business in the Commonwealth of Virginia;
2. Have a satisfactory rating from any state and federal agencies responsible for the regulation of the applicant;
3. Have a net worth equal to or in excess of \$100,000 or, in the case of a savings and loan association, have its deposits insured by the Federal Savings and Loan Insurance Corporation;

4. Have a staff with demonstrated ability and experience in mortgage loan origination and servicing;
5. Each branch office of the applicant that is to originate mortgage loans must have demonstrated experience in the origination of mortgage loans;
6. Have reasonable business hours - i.e. be open to the public at least five hours every banking day; and
7. Such other qualifications as the executive director shall deem to be related to the performance of its duties and responsibilities.

If the applicant is to originate (but not service) mortgage loans, the applicant must satisfy the qualifications set forth in (3) and (4) above only with respect to the origination of mortgage loans.

All PDS agents approved by the authority shall enter into Processing/Disbursing/Servicing Agreements ("PDS agreements") with the authority containing such terms and conditions as the executive director shall require with respect to the processing, disbursing and servicing of mortgage loans hereunder. The PDS agents shall maintain adequate books and records with respect to such mortgage loans, shall permit the authority to examine such books and records, and shall submit to the authority such reports (including annual financial statements) and information as the authority may require. The fees payable to the PDS agent for originating and servicing mortgage loans hereunder shall be established from time to time by the executive director and shall be set forth in the PDS agreements.

## B. Allocation of funds.

The executive director shall allocate funds for the making or financing of mortgage loans hereunder in such manner, to such persons and entities, in such amounts, for such period, and subject to such terms and conditions as he shall deem appropriate to best accomplish the purposes and goals of the authority. Without limiting the foregoing, the executive director may allocate funds (i) to mortgage loan applicants on a first-come, first-serve or other basis, (ii) to PDS agents and state and local government agencies and instrumentalities for the origination of mortgage loans to qualified applicants and/or (iii) to builders for the permanent financing of residences constructed or rehabilitated or to be constructed or or rehabilitated by them and to be sold to qualified applicants. In determining how to so allocate the funds, the executive director may consider such factors as he deems relevant, including any of the following:

1. The need for the expeditious commitment and disbursement of such funds for mortgage loans;
2. The need and demand for the financing of mortgage loans with such funds in the various geographical areas of the Commonwealth;

3. The cost and difficulty of administration of the allocation of funds;

4. The capability, history and experience of any PDS agents, state and local governmental agencies and instrumentalities, builders, or other persons and entities (other than mortgage loan applicants) who are to receive an allocation; and

5. Housing conditions in the Commonwealth.

In the event that the executive director shall determine to make allocations of funds to builders as described above, the following requirements must be satisfied by each such builder:

1. The builder must have a valid contractor's license in the Commonwealth;

2. The builder must have at least three years' experience of a scope and nature similar to the proposed construction or rehabilitation; and

3. The builder must submit to the authority plans and specifications for the proposed construction or rehabilitation which are acceptable to the authority.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of funds hereunder. 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 applications 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 funds of the authority are to be allocated and such other matters as he shall deem appropriate relating thereto. The authority may also consider and approve applications for allocations of funds submitted from time to time to the authority without any solicitation therefor on the part of the authority.

#### C. Processing and Disbursing Guide and Servicing Guide.

The Processing and Disbursing Guide attached hereto as Part II is incorporated into and made a part of these procedures, instructions and guidelines. The executive director is authorized to prepare and from time to time revise a Servicing Guide which shall set forth the accounting and other procedures to be followed by the PDS agents in the servicing of the mortgage loans under the PDS agreements. Copies of the Servicing Guide shall be available upon request. The executive director shall be responsible for the implementation and interpretation of the provisions of the Processing and Disbursing Guide and

the Servicing Guide.

#### D. Making and purchase of new mortgage loans.

The authority may from time to time (i) make mortgage loans directly to mortgagors with the assistance and services of its PDS agents and (ii) agree to purchase individual mortgage loans from its PDS agents upon the consummation of the closing thereof. The review and processing of applications for such mortgage loans, the issuance of mortgage loan commitments therefor, the closing and servicing (and, if applicable, the purchase) of such mortgage loans, and the terms and conditions relating to such mortgage loans shall be governed by and shall comply with the provisions of the PDS agreement, the Processing and Disbursing Guide, the Servicing Guide and the authority's act and rules and regulations.

#### E. Purchase of existing mortgage loans.

The authority may purchase from time to time existing mortgage loans with funds held or received in connection with bonds issued by the authority prior to January 1, 1981, or with other funds legally available therefor. With respect to any such purchase, the executive director may request and solicit bids or proposals from the authority's PDS agents for the sale and purchase of such mortgage loans, in such manner, within such time period and subject to such terms and conditions as he shall deem appropriate under the circumstances. The executive director may take such action as he deems necessary or appropriate to solicit offers to sell mortgage loans, including mailing of the request to PDS agents, advertising in newspapers or other publications and any other method of public announcement which he may select as appropriate under the circumstances. After review and evaluation by the executive director of the bids or proposals, he shall select those bids or proposals that offer the highest yield to the authority on the mortgage loans (subject to any limitations imposed by law on the authority) and that best conform to the terms and conditions established by him with respect to the bids or proposals. Upon selection of such bids or proposals, the executive director shall issue commitments to the PDS agents to purchase the mortgage loans, subject to such terms and conditions as he shall deem necessary or appropriate and subject to the approval or ratification by the board. Upon satisfaction of the terms of the commitments, the executive director shall execute such agreements and documents and take such other action as may be necessary or appropriate in order to consummate the purchase and sale of the mortgage loans. The mortgage loans so purchased shall be serviced in accordance with the PDS agreement and the Servicing Guide. Such mortgage loans and the purchase thereof shall in all respects comply with the authority's act and rules and regulations.

#### F. Delegated underwriting.

The executive director may, in his discretion, delegate to one or more PDS agents the responsibility for issuing

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commitments for mortgage loans and disbursing the proceeds hereof without prior review and approval by the authority. The issuance of such commitments shall be subject to ratification thereof by the board of the authority. If the executive director determines to make any such delegation, he shall establish criteria under which PDS agents may qualify for such delegation. If such delegation has been made, the PDS agents shall submit all required documentation to the authority after closing of each mortgage loan. If the executive director determines that a mortgage loan does not comply with the Processing and Disbursing Guide, the PDS agreement or the authority's act or rules and regulations, he may require the PDS Agents to purchase such mortgage loan, subject to such terms and conditions as he may prescribe.

## PART II. VIRGINIA HOUSING DEVELOPMENT AUTHORITY PROCESSING AND DISBURSING GUIDE.

### Article I. Eligibility Requirements.

#### § 2.1. Eligible persons and families.

##### A. Person.

A one-person household is eligible.

##### B. Family.

A single family loan can be made to more than one person only if all such persons to whom the loan is made are related by blood, marriage or adoption and are living together in the dwelling as a single nonprofit housekeeping unit.

§ 2.2. Compliance with certain requirements of the Internal Revenue Code of 1986, as amended (hereinafter "the tax code").

The tax code imposes certain requirements and restrictions on the eligibility of mortgagors and residences for financing with the proceeds of tax-exempt bonds. In order to comply with these federal requirements and restrictions, the authority has established certain procedures which must be performed by the PDS agent in order to determine such eligibility. The eligibility requirements for the borrower and the dwelling are described below as well as the procedures to be performed. The PDS agent will certify to the performance of these procedures and evaluation of a borrower's eligibility by completing ; ~~initialing~~ and signing the "PDS Agent's Checklist for Certain Requirements of the Tax Code" (Exhibit A (1)) prior to the authority's approval of each loan. No loan will be approved by the authority unless all of the federal eligibility requirements are met as well as the usual requirements of the authority set forth in other parts of this guide.

#### § 2.2.1. Eligible borrowers.

##### A. General.

In order to be considered an eligible borrower for an authority mortgage loan, an applicant must, among other things, meet all of the following federal criteria:

The applicant:

1. May not have had a present ownership interest in his principal residence within the three years preceding the date of execution of the mortgage loan documents. (See § 2.2.1.B Three-year requirement);
2. Must agree to occupy and use the residential property to be purchased as his permanent, principal residence within 60 days (90 days in the case of a rehabilitation loan as defined in § 2.17) after the date of the closing of the mortgage loan. (See § 2.2.1.C Principal residence requirement);
3. Must not use the proceeds of the mortgage loan to acquire or replace an existing mortgage or debt, except in the case of certain types of temporary financing. (See § 2.2.1.D New mortgage requirement);
4. Must have contracted to purchase an eligible dwelling. (See § 2.2.2 Eligible dwellings);
5. Must execute an affidavit of borrower (Exhibit E) at the time of loan application;
6. Must not receive income in an amount in excess of the applicable federal income limit imposed by the tax code (See § 2.5 Income requirements); and
7. Must agree not to sell, lease or otherwise transfer an interest in the residence or permit the assumption of his mortgage loan unless certain requirements are met. (See § 2.10 Loan assumptions).

##### B. Three-year requirement.

An eligible borrower does not include any borrower who, at any time during the three years preceding the date of execution of the mortgage loan documents, had a "present ownership interest" (as hereinafter defined) in his principal residence. Each borrower must certify on the affidavit of borrower that at no time during the three years preceding the execution of the mortgage loan documents has he had a present ownership interest in his principal residence. This requirement does not apply to residences located in "targeted areas" (see § 2.3 "Targeted areas"); however, even if the residence is located in a "targeted area," the tax returns for the most recent taxable year (or the letter described in 3 below) must be obtained for the purpose of determining compliance with other requirements.

1. Definition of present ownership interest. "Present ownership interest" includes:

- a. A fee simple interest,
- b. A joint tenancy, a tenancy in common, or a tenancy by the entirety,
- c. The interest of a tenant shareholder in a cooperative,
- d. A life estate,
- e. A land contract, under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time, and
- f. An interest held in trust for the eligible borrower (whether or not created by the eligible borrower) that would constitute a present ownership interest if held directly by the eligible borrower.

Interests which do not constitute a "Present ownership interest" include:

- a. A remainder interest,
  - b. An ordinary lease with or without an option to purchase,
  - c. A mere expectancy to inherit an interest in a principal residence,
  - d. The interest that a purchaser of a residence acquires on the execution of an accepted offer to purchase real estate, and
  - e. An interest in other than a principal residence during the previous three years.
2. Persons covered. This requirement applies to any person who will execute the mortgage document or note and will have a present ownership interest (as defined above) in the eligible dwelling.
3. Prior tax returns. To verify that the eligible borrower meets the three-year requirement, the PDS agent must obtain copies of signed federal income tax returns filed by the eligible borrower for the three tax years immediately preceding execution of the mortgage documents (or certified copies of the returns) or a copy of a letter from the Internal Revenue Service stating that its Form 1040A or 1040EZ was filed by the eligible borrower for any of the three most recent tax years for which copies of such returns are not obtained. If the eligible borrower was not required by law to file a federal income tax return for any of these three years and did not so file, and so states on the borrower affidavit, the requirement to obtain a copy of the federal income tax return or letter from the Internal Revenue Service for such year or years is waived.

The PDS agent shall examine the tax returns particularly for any evidence that the eligible borrower may have claimed deductions for property taxes or for interest on indebtedness with respect to real property constituting his principal residence.

4. Review by PDS agent. The PDS agent must, with due diligence, verify the representations in the borrower affidavit regarding the applicant's prior residency by reviewing any information including the credit report and the tax returns furnished by the eligible borrower for consistency, and certify to the authority that on the basis of its review, it is of the opinion that each borrower has not had present ownership interest in a principal residence at any time during the three-year period prior to the anticipated date of the loan closing.

### C. Principal residence requirement.

1. General. An eligible borrower must intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan. Unless the residence can reasonably be expected to become the principal residence of the eligible borrower within 60 days (90 days in the case of a purchase and rehabilitation loan) of the mortgage loan closing date, the residence will not be considered an eligible dwelling and may not be financed with a mortgage loan from the authority. An eligible borrower must covenant to intend to occupy the eligible dwelling as a principal residence within 60 days (90 days in the case of a purchase and rehabilitation loan) after the closing of the mortgage loan on the affidavit of borrower and as part of the attachment to the deed of trust.

2. Definition of principal residence. A principal residence does not include any residence which can reasonably be expected to be used: (i) primarily in a trade or business, (ii) as an investment property, or (iii) as a recreational or second home. A residence may not be used in a manner which would permit any portion of the costs of the eligible dwelling to be deducted as a trade or business expense for federal income tax purposes or under circumstances where any portion of the total living area is to be used primarily in a trade or business.

3. Land not to be used to produce income. The land financed by the mortgage loan may not provide, other than incidentally, a source of income to the eligible borrower. The eligible borrower must indicate on the affidavit of borrower that, among other things:

- a. No portion of the land financed by the mortgage loan provides a source of income (other than incidental income);
- b. He does not intend to farm any portion (other



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than as a garden for personal use) of the land financed by the mortgage loan; and less.

c. He does not intend to subdivide the property.

4. Lot size. Only such land as is reasonably necessary to maintain the basic livability of the residence may be financed by a mortgage loan. The financed land must not exceed the customary or usual lot in the area. Generally, the financed land will not be permitted to exceed two acres even in rural areas. However, exceptions may be made: (i) if the land is owned free and clear and is not being financed by the loan, the lot may be as large as five acres, (ii) if difficulty is encountered locating a well or septic field, the lot may exceed two acres to include the additional acreage required, and (iii) local city and county zoning ordinances which require more acreage will be taken into consideration.

5. Review by PDS agent. The affidavit of borrower must be reviewed by the PDS agent for consistency with the eligible borrower's federal income tax returns and the credit report in order to support an opinion that the eligible borrower is not engaged in any employment activity or trade or business which has been conducted in his principal residence. Also, the PDS agent shall review the appraiser report of an authority approved appraiser and the required photographs to determine based on the location and the structural design and other characteristics of the dwelling that the residence is suitable for use as a permanent residence and not for use primarily in a trade or business or for recreational purposes. Based on such review, the PDS agent shall certify to its opinions in the checklist at the time the loan application is submitted to the authority for approval.

6. Post-closing procedures. The PDS agent shall establish procedures to (i) review correspondence, checks and other documents received from the borrower during the 120-day period following the loan closing for the purpose of ascertaining that the address of the residence and the address of the borrower are the same and (ii) notify the authority if such addresses are not the same. Subject to the authority's approval, the PDS agent may establish different procedures to verify compliance with this requirement.

## D. New mortgage requirement.

Mortgage loans may be made only to persons who did not have a mortgage (whether or not paid off) on the eligible dwelling at any time prior to the execution of the mortgage. Mortgage loan proceeds may not be used to acquire or replace an existing mortgage or debt for which the eligible borrower is liable or which was incurred on behalf of the eligible borrower, except in the case of construction period loans, bridge loans or similar temporary financing which has a term of 24 months or

1. Definition of mortgage. For purposes of applying the new mortgage requirement, a mortgage includes deeds of trust, conditional sales contracts (i.e. generally a sales contract pursuant to which regular installments are paid and are applied to the sales price), pledges, agreements to hold title in escrow, a lease with an option to purchase which is treated as an installment sale for federal income tax purposes and any other form of owner-financing. Conditional land sale contracts shall be considered as existing loans or mortgages for purposes of this requirement.

2. Temporary financing. In the case of a mortgage loan (having a term of 24 months or less) made to refinance a loan for the construction of an eligible dwelling, the authority shall not make such mortgage loan until it has determined that such construction has been satisfactorily completed.

3. Review by PDS agent. Prior to closing the mortgage loan, the PDS agent must examine the affidavit of borrower, the affidavit of seller, and related submissions, including (i) the eligible borrower's federal income tax returns for the preceding three years, and (ii) credit report, in order to determine whether the eligible borrower will meet the new mortgage requirements. Upon such review, the PDS agent shall certify to the authority that the agent is of the opinion that the proceeds of the mortgage loan will not be used to repay or refinance an existing mortgage debt of the borrower and that the borrower did not have a mortgage loan on the eligible dwelling prior to the date hereof, except for permissible temporary financing described above.

## E. Multiple loans.

Any eligible borrower may not have more than one outstanding the authority mortgage loan.

### § 2.2.2. Eligible dwellings.

#### A. In general.

In order to qualify as an eligible dwelling for which an authority loan may be made, the residence must:

1. Be located in the Commonwealth;
2. Be a one-family detached residence, a townhouse or one unit of an authority approved condominium; and
3. Satisfy the acquisition cost requirements set forth below.

#### B. Acquisition cost requirements.

1. General rule. The acquisition cost of an eligible dwelling may not exceed certain limits established by

the U.S. Department of the Treasury in effect at the time of the application. Note: In all cases for new loans such federal limits equal or exceed the authority's sales price limits shown in § 2.3. Therefore, for new loans the residence is an eligible dwelling if the acquisition cost is not greater than the authority's sales price limit. In the event that the acquisition cost exceeds the authority's sales price limit, the PDS agent must contact the authority to determine if the residence is an eligible dwelling.

2. Acquisition cost requirements for assumptions. To determine if the acquisition cost is at or below the federal limits for assumptions, the PDS agent must in all cases contact the authority.

3. Definition of acquisition cost. Acquisition cost means the cost of acquiring the eligible dwelling from the seller as a completed residence.

a. Acquisition cost includes:

(1) All amounts paid, either in cash or in kind, by the eligible borrower (or a related party or for the benefit of the eligible borrower) to the seller (or a related party or for the benefit of the seller) as consideration for the eligible dwelling. Such amounts include amounts paid for items constituting fixtures under state law, but not for items of personal property not constituting fixtures under state law. (See Exhibit R for examples of fixtures and items of personal property.)

(2) The reasonable costs of completing or rehabilitating the residence (whether or not the cost of completing construction or rehabilitation is to be financed with the mortgage loan) if the eligible dwelling is incomplete or is to be rehabilitated. As an example of reasonable completion cost, costs of completing the eligible dwelling so as to permit occupancy under local law would be included in the acquisition cost. A residence which includes unfinished areas (i.e. an area designed or intended to be completed or refurbished and used as living space, such as the lower level of a tri-level residence or the upstairs of a Cape Cod) shall be deemed incomplete, and the costs of finishing such areas must be included in the acquisition cost. (See Acquisition Cost Worksheet, Exhibit G, Item 4 and Appraiser Report, Exhibit H).

(3) The cost of land on which the eligible dwelling is located and which has been owned by the eligible borrower for a period no longer than two years prior to the construction of the structure comprising the eligible dwelling.

b. Acquisition cost does not include:

(1) Usual and reasonable settlement or financing costs. Such excluded settlement costs include title

and transfer costs, title insurance, survey fees and other similar costs. Such excluded financing costs include credit reference fees, legal fees, appraisal expenses, points which are paid by the eligible borrower, or other costs of financing the residence. Such amounts must not exceed the usual and reasonable costs which otherwise would be paid. Where the buyer pays more than a pro rata share of property taxes, for example, the excess is to be treated as part of the acquisition cost.

(2) The imputed value of services performed by the eligible borrower or members of his family (brothers and sisters, spouse, ancestors and lineal descendants) in constructing or completing the residence.

4. Acquisition cost worksheet (Exhibit G) and Appraiser Report (Exhibit H). The PDS agent is required to obtain from each eligible borrower a completed acquisition cost worksheet which shall specify in detail the basis for the purchase price of the eligible dwelling, calculated in accordance with this subsection B. The PDS agent shall assist the eligible borrower in the correct completion of the worksheet. The PDS agent must also obtain from the appraiser a completed appraiser's report which may also be relied upon in completing the acquisition cost worksheet. The acquisition cost worksheet of the eligible borrower shall constitute part of the affidavit of borrower required to be submitted with the loan submission. The affidavit of seller shall also certify as to the acquisition cost of the eligible dwelling on the worksheet.

5. Review by PDS agent. The PDS agent shall for each new loan determine whether the acquisition cost of the eligible dwelling exceeds the authority's applicable sales price limit shown in § 2.4. If the acquisition cost exceeds such limit, the PDS agent must contact the authority to determine if the residence is an eligible dwelling for a new loan. (For an assumption, the PDS agent must contact the authority for this determination in all cases). Also, as part of its review, the PDS agent must review the acquisition cost worksheet submitted by each mortgage loan applicant, and the appraiser report, and must certify to the authority that it is of the opinion that the acquisition cost of the eligible dwelling has been calculated in accordance with this subsection B. In addition, the PDS agent must compare the information contained in the acquisition cost worksheet with the information contained in the affidavit of seller and other sources and documents such as the contract of sale for consistency of representation as to acquisition cost.

6. Independent appraisal. The authority reserves the right to obtain an independent appraisal in order to establish fair market value and to determine whether a dwelling is eligible for the mortgage loan requested.

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## § 2.2.3. Targeted areas.

### A. In general.

In accordance with the tax code, the authority will make a portion of the proceeds of an issue of its bonds available for financing eligible dwellings located in targeted areas for at least one year following the issuance of a series of bonds. The authority will exercise due diligence in making mortgage loans in targeted areas by advising PDS agents and certain localities of the availability of such funds in targeted areas and by advising potential eligible borrowers of the availability of such funds through advertising and/or news releases. The amount, if any, allocated to a PDS agent exclusively for targeted areas will be specified in a forward commitment agreement between the PDS agent and the authority.

### B. Eligibility.

Mortgage loans for eligible dwellings located in targeted areas must comply in all respects with the requirements in § 2.2 and elsewhere in this guide for all mortgage loans, except for the three-year requirement in § 2.2.1.B.

#### 1. Definition of targeted areas.

a. A targeted area is an area which is a qualified census tract, as described in b below, or an area of chronic economic distress, as described in c below.

b. A qualified census tract is a census tract in the Commonwealth in which 70% or more of the families have an income of 80% or less of the state-wide median family income based on the most recent "safe harbor" statistics published by the U.S. Treasury.

c. An area of chronic economic distress is an area designated as such by the Commonwealth and approved by the Secretaries of Housing and Urban Development and the Treasury under criteria specified in the tax code. PDS agents will be informed by the authority as to the location of areas so designated.

## § 2.3. Sales price limits.

The authority's maximum allowable sales prices for new loans for which reservations are taken by the authority on or after August 10, 1987, shall be as follows:

### MAXIMUM ALLOWABLE SALES PRICES

Applicable to All New Loans for which Reservations are Taken by the Authority on or after August 10, 1987

New	Substantial
Construction	Rehabilitation Existing

Northern Virginia portion of Washington, DC-MD-VA MSA	1/	\$120,000	\$120,000	\$110,000
Norfolk-Virginia Beach-Newport News MSA	2/	\$ 78,500	\$ 78,500	\$ 68,300
Richmond-Petersburg MSA	3/	\$ 71,000	\$ 71,000	\$ 67,500
North Piedmont/ Roanoke MSA	4/	\$ 63,800	\$ 56,500	\$ 56,500
Remainder of State	5/	\$ 61,100	\$ 56,500	\$ 56,500

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

5/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/ Roanoke MSA.

	New	Substantial	
	Construction	Rehabilitation Existing	
Washington, DC-MD-VA MSA (Virginia Portion)	1/	\$120,000	\$120,000 \$110,000
Norfolk-Virginia Beach-Newport News MSA	2/	\$ 81,500	\$ 81,500 \$ 75,500

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Richmond-Petersburg MSA			
3/	\$ 77,000	\$ 71,500	\$ 68,500
Roanoke MSA			
4/	\$ 73,500	\$ 56,500	\$ 56,500
Lynchburg MSA			
5/	\$ 65,000	\$ 58,500	\$ 58,500
Charlottesville MSA			
6/	\$ 77,000	\$ 74,500	\$ 68,500
Fringe of Washington MSA			
Fauquier County	\$ 77,000	\$ 77,000	\$ 77,000
Fredericksburg	\$ 64,000	\$ 60,000	\$ 60,000
Spotsylvania County	\$ 66,000	\$ 60,000	\$ 60,000
Winchester Area			
7/	\$ 64,000	\$ 58,500	\$ 58,500
North Piedmont (Rural Pt)			
8/	\$ 64,000	\$ 56,500	\$ 56,500
Balance of State	\$ 64,000	\$ 56,500	\$ 56,500

1/ Includes: Virginia Portion; Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City, Loudoun County, Manassas City, Manassas Park City, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

3/ Includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

5/ Includes: Amherst County, Campbell County, Lynchburg City.

6/ Includes: Albemarle County, Charlottesville City, Fluvanna County, Greene County.

7/ Includes: Clarke County, Frederick County, Winchester.

8/ Includes: Caroline County, Culpeper County, King George County, Louisa County, Madison County, Orange County, Rappahannock County.

The applicable maximum allowable sales price for new construction shall be increased by the amount of any grant to be received by a mortgagor under the authority's Solar Home Grant Program in connection with the acquisition of a residence.

## § 2.4. Net worth.

To be eligible for authority financing, an applicant cannot have a net worth exceeding \$20,000 plus an additional \$1,000 of net worth for every \$5,000 of adjusted income over \$20,000. (The value of furniture and household goods shall not be included in determining net worth.) In addition, the portion of the applicant's liquid assets which are used to make the down payment and to pay closing costs, up to a maximum of 25% of the sale price, will not be included in the net worth calculation.

Any income producing assets needed as a source of income in order to meet the minimum income requirements for an authority loan will not be included in the applicant's net worth for the purpose of determining whether this net worth limitation has been violated.

## § 2.5. Income requirements.

### A. Maximum income.

1. Maximum gross income (only applicable to loans for which reservations are taken by the authority on or after August 10, 1987, and for assumptions of loans for which applications are taken by the PDS agent on or after August 10, 1987). As provided in § 2.2.1.A.6 the gross family income of an applicant for an authority mortgage loan may not exceed the applicable income limitation imposed by the U.S. Department of the Treasury. Because the income limits of the authority imposed by this paragraph 1 apply to all loans to which such federal limits apply and are in all cases below such federal limits, the requirements of § 2.2.1.A.6 are met as long as the requirements of this subsection are met. The maximum annual gross family incomes for eligible borrowers shall be as follows:

### MAXIMUM ALLOWABLE GROSS INCOMES

Applicable only to loans for which reservations are taken by the Authority and to assumptions for which applications are taken by the PDS agent on or after August 10, 1987

	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC-MD-VA MSA			
1+	\$ 49,400	\$ 49,400	\$ 46,000
Norfolk-Virginia Beach			

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Newport News MSA  
2/ \$ 36,100 \$ 36,100 \$ 30,800

Richmond-Petersburg MSA  
3/ \$ 32,700 \$ 32,700 \$ 31,500

North Piedmont/  
Roanoke MSA  
4/ \$ 32,700 \$ 32,700 \$ 31,500

Remainder of State  
5/ \$ 32,200 \$ 32,200 \$ 30,000

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

5/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/Roanoke MSA.

	New Construction	Substantial Rehabilitation	Existing
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Washington, DC-MD-VA MSA (Virginia Portion) 1/	\$ 49,400	\$ 49,400	\$ 46,000
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Norfolk-Virginia Beach-Newport News MSA 2/	\$ 37,000	\$ 37,000	\$ 35,000
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Richmond-Petersburg MSA 3/	\$ 36,400	\$ 34,400	\$ 33,300
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Roanoke MSA 4/	\$ 35,100	\$ 32,700	\$ 31,500
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Lynchburg MSA 5/	\$ 32,200	\$ 32,200	\$ 30,000
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Charlottesville MSA 6/	\$ 36,400	\$ 35,400	\$ 33,300
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Fringe of Washington MSA Fauquier County	\$ 34,400	\$ 34,400	\$ 34,400
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Fredericksburg	\$ 32,700	\$ 32,700	\$ 31,500
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Spotsylvania County	\$ 32,200	\$ 32,700	\$ 31,500
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Winchester Area 7/	\$ 32,200	\$ 32,200	\$ 30,000
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North Piedmont (Rural Pt) 8/	\$ 32,700	\$ 32,700	\$ 31,500
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Balance of State	\$ 32,200	\$ 32,200	\$ 30,000
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1/ Includes: Virginia Portion; Alexandria City, Arlington County, Fairfax City, Fairfax County, Falls Church City, Loudoun County, Manassas City, Manassas Park City, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Gloucester County, Hampton City, James City County, Newport News City, Norfolk City, Poquoson City, Portsmouth City, Suffolk City, Virginia Beach City, Williamsburg City, York County.

3/ Includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

5/ Includes: Amherst County, Campbell County, Lynchburg City.

6/ Includes: Albemarle County, Charlottesville City, Fluvanna County, Greene County.

7/ Includes: Clarke County, Frederick County, Winchester.

8/ Includes: Caroline County, Culpeper County, King George County, Louisa County, Madison County, Orange County, Rappahannock County.

2. Maximum adjusted family income. (Only applicable to loans for which reservations are taken by the authority before August 10, 1987, and to assumptions

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of loans for which applications are taken by the PDS agent before August 10, 1987.)

NOTE: No federal income limits apply to these loans. The maximum adjusted family incomes for eligible borrowers shall be as follows:

## MAXIMUM ALLOWABLE ADJUSTED FAMILY INCOMES

Applicable only to loans for which reservations are taken by the authority or to assumptions for which applications are taken by the PDS agent before August 10, 1987.

	New Construction	Substantial Rehabilitation	Existing
Northern Virginia portion of Washington, DC-MD-VA MSA			
1/	\$ 46,600	\$ 46,600	\$ 43,200
Norfolk-Virginia Beach Newport News MSA			
2/	\$ 34,300	\$ 34,300	\$ 29,000
Richmond-Petersburg			
3/	\$ 29,900	\$ 29,900	\$ 28,700
Northern Piedmont/Roanoke MSA			
4/	\$ 29,900	\$ 29,900	\$ 28,700
Remainder of State			
5/	\$ 29,400	\$ 29,400	\$ 27,200

1/ Includes: Alexandria City, Fairfax City, Falls Church City, Manassas City, Manassas Park City, Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County.

2/ Includes: Chesapeake City, Norfolk City, Portsmouth City, Suffolk City, Virginia Beach City, Hampton City, Newport News City, Poquoson City, Williamsburg City, Gloucester County, James City County, York County.

3/ Richmond-Petersburg MSA includes: Charles City County, Chesterfield County, Colonial Heights City, Dinwiddie County, Goochland County, Hanover County, Henrico County, Hopewell City, New Kent County, Petersburg City, Powhatan County, Prince George County, Richmond City.

4/ Roanoke MSA includes: Botetourt County, Roanoke County, Roanoke City, Salem City.

North Piedmont includes: Albemarle County, Caroline County, Charlottesville City, Culpeper County, Fauquier County, Fluvanna County, Fredericksburg City, Greene County, King George County, Louisa County, Madison County, Orange County, Rappahannock County, Spotsylvania County.

5/ Any jurisdiction not a part of the Northern Virginia portion of the Washington, DC-MD-VA-MSA, the Norfolk-Virginia Beach-Newport News MSA or the North Piedmont/Richmond Petersburg MSA/Roanoke MSA.

B. Minimum income (not applicable to applicants for loans to be insured or guaranteed by the Federal Housing Administration or the Veterans Administration (hereinafter referred to as "FHA or VA loans").

An applicant satisfies the minimum income requirement for authority financing if the monthly principal and interest, tax, insurance (PITI) and other additional monthly fees such as condominium assessments, townhouse assessments, etc. do not exceed 32% of monthly gross income and if the monthly PITI plus outstanding monthly installment loans with more than six months duration do not exceed 40% of monthly gross income. (See Exhibit B) For units in condominiums, 60% of the monthly condominium assessment shall be used in the foregoing ratio calculations.

### § 2.6. Calculation of maximum loan amount.

Single family detached residence and townhouse (fee simple ownership) Maximum of 95% (or, in the case of a FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may otherwise be approved by the authority.

Condominiums - Maximum of 95% (or, in the case of a FHA or VA loan, such other percentage as may be permitted by FHA or VA) of the lesser of the sales price or appraised value, except as may be otherwise approved by the authority.

For the purpose of the above calculations, the value of personal property to be conveyed with the residence shall be deducted from the sales price. (See Exhibit R for examples of personal property.) Also, the value of personal property included in the appraisal must be deducted from the appraised value. (See Appraiser Report, Exhibit H)

### § 2.7. Mortgage insurance requirements.

Unless the loan is an FHA or VA loan, the borrower is required to purchase at time of loan closing full private mortgage insurance (25% to 100% coverage, as the authority shall determine) on all loans which exceed 80% of the lesser of sales price or appraised value. The PDS agent is required to escrow for annual payment of mortgage insurance. If the authority requires FHA or VA insurance, the loan will either, at the election of the authority, (a) be closed in the authority's name in accordance with the procedures and requirements herein or (b) be closed in the PDS agent's name and purchased by the authority once the FHA Certificate of Insurance or VA Guaranty has been obtained. In the event the authority purchases an FHA or VA loan, the PDS agent must enter

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into a purchase and sale agreement. (See Exhibit C) For assumptions of conventional loans (i.e., loans other than FHA and VA loans), full private mortgage insurance as described above is required unless waived by the authority.

## § 2.8. Underwriting.

### A. Conventional loans.

#### 1. Employment and income.

a. Length of employment. The applicant must be employed a minimum of six months with present employer. An exception to the six-month requirement can be granted by the authority if it can be determined that the type of work is similar to previous employment and previous employment was of a stable nature.

b. Self-employed applicants. Note: Under the tax code, the residence may not be expected to be used in trade or business. (See § 2.2.1.C Principal residence requirement.) Any self-employed applicant must have a minimum of two years of self-employment with the same company and in the same line of work. In addition, the following information is required at the time of application:

(1) Federal income tax returns for the two most recent tax years.

(2) Balance sheets and profit and loss statements prepared by an independent public accountant.

In determining the income for a self-employed applicant, income will be averaged for the two-year period.

c. Income derived from sources other than primary employment.

(1) Alimony and child support. A copy of the legal document and sufficient proof must be submitted to the authority verifying that alimony and child support are court ordered and are being received. Child support payments for children 15 years or older are not accepted as income in qualifying an applicant for a loan.

(2) Social security and other retirement benefits. Social Security Form No. SSA 2458 must be submitted to verify that applicant is receiving social security benefits. Retirement benefits must be verified by receipt or retirement schedules. VA disability benefits must be verified by the VA. Educational benefits and social security benefits for dependents 15 years or older are not accepted as income in qualifying an applicant for a loan.

(3) Part-time employment. Part-time employment

must be continuous for a minimum of six months. Employment with different employers is acceptable so long as it has been uninterrupted for a minimum of six months. Part-time employment as used in this section means employment in addition to full-time employment.

Part-time employment as the primary employment will also be required to be continuous for six months.

(4) Overtime, commission and bonus. Overtime earnings must be guaranteed by the employer or verified for a minimum of two years. Bonus and commissions must be reasonably predictable and stable and the applicant's employer must submit evidence that they have been paid on a regular basis and can be expected to be paid in the future.

#### 2. Credit.

a. Credit experience. The authority requires that an applicant's previous credit experience be satisfactory. Poor credit references without an acceptable explanation will cause a loan to be rejected. Satisfactory credit references are considered to be one of the most important requirements in order to obtain an authority loan.

b. Bankruptcies. An applicant will not be considered for a loan if the applicant has been adjudged bankrupt within the past two years and has a poor credit history. If longer than two years, the applicant must submit a written explanation giving details surrounding the bankruptcy and poor credit history. The authority has complete discretion to decline a loan when a bankruptcy and poor credit is involved.

c. Judgments. An applicant is required to submit a written explanation for all judgments. Judgments must be paid before an applicant will be considered for an authority loan.

3. Appraisals. The authority reserves the right to obtain an independent appraisal in order to establish the fair market value of the property and to determine whether the dwelling is eligible for the mortgage loan requested.

### B. FHA loans only.

1. In general. The authority will normally accept FHA underwriting requirements and property standards for FHA loans. However, most of the authority's basic eligibility requirements including those described in §§ 2.1 through 2.5 hereof remain in effect due to treasury restrictions or authority policy.

2. Mortgage insurance premium. Applicant's mortgage insurance premium fee may be included in the FHA

acquisition cost and may be financed, except that, in the case of a condominium, such fee may not be paid in full in advance but instead is payable in annual installments.

3. Closing fees. The FHA allowable closing fees may be included in the FHA acquisition cost and may be financed *provided the final loan amount does not exceed the authority's maximum allowable sales price*.

4. Appraisals. FHA appraisals are acceptable. VA certificates of reasonable value (CRV's) are acceptable if acceptable to FHA.

#### C. VA loans only.

1. In general. The authority will normally accept VA underwriting requirements and property guidelines for VA loans. However, most of the authority's basic eligibility requirements (including those described in §§ 2.1 through 2.5 hereof) remain in effect due to treasury restrictions or authority policy.

2. VA funding fee. 1.0% funding fee can be included in loan amount provided final loan amount does not exceed the authority's maximum allowable sales price.

3. Appraisals. VA certificates of reasonable value (CRV's) are acceptable.

#### § 2.9. Funds necessary to close.

##### A. Cash (Not applicable to FHA or VA loans).

Funds necessary to pay the downpayment and closing costs must be deposited at the time of loan application. The authority does not permit the applicant to borrow funds for this purpose. If the funds are being held in an escrow account by the real estate broker, builder or closing attorney, the source of the funds must be verified. A verification of deposit from the parties other than financial institutions authorized to handle deposited funds is not acceptable.

##### B. Gift letters.

A gift letter is required when an applicant proposes to obtain funds from a third party. The gift letter must confirm that there is no obligation on the part of the borrower to repay the funds at any time. The party making the gift must submit proof that the funds are available. This proof should be in the form of a verification of deposit.

##### C. Housing expenses.

Proposed monthly housing expenses compared to current monthly housing expenses will be reviewed carefully to determine if there is a substantial increase. If there is a substantial increase, the applicant must demonstrate his

ability to pay the additional expenses.

#### § 2.10. Loan assumptions.

##### A. Requirements for assumptions.

VHDA currently permits assumptions of all of its single family mortgage loans as long as certain requirements are met. The requirements for each of the four different categories of mortgage loans listed below are as follows:

##### 1. Assumptions of conventional loans.

a. For assumptions of conventional loans financed by the proceeds of bonds issued on or after December 17, 1981, the requirements of the following sections hereof must be met:

- (1) § 2.5 (Income requirement).
- (2) § 2.2.1.C (Principal residence requirement)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.2.1.B (Three year requirement)
- (5) § 2.2.2.B (Acquisition cost requirement)
- (6) § 2.7 (Mortgage insurance requirement).

b. For assumptions of conventional loans financed by the proceeds of bonds issued prior to December 17, 1981, the requirements of the following sections hereof must be met:

- (1) § 2.5 (Income requirements)
- (2) § 2.2.1.C (Principal residence requirements)
- (3) § 2.8 (Authority underwriting requirements)
- (4) § 2.7 (Mortgage insurance requirements).

##### 2. Assumptions of FHA or VA loans.

a. For assumptions of FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981 the following conditions must be met:

- (1) § 2.5.A (Maximum income requirement)
- (2) § 2.2.1.C (Principal residence requirement)
- (3) § 2.2.1.B (Three year requirement)
- (4) § 2.2.2.B (Acquisition cost requirements).

In addition, all applicable FHA or VA underwriting requirements, if any, must be met.

b. For assumptions of FHA or VA loans financed by



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the proceeds of bonds issued prior to December 17, 1981, only the applicable FHA or VA underwriting requirements, if any, must be met.

## B. Requirement that the authority be contacted.

The PDS agent must in each case of a request for assumption of a mortgage loan contact the authority in order to determine which category of loans described in subsection A above applies to the loan and whether or not the requirements of the applicable category are satisfied. (For example, in cases of assumptions, the PDS agent may not rely - as it may for new loans - on the fact that the acquisition cost of the dwelling is less than the authority's sales price limits to satisfy the acquisition cost requirement. It is therefore essential that the authority be contacted in each case.)

## C. Application package for assumptions.

Once the PDS agent has contacted the authority and it has been determined which of the four categories described in subsection A above applies to the loan, the PDS agent must submit to the authority the information and documents listed below for the applicable category:

### 1. Assumption package for conventional loans:

a. Conventional loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's report (Exhibit H).
- (5) Three year's tax returns.
- (6) PDS agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) PDS agent's loan submission cover letter (Exhibit 0(1)).
- (9) Authority's completed application (Exhibit D).
- (10) Verification of employment (VOE's) (and other income related information).
- (11) Verification of deposit (VOD's).
- (12) Credit report.
- (13) Sales contract.
- (14) Truth-in-lending (Exhibit K) and estimate of charges.

(15) Equal credit opportunity act (ECOA) notice (Exhibit I).

(16) Authority underwriting qualification sheet (Exhibit B(1)).

b. Conventional loans financed by the proceeds of bonds issued prior to December 17, 1981:

- (1) Authority's completed application (Exhibit D).
- (2) Verification of employment (VOE's) (and other income related information).
- (3) Verification of deposit (VOD's).
- (4) Credit report.
- (5) Sales contract.
- (6) Truth-in-lending (Exhibit K) and estimate of charges.
- (7) Equal credit opportunity act (ECOA) notice (Exhibit I).
- (8) Authority underwriting qualification sheet (Exhibit B(2)).

### 2. Assumption package for FHA or VA loans.

a. FHA or VA loans financed by the proceeds of bonds issued on or after December 17, 1981:

- (1) Affidavit of borrower (Exhibit E).
- (2) Affidavit of seller (Exhibit F).
- (3) Acquisition cost worksheet (Exhibit G).
- (4) Appraiser's Report (Exhibit H).
- (5) Three year's tax returns.
- (6) PDS agent's checklist (Exhibit A(1)).
- (7) 4506 form (Exhibit Q).
- (8) PDS agent's loan submission cover letter (Exhibit 0(2) or (3)).
- (9) Authority's completed application (Exhibit D).
- (10) In addition, all applicable requirements, if any, of FHA or VA must also be met.

b. FHA or VA loans financed by the proceeds of bonds issued prior to December 17, 1981: Only the applicable requirements, if any, of FHA or VA must be met.

## D. Review by the authority/additional requirements.

Upon receipt of an application package for assumption, the authority will determine whether or not the applicable requirements referenced above for assumption of the loan have been met and will advise the PDS agent of such determination in writing. The authority will further advise the PDS agent of all other requirements necessary to complete the assumption process. Such requirements may include but are not limited to the submission of satisfactory evidence of hazard insurance coverage on the property, approval of the deed of assumption, satisfactory evidence of mortgage insurance or mortgage guaranty including, if applicable, pool insurance and submission of an escrow transfer letter.

## § 2.11. Leasing, loan term, and owner occupancy.

### A. Leasing.

The owner may not lease the property without first contacting the authority.

### B. Loan term.

Loan terms may not exceed 30 years.

### C. Owner occupancy.

No loan will be made unless the residence is to be occupied by the owner as the owner's principal residence.

## § 2.12. Reservations/fees.

### A. Making a reservation.

The authority currently reserves funds for each mortgage loan on a first come, first served basis. In order to make a reservation of funds for a loan, the PDS agent shall:

1. First make a determination based on the information then made available to it by the applicant or otherwise that neither the applicant nor the property appears to violate any of the authority's eligibility requirements for a new loan.
2. Collect a \$100 nonrefundable reservation fee (or such other amount as the authority may require).
3. Determine what type of mortgage insurance will be required; specifically, whether the loan will be a conventional loan, an FHA loan or a VA loan.
4. Complete a reservation sheet (Exhibit C).
5. Call the authority (after completing the four preceding requirements) between 9 a.m. and 5 p.m. Monday through Friday for the assignment of a reservation number for the loan, an interest rate for the reserved funds and an expiration date for the

reservation, all of which will be assigned after the PDS agent gives to the authority the following information:

- a. Name of primary applicant
- b. Social security number of applicant
- c. Estimated loan amount
- d. PDS agent's servicer number
- e. Gross family income of applicant and family, if any
- f. Location of property (city or county)
- g. Verification of receipt of the reservation fee
- h. Type of mortgage insurance to be used (if conventional, the authority will assign the loan a suffix "C;" if FHA, the suffix will be "F;" and, if VA, it will be "V").

6. Complete the reservation card by filling in the reservation number, interest rate, expiration date and by executing it (only an authorized representative of the PDS agent may sign the reservation card).

7. Submit the complete application package to the authority (see § 2.13) along with evidence of receipt of the reservation fee within 60 days after the authority assigns the reservation number to the loan (i.e., takes the reservation). Funds will not be reserved longer than 60 days unless the PDS agent requests and receives an additional one-time extension prior to the 60-day deadline.

### B. More than one reservation.

An applicant may request a second reservation if the first has expired, but in no case may the interest rate be reduced without the authority's prior approval. In addition, a second reservation fee must be collected for a second reservation.

### C. The reservation fee.

Under no circumstances is this fee refundable. If the loan closes, it will be retained by the PDS agent as part of its 1.0% origination fee. If the loan does not close, regardless of the reason, it is to be immediately submitted to the authority (see subsection E for other fees). No substitutions of applicants or properties are permitted.

### D. Other fee.

1. Commitment fee. The PDS agent must collect at the time of the issuance of a commitment by the authority an amount equal to 1.0% of the loan amount less the amount of the reservation fee already

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collected (such that the total amount received by the PDS agent at that point equals 1.0% of the loan amount - please also note that for FHA loans the loan amount for the purpose of this computation is the base loan amount only). If the loan closes, the PDS agent retains the full 1.0% as its original fee. If the loan does not close the origination fee (which includes the reservation fee) must be submitted to the authority when the failure to close is due to the fault of the applicant. On the other hand, if the failure to close is not due to the fault of the applicant, then everything collected except for the reservation fee may at the option of the authority be refunded to the applicant. (The reservation fee, as required in subsection C above is always submitted to the authority when a loan fails to close.)

2. Discount point. The PDS agent must collect at the time of closing an amount equal to 1.0% of the loan amount from the seller. This fee is ~~retained by the PDS agent~~ to be remitted to the authority by the PDS agent.

## § 2.13. Preparation of application package for new loans.

### A. Conventional loans.

The application package submitted to the authority for approval of a conventional loan must contain the following:

1. Reservation sheet (Exhibit C).
2. Application - the application must be made on the authority's approved application form. (Exhibit D)
3. Preliminary underwriting form. (Exhibit B)
4. Credit report issued by local credit bureau and miscellaneous information as applicable explanation of bankruptcies, etc., (and any additional documentation).
5. Verification of employment (and any additional documentation).
6. Verification of other income.
7. Verification of deposits (and any additional documentation).
8. Gift letters (and verification).
9. Sales contract - contract must be signed by seller and all parties entering into the contract and state which parties are paying points and closing costs.
10. Appraisal (FHLMC No. 70) should be the Federal National Mortgage Association ("FNMA") or Federal Home Loan Mortgage Corporation ("FHLMC") form and should be completed by an appraiser who has been approved by FHLMC or a private mortgage insurer acceptable to the authority or who has a

certification from a trade organization approved by the authority (photos and required supporting documentation).

11. Loan submission cover letter. (Exhibit O(1))
12. Appraiser's report. (Exhibit H)
13. Acquisition cost worksheet. (Exhibit G)
14. Affidavit of seller. (Exhibit F)
15. Affidavit of borrower. (Exhibit E)
16. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.  
  
(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).
17. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))
18. Signed request for copy of tax returns. (Exhibit Q)
19. U.S. Department of Housing and Urban Development ("HUD") information booklet acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulations Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.
20. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of the ECOA, with borrower's acknowledgement of receipt. (Exhibit I)
21. Truth-in-lending disclosure. (Exhibit K)

### B. FHA loans.

The application package submitted to the authority for approval of an FHA loan must contain the following items:

1. Reservation sheet (Exhibit C).
2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
3. Copy the HUD application (FHA form 92900).
4. Copy of the Mortgage Credit Analysis Worksheet

(HUD form 92900-ws).

5. Copy of the credit report.
6. Copy of verification of employment.
7. Copy of verification of other income.
8. Copy of verification of deposits.
9. Copy of gift letters (and verification).
10. Copy of sales contract.
11. Assignment letter - this must reference the case number, name of applicant.
12. Copy of appraisal - this must be on a form acceptable to FHA and must contain all supporting documentation necessary for valuation.
13. FHA Notice to Buyers (Document F-9)
14. Loan submission cover letter. (Exhibit O(2))
15. Appraiser's report. (Exhibit H)
16. Acquisition cost worksheet. (Exhibit G)
17. Affidavit of seller. (Exhibit F)
18. Affidavit of borrower. (Exhibit E)
19. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.  
  
(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1 B3 hereof, such letter must be enclosed instead).
20. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))
21. Signed request for copy of tax returns (Exhibit Q)
22. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

23. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

24. Truth-in-lending disclosure. (Exhibit K)

## C. VA loans.

The application package submitted to the authority for approval of a VA loan must contain the following items:

1. Reservation sheet (Exhibit C).
2. Application - must be on the authority's form and can be handwritten if legible (Exhibit D).
3. Copy the VA application (VA form 26-1802A).
4. Copy of the Loan Analysis Worksheet (VA form 6393).
5. Copy of the credit report.
6. Copy of verification of employment.
7. Copy of verification of other income.
8. Copy of verification of deposits.
9. Copy of gift letters (and verification).
10. Copy of sales contract.
11. Copy of appraisal - this must be on a form acceptable to VA and must contain all supporting documentation necessary for valuation.
12. Loan submission cover letter. (Exhibit O(3))
13. Appraiser's report. (Exhibit H)
14. Acquisition cost worksheet. (Exhibit G)
15. Affidavit of seller. (Exhibit F)
16. Affidavit of borrower. (Exhibit E)
17. Federal income tax returns - copy of borrower's federal income tax returns to the extent required by Item 6 in the affidavit of borrower and § 2.2.1.B.3 hereof.  
  
(NOTE: If a letter from the Internal Revenue Service is to be delivered pursuant to paragraphs § 2.2.1.B.3 hereof, such letter must be enclosed instead).
18. PDS agent's checklist for certain requirements of the tax code. (Exhibit A(1))
19. Signed request for copy of tax returns (Exhibit Q)

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20. U.S. Department of Housing and Urban Development ("HUD") information booklet - acknowledgement by applicant of receipt of HUD information booklet and estimate of the charges the borrower is likely to incur as required by the Real Estate Settlement Procedures Act of 1974, as amended, the Real Estate Settlement Procedures Act Amendments of 1975 (RESPA), as amended, and Regulation Z (Truth-In-Lending), as amended. Acknowledgement can be made part of the application or can be a separate statement. Applicant must receive HUD information book the day application is made.

21. Equal Credit Opportunity Act ("ECOA") notice statement to borrower of provisions of ECOA, with borrower's acknowledgement of receipt. (Exhibit I)

22. Truth-in-lending disclosure. (Exhibit K)

## D. Delivery of package to authority.

After the application package has been completed, it should be forwarded to:

Single Family Originations Division  
Virginia Housing Development Authority  
13 South 13th Street  
Richmond, VA. 23219

## § 2.14. Commitment. (Exhibit J)

### A. In general.

Upon approval of the applicant, the authority will send a mortgage loan commitment to the borrower in care of the PDS agent. Also enclosed in this package will be other documents necessary for closing. The PDS agent shall ask the borrower to indicate his acceptance of the mortgage loan commitment by signing and returning it to the PDS agent. A commitment must be issued in writing by an authorized officer of the authority and signed by the applicant before a loan may be closed. The term of a commitment may be extended in certain cases upon written request by the applicant and approved by the authority. Generally, no more than one commitment will be issued to an applicant in any calendar year. However, if an applicant who received a commitment fails to close the mortgage loan transaction through no fault of his own, that borrower may be considered for one additional commitment upon proper reapplication to the authority within the one year period from the cancellation or expiration of the original commitment; provided, however, that the interest rate offered in the additional commitment, if issued, may be higher than the rate offered in the original commitment. Such new rate and the availability of funds therefor shall in all cases be determined by the authority in its discretion.

### B. Loan rejection.

If the application fails to meet any of the standards, criteria and requirements herein, a loan rejection letter will be issued by the authority (see Exhibit L). In order to have the application reconsidered, the applicant must resubmit the application within 30 days after loan rejection. If the application is so resubmitted, the credit documentation cannot be more than 90 days old and the appraisal not more than six months old.

## § 2.15. Loan settlement.

### A. Loan closing.

1. In general. Upon the borrower's acceptance of the mortgage loan commitment, the PDS agent will send the authority's letter and closing instructions (see Exhibits M and N) and the closing papers to the closing attorney. The PDS agent should thoroughly familiarize himself with the closing instructions and should fill in all blanks such as per diem interest, appraisal fee, credit report charges to be collected at closing, and any special requirements of the commitment before the closing instructions are forwarded to the closing attorney. The authority will provide the PDS agent with the documents which the closing attorney is required to complete. After the authority reviews the closing attorney's preliminary work and has been advised by the PDS agent in the case of an FHA or VA loan that all applicable FHA or VA requirements have been met, it will approve closing and, a loan proceeds check will be sent to the closing attorney or firm named in the commitment or binder as approved under the issuing company's insured closing service, along with additional closing instructions. The closing attorney may disburse loan proceeds only after he has conducted the loan closing and recorded all necessary documents, including the deed of trust securing repayment of the loan to the authority and in all other respects is in a position to disburse proceeds in accordance with the authority's letter authorizing the closing, the commitment and the instructions previously issued by the PDS agent. It is the PDS agent's responsibility to see that all documents and checks are received immediately after loan closings and that they are completed in accordance with the authority's requirements, Regulation Z and ECOA.

2. Special note regarding check for buy-down points. A certified or cashier's check made payable to the authority is to be provided at loan closing for buy-down points, if any. Under the tax code, the original proceeds of a bond issue may not exceed the amount necessary for the "governmental purpose" thereof by more than 5.0%. If buy-down points are paid out of mortgage loan proceeds (which are financed by bonds), then this federal regulation is violated because bond proceeds have in effect been used to pay interest rather than for the proper "governmental purpose" of making mortgage loans. Therefore, it is required that buy-down fees be paid

from the seller's own funds and not be deducted from loan proceeds. Because of this requirement, buy-down fees may not appear as a deduction from the seller's proceeds on the HUD-1 Settlement Statement.

## B. Post-closing requirements.

All post-closing documents, including the post-closing cover letter (Exhibit P), should be forwarded as follows to:

Single Family Servicing Division  
Post-Closing Section  
Virginia Housing Development Authority  
13 South 13th Street  
Richmond, VA. 23219

Within five days after the closing of the loan, the PDS agent must forward the fees, interest and any other money due the authority, a repayment of the authority's outstanding construction loan, if any, private mortgage insurance affidavit and all closing documents except the original recorded deed of trust and title insurance policy and hazard insurance policy.

Within 45 days after loan closing, the PDS agent shall forward to the authority the original recorded deed of trust and final mortgage title insurance policy. Within 55 days after loan closing the PDS agent shall forward to the authority the original hazard insurance policy.

During the 120-day period following the loan closing the PDS agent shall review correspondence, checks and other documents received from the borrower for the purpose of ascertaining that the address of the property and the address of the borrower are the same, and also to ascertain any change of address during such period and shall notify the authority if such addresses are not the same or if there is any such change of address. Subject to the authority's approval, the PDS agent may establish different procedures to verify compliance with the principal residence requirement in § 2.2.1.C. In the event the agent at any time otherwise becomes aware of the fact that any item noted on the PDS agent's checklist for certain requirements of the tax code may not be correct or proper, the PDS agent shall immediately notify the authority.

## § 2.16. Property guidelines.

### A. In general.

For each application the authority must make the determination that the property will constitute adequate security for the loan. The determination shall in turn be based solely upon a real estate appraisal's determination of the value and condition of the property.

In addition, manufactured housing may be financed only if it is new construction and insured 100% by FHA (see subsection C).

## B. Conventional loans.

1. Existing housing and new construction. The following requirements apply to both new construction and existing housing to be financed by a conventional loan: (i) all property must be located on a state maintained road (easements or right-of-way to state maintained roads are not acceptable as access to properties); (ii) any easements which will adversely affect the marketability of the property, such as high-tension power lines, drainage or other utility easements will be considered on a case-by-case basis to determine whether such easements will be acceptable to the authority; and (iii) joint ownership of well and septic will be considered on a case-by-case basis to determine whether such ownership is acceptable [ to ] the authority.

2. Additional requirements for new construction. New construction financed by a conventional loan must also meet Uniform Statewide Building Code and local code.

## C. FHA or VA loans.

1. Existing housing and new construction. Both new construction and existing housing financed by an FHA or VA loan must meet all applicable requirements imposed by FHA or VA.

2. Additional requirements for new construction. If such homes being financed by FHA or VA loans are new manufactured housing they must meet federal manufactured home construction and safety standards, satisfy all FHA insurance requirements, be on a permanent foundation to be enclosed by a perimeter masonry curtain wall conforming to standards of the Uniform Statewide Building Code, be permanently affixed to the site owned by the borrowers and be insured 100% by FHA under its section 203B program. In addition, the property must be classified and taxed as real estate and no personal property may be financed.

## § 2.17. Substantially rehabilitated.

For the purpose of qualifying as substantially rehabilitated housing under the authority's maximum sales price limitations, the housing unit must meet the following definitions:

1. Substantially rehabilitated means improved to a condition which meets the authority's underwriting/property standard requirements from a condition requiring more than routine or minor repairs or improvements to meet such requirements. The term includes repairs or improvements varying in degree from gutting and extensive reconstruction to cosmetic improvements which are coupled with the cure of a substantial accumulation of deferred maintenance, but does not mean cosmetic improvements alone.

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2. For these purposes a substantially rehabilitated housing unit means a dwelling unit which has been substantially rehabilitated and which is being offered for sale and occupancy for the first time since such rehabilitation. The value of the rehabilitation must equal at least 25% of the total value of the rehabilitated housing unit.

3. The authority's staff will inspect each house submitted as substantially rehabilitated to ensure compliance with our underwriting-property standards. An appraisal is to be submitted after the authority's inspection and is to list the improvements and estimate their value.

4. The authority will only approve rehabilitation loans to eligible borrowers who will be the first resident of the residence after the completion of the rehabilitation. As a result of the tax code, the proceeds of the mortgage loan cannot be used to refinance an existing mortgage, as explained in § 2.2.1.D (New mortgage requirement). The authority will approve loans to cover the purchase of a residence, including the rehabilitation:

a. Where the eligible borrower is acquiring a residence from a builder or other seller who has performed a substantial rehabilitation of the residence; and

b. Where the eligible borrower is acquiring an unrehabilitated residence from the seller and the eligible borrower contracts with others to perform a substantial rehabilitation or performs the rehabilitation work himself prior to occupancy.

## § 2.18. Condominium requirements.

### A. Conventional loans.

1. The PDS agent must provide evidence that the condominium is approved by any two of the following: FNMA, FHLMC or VA. The PDS agent must submit evidence at the time the borrower's application is submitted to the authority for approval.

2. At the time the borrower's loan application is submitted for the financing of a unit in any condominium in which the authority has not previously financed the purchase of any units, Exhibit S providing basic information about the condominium must be completed by the Unit Owners Association. The most recent financial statement and operating budget of the condominium (or, in the case of a newly constructed or converted condominium, a copy of the projected operating budget and a copy of the most recent financial statement, if any) must also be submitted. The authority will review the above described form and financial information. If on the basis of such review the authority finds the condominium to be acceptable, the condominium will

be approved and the individual loan application will be processed. Exhibit S requires that the Unit Owners Association agree to submit to the authority upon its request, the condominium's annual financial statements, operating budget and other information as the authority may require. The association is also required to agree that the authority shall have a right to inspect the condominium and its records. The form states that failure to comply with the foregoing shall be grounds for the authority's termination of its approval of the condominium.

3. Each year the authority will send Exhibit T to the Unit Owners Association requesting information concerning the condominium including a statement as to the status of the approvals of VA, FNMA and FHLMC, as applicable, and a copy of the condominium's financial statement and operating budget. The association will be advised that if the request for information is not received within 90 days from the date of the request, the authority may terminate its approval of the condominium. The authority will review the financial statement and operating budget and the questionnaire and if the condominium remains in satisfactory condition, the authority will continue to make mortgage loans on the units subject to the limitations in paragraph 4 below. In the event the authority determines a condominium is not in satisfactory condition, the Unit Owners Association will be given 60 days to correct the deficiencies. If the deficiencies are not corrected to the satisfaction of the authority, the condominium will no longer be approved for financing. The requirements and procedures in this section will also apply to condominiums previously approved by the authority.

4. If a condominium is approved by FNMA, the authority will make mortgage loans on no more than 50% of the units in the condominium. If the condominium is not approved by FNMA, the authority will make mortgage loans on no more than 25% of the units in the condominium. If a condominium is to be phased, the foregoing percentage limits will be applied to each phase until all phases are completed. If the condominium has been previously approved by the authority and exceeds the foregoing percentage limitations, the authority will make no further mortgage loans for the purchase of the units in the condominium until such time as its percentage limits are no longer violated.

B. FHA or VA loans. The authority will accept a loan to finance a condominium if the condominium is approved by FHA, in the case of an FHA loan, or by VA, in the case of a VA loan.

The effective date of the foregoing amendments shall be August 10, 1987 March 16, 1988 .

\* \* \* \* \*

**Title of Regulation:** VR 400-02-0014. Procedures, Instructions and Guidelines for the Acquisition of Multi-Family Housing Developments.

**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:**

*These proposed regulations establish procedures and requirements for the solicitation, submission, review, underwriting and selection of proposals for (i) the acquisition by the authority, or an entity formed by the authority on its own behalf or in conjunction with others, of multi-family housing developments intended for occupancy by persons of low and moderate income and (ii) for the financing by the authority of the construction of such developments prior to their acquisition by the authority or by a related entity as described above. Other related matters addressed by these proposed regulations include income limits and general restrictions on occupancy of the developments, terms of acquisitions and construction loans, procedures applicable during the construction phase of developments, requirements for the consummation of acquisitions by the authority or a related entity, the making of permanent mortgage loans by the authority to finance the acquisition of developments by such related entities, purchase price and construction loan increases and procedures and requirements with regard to the operation, management and marketing of developments by the authority or a related entity.*

VR 400-02-0014. Procedures, Instructions and Guidelines for the Acquisition of Multi-Family Housing Developments.

**§ 1. Purpose and applicability.**

*The following procedures, instructions and guidelines will be applicable to the acquisition, ownership and operation by the Virginia Housing Development Authority (the "authority") or by any entity formed by the authority, on its own behalf or in conjunction with other parties, of multi-family housing developments intended for occupancy by persons and families of low and moderate income ("development" or "developments"). The developments to be acquired pursuant to these procedures, instructions and guidelines may be existing developments or may be developments to be constructed prior to acquisition. If the authority is to acquire an existing development, the provision of these procedures, instructions and guidelines relating to construction shall, to the extent determined by the executive director, not be applicable to such development. These procedures, instructions and guidelines shall also be applicable to the making of mortgage loans by the authority (i) to finance the construction of such developments prior to the*

*acquisition thereof by the authority (such mortgage loans are referred to herein as construction loans) and (ii) to finance the acquisition and ownership of such developments by entities formed by the authority as described herein. If any development is to be subject to federal mortgage insurance or is otherwise to be assisted or aided, directly or indirectly, by the federal government, the applicable federal rules and regulations shall be controlling over any inconsistent provision herein. Furthermore, if the development is to be subject to mortgage insurance by the federal government, the provisions of these procedures, instructions and guidelines shall be applicable to such development only to the extent determined by the executive director to be necessary in order to (i) protect any interest of the authority which, in the judgment of the executive director, is not adequately protected by such insurance or by the implementation or enforcement of the applicable federal rules, regulations or requirements or (ii) to comply with the Virginia Housing Development Authority Act (the "Act") or fulfill the authority's public purpose and obligations thereunder. The term "construct" or "construction," as used herein, shall include the rehabilitation, preservation or improvement of existing structures.*

*Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any 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.*

*"Executive director" as used herein refers to 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 of commissioners of the authority (the "board").*

*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 applicant, any mortgagor, or any contractor or other members of the development team under the initial closing documents as described in § 7 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 proposals for the authority to acquire developments or to provide financing for such developments under the authority's multi-family housing acquisition program. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by*



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*policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to any particular development or developments.*

## *§ 2. Income limits and general restrictions.*

*In order to be eligible for occupancy of a multi-family dwelling unit, a person or family shall not have an adjusted family income (as defined in the authority's rules and regulations) greater than seven times the annual rent, including utilities except telephone, applicable to such dwelling unit. In addition to the foregoing, at least 20% of the units in each development shall be occupied or held available for occupancy by persons and families whose annual adjusted family incomes (at the time of their initial occupancy of such units) do not exceed 80% of the area median income as determined by the authority, and the remaining units shall be occupied or held available for occupancy by persons and families whose annual adjusted family incomes (at the time of their initial occupancy of such units) do not exceed 150% of such area median income as so determined.*

*Furthermore, in the case of developments which are subject to federal mortgage insurance or assistance or are financed by notes or bonds exempt from federal income taxation, federal regulations may establish lower income limitations which in effect supersede the authority's income limits as described above. 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 a 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 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 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, if any, issued by the authority to finance such developments, (iii) in the case of developments subject to federal mortgage insurance or other assistance, all applicable federal laws and regulations relating thereto and (iv) the requirements set forth in the resolutions pursuant to which the notes or bonds are issued by the authority to finance the developments. Copies of the authority's note and bond resolutions are available upon request.*

## *§ 3. Terms of acquisition and construction loan.*

*The purchase price for a development to be acquired by*

*the authority pursuant hereto shall be determined by the authority in such manner and shall be based upon such factors (including the fair market value of the development based on an appraisal thereof as well as on the estimated costs of the construction of the development, if applicable) as it deems relevant to the security of its ownership interest in the development and the fulfillment of its public purpose. The terms and conditions of such acquisition shall be contained in the commitment described in § 6 hereof and in the contract, if any, to acquire the development described in § 7 hereof.*

*In addition to the acquisition of developments, the authority may make or finance construction mortgage loans secured by a lien on real property or, subject to certain limitations in the Act, a leasehold estate in order to finance the construction of such developments. The term of such a construction loan shall be equal to the period determined by the executive director to be necessary to complete construction of the development and to consummate the acquisition thereof by the authority. Such construction loans shall be made on such other terms and conditions as the authority shall prescribe in (i) the commitment described in § 6 hereof and (ii) any other applicable initial closing documents, described in § 7 hereof. Such construction 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 commitment or such percentage of the estimated housing development costs of the 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 commitment or such percentage of the estimated housing development costs of the development as is established in such commitment, but in no event to exceed 100%. The maximum principal amount and percentage of estimated housing development costs specified or established in the commitment shall be determined by the authority in such manner and based upon such factors as it deems relevant to the security of the mortgage loan and the fulfillment of its public purpose. Such factors may include the fair market value of the proposed development as completed. The interest rate on the construction loan shall be established at the initial 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 1.0% of the construction loan amount, unless the executive director shall for good cause require the payment of a different financing fee. Such fee shall be payable at initial closing or at such other times as the executive director shall for good cause require.*

## *§ 4. 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 authority's acquisition and, if*

applicable, construction financing of 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 selection of developments for acquisition and, if applicable, construction financing 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 for such acquisitions and financings and such other matters as he shall deem appropriate relating to the selection of proposals. The authority may also consider and approve proposals for acquisition and, if applicable, construction financing of developments submitted from time to time to the authority without any solicitation therefor on the part of the authority.

## § 5. Application and acceptance for processing.

Application for consideration of each proposal for the authority to acquire a development and, if applicable, to finance the construction thereof 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: initial site, elevation and unit plans; information with respect to the status of the proposed development site and the surrounding community; any option or sales contract to acquire the site; an evaluation of the need and effective demand for the proposed development in the market area of such site; information regarding the legal, business and financial status and experience of the members of the applicant's proposed development team and of the principals in any entity which is a member thereof, including current financial statements (which shall be audited in the case of a business entity) for the owner (if existing), the general contractor and the principals therein; information regarding amenities and services proposed to be offered to the tenants; a preliminary estimate of the housing development costs and the individual components thereof; the proposed schedule of rents; a preliminary estimate of the annual operating budget and the individual components thereof; the estimated utility expenses to be paid by the tenants of dwelling units in the proposed development; and the amount of any federal insurance, subsidy or assistance which the applicant is requesting for the proposed development.

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 development. Such review shall be performed in accordance with subdivision 2 of subsection D of § 36-55.33:1 of the Code of Virginia, if applicable,

and shall include, but not be limited to, the following:

1. An analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. An evaluation of the ability, experience and financial capacity of the applicant and general contractor and the qualifications of the architect, management agent and other members of the proposed development team;
3. A preliminary evaluation of the estimated construction costs and the proposed design and structure of the proposed development;
4. A preliminary review of the estimated operating expenses and proposed rents and a preliminary evaluation of the adequacy of the proposed rents to sustain the proposed development based upon the assumed occupancy rate and estimated purchase price and financing costs; and
5. A preliminary evaluation of the marketability of the proposed development.

Based on the authority's review of the applications, documents and any additional information submitted by the applicants or obtained from other sources by the authority in its review of the proposed developments, the executive director shall accept for processing those applications which he determines best satisfy the following criteria:

1. The vicinity of the proposed development is and will continue to be a residential area suitable for the proposed 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 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, recreational facilities and major public and private employers) in the area of the proposed development as the executive director determines to be necessary or desirable for the use and enjoyment by the contemplated residents.
3. The characteristics of the site (such as its size, topography, terrain, soil and subsoil conditions, vegetation, and drainage conditions) are suitable for the construction and operation of the proposed development, and the site is free from any defects which would have a materially adverse effect on such

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construction and operation.

4. The location of the proposed development will promote and enhance the marketability of the units to the person and families intended for occupancy thereof.

5. The applicant either owns or leases the site of the proposed 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.

6. The design of the proposed development is functional and appropriate for its intended use, will contribute to the marketability of the proposed development, makes use of materials to reduce energy and maintenance costs, provides for a proper mix of units for the residents intended to be benefited by the authority's program, provides for units with adequate, well-designed space, includes equipment and facilities customarily used or enjoyed in the area by the contemplated residents, and will otherwise provide a safe, habitable and pleasant living environment for such residents.

7. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions and guidelines, the estimated construction costs and operating expenses appear to be complete, reasonable and comparable to those of similar developments.

8. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions and guidelines, the proposed rents appear to be at levels which will (i) be affordable by the persons and families intended to be assisted by the authority, (ii) permit the successful marketing of the units to such persons and families, and (iii) sustain the operation of the proposed development.

9. The applicant and general contractor have the experience, ability and financial capacity necessary to carry out their respective responsibilities for the construction and, prior to acquisition thereof by the authority, the ownership, operation, marketing, maintenance and management of the proposed development.

10. The architect, management agent and other members of the proposed development team have the qualifications necessary to perform their respective functions and responsibilities.

11. The application and proposed development conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these procedures, instructions and guidelines.

12. The proposed development will contribute to the implementation of the policies and programs of the authority in providing decent, safe and sanitary rental housing for low and moderate income persons and families who cannot otherwise afford such housing and will assist in meeting the need for such housing in the market area of the proposed development.

13. It appears that the proposed development and applicant will be able to meet the requirements for feasibility and commitment set forth in § 6 of these procedures, instructions and guidelines and that the proposed development will otherwise continue to be processed through initial closing and will be completed and conveyed to the authority all in compliance with the Act and the authority's rules and regulations, the documents and contracts executed at initial closing, applicable federal laws, rules and regulations, and the provisions of these procedures, instructions and guidelines and without unreasonable delay, interruptions or expense.

If only one application is being reviewed for acceptance for processing, the executive director shall accept such application for processing if he determines that such application adequately satisfies the foregoing criteria.

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

Applications shall be selected only to the extent that the authority has or expects to have funds available from the sale of its notes or bonds to finance the acquisition of and, if applicable, the construction loan for the proposed developments.

Nothing contained herein shall require the authority to select any application which, in the judgment of the executive director, does not adequately satisfy the foregoing criteria.

The executive director's determinations with respect to the above criteria shall be based only on the documents and information received or obtained by him at that time and are subject to modification or reversal upon his receipt of additional documents or information at a later time. In addition, the application shall be subject to further review in accordance with § 6 of these procedures, instructions and guidelines.

The executive director may impose such terms and conditions with respect to acceptance for processing as he shall deem necessary or appropriate. If any proposed development is so accepted for processing, the executive director shall notify the sponsor of such acceptance and of any terms and conditions imposed with respect thereto.

If the executive director determines that a proposed development to be accepted for processing does not

adequately satisfy one or more of the foregoing criteria, he may nevertheless accept such proposed development for processing subject to satisfaction of the applicable criteria in such manner and within such time period as he shall specify in his notification of acceptance. If the executive director determines not to accept any proposed development for processing, he shall so notify the sponsor.

## § 6. Feasibility and commitment.

In order to continue the processing of the application, the applicant shall file, within such time limit as the executive director shall specify, such forms, documents and information as the executive director shall require with respect to the feasibility of the proposed development, including without limitation the following:

1. Any additions, modifications or other changes to the application and documents previously submitted as may be necessary or appropriate to make the information therein complete, accurate and current;
2. 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;
3. The applicant's best estimates of (i) the housing development costs and the components thereof, (ii) proposed construction loan amount (if applicable), (iii) proposed rents, (iv) proposed annual operating budget and the individual components thereof, (v) best estimates of the monthly utility expenses and other costs for each dwelling unit if paid by the resident, and (vi) amount of any federal insurance, subsidy or assistance that the applicant is requesting for the proposed 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;
4. The applicant's marketing and tenant selection plans, including description and analysis of marketing and tenant selection strategies, techniques and procedures to be followed in marketing the units and selecting tenants prior to acquisition of the development by the authority; and
5. Any documents required by the authority to evidence compliance with all conditions and requirements necessary to construct, and, prior to the acquisition by the authority of the development, to own, 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.

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 proposed development will be obtained at this time or as soon as practical thereafter from an independent real estate appraiser selected by the authority. The authority may also obtain such other reports, analyses, information and data as the executive director deems necessary or appropriate to evaluate the proposed 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 initial closing within a reasonable time, he may, in his discretion, terminate the application and retain any fees previously paid to the authority.

The authority staff shall review and evaluate the documents and information received or obtained pursuant to this § 6. Such review and evaluation shall include, but not be limited to, the following:

1. An analysis of the estimates of construction costs and the proposed operating budget and an evaluation as to the economic feasibility of the proposed development;
2. A market analysis as to the present and projected demand for the proposed development in the market area, including: (i) an evaluation of existing and future market conditions; (ii) an analysis of trends and projections of housing production, employment and population for the market area; (iii) a site evaluation (such as access and topography of the site, neighborhood environment of the site, public and private facilities serving the site and present and proposed uses of nearby land); and (iv) an analysis of competitive projects;
3. A review of the marketing and tenant selection plans, including their effect on the economic feasibility of the proposed development and their efficacy in carrying out the programs and policies of the authority;
4. A final review of the (i) ability, experience and financial capacity of the applicant and general contractor and (ii) the qualifications of the architect, management agent and other members of the proposed development team.
5. An analysis of the architectural and engineering plans, drawings and specifications, including the functional use and living environment for the proposed residents, the marketability of the units, the

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*amenities and facilities to be provided to the proposed residents, and the management, maintenance and energy conservation characteristics of the proposed development.*

*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 development, the executive director shall prepare a recommendation to the board that a commitment of the authority to enter into a contract with the applicant for the acquisition of the development by the authority and, if applicable, to make a construction loan for the development be issued to the applicant only if he determines that all of the following criteria have been satisfied:*

*1. Based on the data and information received or obtained pursuant to this § 6, no material adverse change has occurred with respect to compliance with the criteria set forth in § 5 of these procedures, instructions and guidelines.*

*2. The applicant's estimates of housing development costs (i) include all costs necessary for the development and construction of the proposed 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 applicant 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.*

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

*4. All operating expenses (including replacement and other reserves) necessary or appropriate for the operation of the proposed development are included in the proposed operating budget, and the estimated amounts of such operating expenses are reasonable, are based on valid data and information and are comparable to operating expenses experienced by similar developments.*

*5. Based upon the proposed rents and projected occupancy level required or approved by the executive director, the estimated income from the proposed development is reasonable. The estimated income may include (i) rental income from commercial space within the proposed development if the*

*executive director determines that a strong, long-term market exists for such space and (ii) income from other sources relating to the operation of the proposed development if determined by the executive director to be reasonable in amount and comparable to such income received on similar developments.*

*6. The estimated income from the proposed development, including any federal subsidy or assistance, is sufficient to pay when due the estimates of the debt service on the notes or bonds issued by the authority to acquire the development (plus such additional amounts as the authority shall determine to be appropriate as compensation for its administrative costs and its risks as owner of the development), the operating expenses, and replacement and other reserves required by the authority.*

*7. The units will be occupied by persons and families intended to be served by the proposed development and eligible under the Act, the authority's rules and regulations, and these procedures, instructions and guidelines and under any applicable federal laws, rules and regulations. Such occupancy of the units will be achieved in such time and manner that the proposed development (i) will attain self-sufficiency (i.e., the rental and other income from the development is sufficient to pay all operating expenses, replacement and other reserves required by the authority, and debt service on the notes or bonds issued by the authority to acquire the development, plus such additional amounts as the authority shall determine to be appropriate as compensation for its administrative costs and its risks as owner of the development) within the usual and customary time for a development for its size, nature, location and type and (ii) will continue to be self-sufficient for the full term of such notes or bonds.*

*8. The estimated utility expenses and other costs to be paid by the residents are reasonable, are based upon valid data and information and are comparable to such expenses experienced by similar developments, and the estimated amounts of such utility expenses and costs will not have a materially adverse effect on the occupancy of the units in accordance with the paragraph above.*

*9. The architectural drawings, plans and specifications shall demonstrate that: (i) the proposed development as a whole and the individual units therein shall provide safe, habitable, and pleasant living accommodations and environment for the contemplated residents; (ii) the dwelling units of the proposed housing development and the individual rooms therein shall be furnishable with the usual and customary furniture, appliances and other furnishings consistent with their intended use and occupancy; and (iii) the proposed housing development shall make use of measures promoting environmental protection, energy conservation and maintenance and operating*

efficiency to the extent economically feasible and consistent with the other requirements of this § 6.

10. The proposed development includes such appliances, equipment, facilities and amenities as are customarily used or enjoyed by the contemplated residents in similar developments.

11. The marketing and tenant selection plans submitted by the applicant shall comply with the authority's rules and regulations and shall provide for actions to be taken prior to acquisition of the development by the authority such that (i) the dwelling units in the proposed development will be occupied in accordance with the paragraph above and any applicable federal laws, rules and regulations by those eligible persons and families who are expected to be served by the proposed development, (ii) the residents will be selected without regard to race, color, religion, creed, sex or national origin and (iii) units intended for occupancy by handicapped and disabled persons will be adequately and properly marketed to such persons and such persons will be given priority in the selection of residents for such units. The tenant selection plan shall describe the requirements and procedures (including any occupancy criteria and priorities established pursuant to § 11 of these procedures, instructions and guidelines) to be applied by the owner in order to select those residents who are intended to be served by the proposed development and who are best able to fulfill their obligation and responsibilities as residents of the proposed development.

12. In the case of any development to be subject to mortgage insurance or otherwise to be assisted or aided by the federal government, the proposed development will comply in all respects with any applicable federal laws, rules and regulations, and adequate federal insurance, subsidy, or assistance is available for the development and will be expected to remain available in the due course of processing with the applicable federal agency, authority or instrumentality.

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

14. The prerequisites necessary for the members of the applicant's development team to construct and, prior to the acquisition thereof by the authority, to operate and manage the proposed 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 development, (v) licenses and other legal authorizations necessary to permit each member to perform his or its duties and responsibilities in the Commonwealth of Virginia, (vi) building permits, and (vii) fee simple ownership of the site, a sales contract or option giving the applicant the right to purchase the site for the proposed 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 construction or the authority's ownership or operation of the proposed development).

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

16. The proposed development will provide valid and sound security for the authority's notes or bonds and 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 acquisition and financing of the proposed development will meet the requirements set forth in §§ 36-55.33:2 and 36-55.39 of the Code of Virginia, as applicable.

If the executive director determines that the foregoing criteria are satisfied and that he will recommend approval of the application and issuance of a commitment to acquire the development and, if applicable, to finance the construction of the development, he shall present his analysis and recommendations to 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 recommend to the board that the application be approved and that a commitment be issued subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate.

The board shall review and consider the analysis and 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 to acquire the development and, if applicable, to finance the construction thereof, subject to such terms and conditions as the board shall require in such resolution.

If the development is to be acquired by a successor entity formed by the authority as described in § 9 hereof, the commitment shall authorize (i) the assignment to such

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successor entity of the authority's interest in the contract to acquire the development and (ii), if applicable, the making of an authority mortgage loan to such successor entity in an amount equal to the acquisition cost of the development.

The resolution and commitment issued pursuant to this § 6 shall in all respects conform to the requirements of the Act and the authority's rules and regulations.

If the executive director determines not to recommend approval of an 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.

### § 7. Initial closing.

Upon issuance of the commitment, the applicant shall direct its attorney to prepare and submit the legal documentation (the "initial closing documents") required by the commitment within the time period specified. When the initial closing documents have been submitted and approved by the authority staff and all other requirements in the commitment have been satisfied, the authority shall execute and deliver to the applicant a contract to acquire the development; provided, however, that in the case of the acquisition of any existing development, the applicant shall convey the development to the authority at the initial closing, and the authority shall pay the purchase price therefor to the applicant, all in accordance with the terms of the commitment. Also at the initial closing, the initial closing documents (including, in the case of an existing development, a housing management agreement between the authority and the management agent proposed by the authority or, in the case of a development to be constructed, an agreement between the authority and such agent to enter into a housing management agreement at final closing) shall be, where required, executed and recorded, and the applicant will make any initial equity investment required by the commitment and the initial closing documents and will fund such other deposits, escrows and reserves as required by the commitment. If the authority is to provide construction financing for the development, the closing of the construction loan shall also be held at this time, the financing fee of 1.0% of the construction loan amount shall be paid to the authority, and the initial disbursement of construction loan proceeds will be made by the authority, if appropriate under the commitment and the initial closing documents. The actual interest rate on the construction loan shall be established by the executive director at initial closing and may thereafter be altered by the executive director in accordance with the authority's rules and regulations and the terms of the deed of trust note.

If a successor entity as described in § 9 hereof is to acquire an existing development, the sale and conveyance of such development and the making of any permanent mortgage loan to such entity by the authority, all as set

forth in § 9 hereof, shall be consummated at the initial closing.

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 and, prior to acquisition by the authority, completion, occupancy and operation of the 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 and latent construction defect 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.

### § 8. Construction.

The construction of the development shall be performed in accordance with the initial closing documents. The authority shall have the right to inspect the development as often as deemed necessary or appropriate by the authority to determine the progress of the work and compliance with the initial closing documents and to ascertain the propriety and validity of any construction loan disbursements requested by the mortgagor. Such inspections shall be made for the sole and exclusive benefit and protection of the authority. If the authority is providing construction financing, a disbursement of construction loan proceeds may only be made upon a determination by the authority that the terms and conditions of the initial closing documents with respect to any such disbursement have been satisfied; 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 by the authority 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.

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

The initial closing documents shall specify those requirements and conditions that must be satisfied in order for the development to be deemed to have attained final completion.

Prior to or concurrently with final closing, the applicant, the owner, the general contractor, the management agent and other members of the development team shall perform all acts and submit all contracts and documents required by the initial closing documents (including the contract to acquire the development) in order to attain final completion, obtain any federal insurance, subsidy or assistance and otherwise consummate the acquisition and the final closing. The owner shall deliver to the authority a fully executed deed conveying to the authority fee simple title to the

development in accordance with the contract and shall execute and deliver such other final closing documents as the authority may prescribe. The authority shall pay to the owner the purchase price specified in the contract to acquire the development. The management agreement shall be executed by the authority and the management agent at the final closing. If the authority had provided the construction loan, such loan shall be repaid in full at final closing.

Prior to or concurrently with final closing, the executive director shall, if authorized by the commitment, assign its interest in the contract to acquire the development to an entity (the "successor entity") formed by the authority, on its own behalf or in conjunction with other parties, pursuant to the Act. Any reference to the authority in these procedures, instructions and guidelines with respect to the conveyance to or the acquisition, ownership or operation by the authority of a development shall be deemed to refer also to any such successor entity of the authority. Such successor entity shall purchase the development at final closing and otherwise perform the obligations of the authority as purchaser under the contract. The applicant shall convey title to the development to such successor entity and shall perform all of its other obligations as seller under such contract. Furthermore, if authorized by the commitment, the authority shall at final closing provide to such successor entity a permanent mortgage loan secured by a first lien on the development in an amount equal to the acquisition cost of the development paid by the successor entity in accordance with the contract or such other amount as the authority may approve consistent with the Act, the authority's rules and regulations and these procedures, instructions and guidelines. The making of such permanent mortgage loan shall take place at final closing upon the execution, delivery and recordation of such documents. Such permanent loan shall bear such interest rate and shall be subject to such terms and conditions as the executive director shall prescribe pursuant to and in accordance with the commitment.

At the final closing, the authority shall determine in accordance with the initial closing documents any funds due the authority, the applicant, the owner, general contractor, the architect or other parties that the authority requires to be disbursed or paid as part of the final closing.

#### § 10. Construction loan and purchase price increases.

Prior to initial closing, the purchase price or the principal amount of any construction loan or both may be increased, if such an increase is justified by an increase in the estimated costs of the proposed development, is necessary or desirable to effect the successful construction of the proposed development, will not have a material adverse effect on the financial feasibility or proper operation and maintenance of the development or on the security of the authority's construction loan or ownership interest in the development, can be funded from available

proceeds of the authority's notes or bonds, and will not result in noncompliance with the provisions of the Act or the authority's rules and regulations or any of the provisions of these procedures, instructions and guidelines (including, without limitation, the criteria set forth in § 6 hereof). Any such increase shall be subject to such terms and conditions as the authority shall require.

Subsequent to initial closing, the authority will consider and, where appropriate, approve an increase in the purchase price or principal amount of the construction loan or both in the following instances:

1. Cost increases are incurred as the direct result of (i) changes in work required or requested by the authority or (ii) betterments to the development approved by the authority which will improve the quality or value of the development or will reduce the costs of operating or maintaining the development;
2. An 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 construction loan or its ownership interest to be acquired in the development; or
3. The authority has entered into an agreement with the mortgagor prior to initial closing to provide an increase if certain cost overruns occur, but only to the extent set forth in such agreement.

Any such increase in the construction loan or purchase price subsequent to initial 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, as applicable:

1. The ability of the authority to sell bonds to finance the increase in amounts, at rates and under terms and conditions satisfactory to the authority (applicable only to an increase to be financed from the proceeds of the authority's notes or bonds).
2. The obtaining by the owner of additional federal subsidy (if the development is to receive such subsidy) in amounts necessary to fund the additional debt service on the authority's notes and bonds to be paid as a result of any such increase in the purchase price, plus such additional amounts as the authority shall determine to be appropriate as compensation for its administrative costs and its risks as owner of the development. 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 increase in the purchase price will have no material adverse effect on the financial feasibility or proper operation and maintenance of the development or on the security of the authority's ownership interest to be acquired in the development.



# Proposed Regulations

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4. A determination by the authority that the construction loan, as increased, does not exceed such percentage of the estimated total development cost as is established in the resolution authorizing the construction loan, as applicable, 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 construction loan and its ownership interest to be acquired in the development, to comply with covenants and agreements with the holders of its bonds, if any, issued to finance the construction loan or the acquisition of the development, 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 purchase price or the principal amount of the construction loan at any time by an amount not to exceed 2.0% of the purchase price or the principal amount of the construction loan, respectively, as 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 § 10 shall impose any duty or obligation on the authority to increase any purchase price or the principal amount of any construction loan, as the decision as to whether to grant a purchase price or construction loan increase shall be within the sole and absolute discretion of the authority.

## § 11. Operation, management and marketing.

The authority shall establish the rents to be charged for dwelling units in the development. Units in the development shall only be leased to persons and families who are eligible for occupancy thereof as described in § 2 of these procedures, instructions and guidelines. The authority (or any successor entity acquiring the development pursuant to § 9 hereof) shall examine and determine the income and eligibility of applicants for their initial occupancy of the dwelling units of the development and shall reexamine and redetermine the income and eligibility of all occupants of such dwelling units every two years following such initial occupancy or at more frequent intervals at the option of the authority in accordance with § 8.3 of the authority's rules and regulations. The provisions of § 8.3 of the authority's rules and regulations shall govern any person or family occupying a dwelling unit of a development whose family's adjusted family income as determined by a periodic examination and redetermination as aforesaid then exceeds the maximum limit for occupancy of such dwelling unit applicable at the time of such reexamination and redetermination.

In addition to the eligibility requirements of the

authority, the executive director may establish occupancy criteria and priorities based on the following:

1. The age, family size, financial status, health conditions (including, without limitation, any handicaps or disabilities) and other circumstances of the applicants for the dwelling units;
2. The status and physical condition of the housing then occupied by such applicants; and
3. Any other factors or matters which the executive director deems relevant to the effectuation of the public purposes of the authority.

The authority (or any successor entity as described in § 9 hereof) shall develop a tenant selection plan for tenants eligible to occupy the development. In selecting eligible residents, the authority (or any such successor entity) shall comply with such occupancy criteria and priorities and with the tenant selection plan.

The executive director is authorized to prepare and from time to time revise a housing management handbook which shall set forth the authority's procedures and requirements with respect to the management of developments by management agents. Copies of the housing management handbook shall be available upon request.

The management of the development shall also be subject to a management agreement by and between the management agent and the authority (or any successor entity). Such management agreement shall govern the policies, practices and procedures relating to the management, marketing and operation of the development. The term of the management agreement shall be as prescribed by the executive director, and upon the expiration of such term the authority may renew or extend such management agreement or may contract with a different management agent on such terms and conditions as the executive director shall require. The development shall be managed in accordance with the Act, the authority's rules and regulations, the management agreement and the authority's housing management handbook, if applicable.

If any successor entity formed pursuant to § 9 hereof is not within the exclusive control of the authority, the executive director may require that such entity and the development owned by and mortgage loan made to such entity be subject to such of the provisions of the authority's procedures, instructions and guidelines for multi-family housing developments as he shall require to protect its security for the mortgage loan, to protect its interest in such entity and to fulfill its public purpose under the Act.

The proposed effective date of the foregoing procedures, instructions and guidelines for the acquisition of

multi-family housing developments shall be March 16, 1988.

## VIRGINIA BOARD OF OPTOMETRY

Title of Regulation: VR 510-01-1. Regulations of the Virginia Board of Optometry.

Statutory Authority: § 54-376 of the Code of Virginia.

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

### Summary:

*The proposed regulations increase the fees charged by the Board of Optometry for examination and licensure, and change the licensure renewal frequency from biennial to annual.*

VR 510-01-1. Regulations of the Virginia Board of Optometry.

### PART I. GENERAL PROVISIONS.

#### § 1.1. Public participation guidelines.

##### A. Mailing list.

The executive director of the board will maintain a list of persons and organizations who will be mailed the following documents as they become available.

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceedings", the subject of which is proposed or existing regulations.
3. Final regulation adopted.

##### B. Being placed on list: deletion.

Any person wishing to be placed on the mailing list may have their name added by writing the board. In addition, the board may, at its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation, in the formation or promulgation of regulations. Those on the list will be provided all information stated in subsection A. of this section. Those on the list may be periodically requested to indicate their desire to continue to receive documents or to be deleted from the list. When mail is returned as undeliverable, or when no timely response is forthcoming, they will be deleted from the list.

##### C. Notice of intent.

At least 30 days prior to publication of the notice of

intent, an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation and will address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar for inclusion in the Virginia Register of Regulations.

D. Information proceedings or public hearings for existing rules.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar for inclusion in the Virginia Register. Such proceeding may be held separately or in conjunction with other informational proceedings.

##### E. Petition for rulemaking.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received in a timely manner shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

##### F. Notice of formulation and adoption.

Prior to any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register.

##### G. Advisory committees.

The board may appoint advisory committees as it may deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption and review of regulations.

#### § 1.2. Applicants.

A. The applicant, in order to be qualified to be examined by the board for licensure to practice optometry in the Commonwealth, shall:

1. Be a graduate of a school of optometry approved by the Council on Optometric Education; have the registrar of the school provide an official transcript to the board;
2. File at least 30 days prior to the date of examination, on a form supplied by the board, a completed application which shall have affixed securely in the space provided, one recent passport-type photograph of himself, not less than 2

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1/2 by 2 1/2 inches in size;

3. Submit an official report from the National Board of Examiners in Optometry of the scores received on all parts of the examination of the National Board of Examiners in Optometry.

4. Submit the prescribed examination fee;

B. If any applicant withdraws from the examination at least 30 days prior to the examination date, all but the prescribed administrative fee will be refunded. If the applicant withdraws in 30 days or fewer prior to the examination date, only the licensure fee will be refunded. If an applicant is unsuccessful in passing the examination, the applicant shall receive upon request a refund of the licensure fee.

## § 1.3. Fees.

The following fees are required:

Examination fee .....	\$100	\$150
Initial Licensure Fee		
First Examination after Renewal .....	\$200	\$150
Second Examination after Renewal .....	\$150	\$75
Third Examination after Renewal .....	\$100	
Fourth Examination after Renewal .....	\$50	
Examination fee, certification to use diagnostic pharmaceutical agents .....	\$50	\$100
Licensure fee (renewed <del>biennially</del> annually) ..	\$200	\$150
Late fee .....	\$30	\$100
Administrative Fee .....	\$25	
Professional Designation Application Fee ...	\$100	\$200
Biennial Professional Designation Registration Fee .....	\$100/location	
Reinstatement fee .....	\$200	\$400

## PART II. EXAMINATIONS.

### § 2.1. Examinations.

A. For the purpose of § 54-380 of the Code of Virginia, the board adopts all parts of the examination of the National Board of Examiners in Optometry as its written examination for licensure. In addition, upon receiving a passing score on all parts of the examination of the

National Board of Examiners in Optometry, an applicant shall successfully complete a practical examination administered by the Virginia Board of Optometry.

B. A candidate may take or retake the practical examination upon payment of the prescribed fee. A candidate failing the practical examination shall retake the entire examination, except that a candidate who fails one section may retake the failed portion at the next administration of the examination only, upon payment of the examination fee. Otherwise the full examination shall be retaken.

## PART III. UNPROFESSIONAL CONDUCT.

### § 3.1. Unprofessional conduct.

It shall be deemed unprofessional conduct for any licensed optometrist in the Commonwealth to:

1. Fail to use in connection with the optometrist's name wherever it appears relating to the practice of optometry one of the following: the word "optometrist," the abbreviation "O.D.," or the words "doctor of optometry."
2. Practice optometry under a name other than the optometrist's own name, except to the extent authorized by § 4.1, "Professional Designations."
3. Fail to maintain records on each patient for not less than five years from the date of the most recent service rendered. Such records shall include, but not be limited to (i) all the examinations made of the patient; (ii) the results of such examinations; and (iii) all treatments and drugs used or procedures performed on, all materials dispensed to, and all prescriptions written for, the patient, and the name of the attending optometrist.
4. Fail to include the following information on a prescription for ophthalmic goods:
  - a. The printed name of the prescribing optometrist;
  - b. The address and telephone number at which the patient's records are maintained and the optometrist can be reached for consultation;
  - c. The name of the patient;
  - d. The signature of the optometrist;
  - e. The date of the examination, and, if appropriate, expiration date of the prescription;
  - f. Any special instructions.
5. Refuse to provide a written prescription for spectacle lenses upon the request of the patient once

all fees have been paid.

6. Refuse to provide a written prescription for contact lenses upon the request of the patient once all fees have been paid and the prescription has been established and the follow-up care completed. Follow-up care will be presumed to have been completed if there is no reappointment scheduled within 30 days after the last visit.

7. Advertise in a manner that is false, misleading, or deceptive. False, misleading and deceptive advertising shall include, but not be limited to, when the price of ophthalmic goods or services (or both) is advertised, to fail to state what goods and services the advertised price includes.

8. Administer any diagnostic pharmaceutical agents, specified in § 54-386.2 of the Code of Virginia, without certification of the Board of Optometry to use such agent.

9. Fail to post conspicuously in the entrance or reception area of the optometric office, a chart or directory listing the names of all optometrists practicing at that particular location.

10. Violate any provision of these regulations pertaining to professional designations.

## PART IV. PROFESSIONAL DESIGNATIONS.

### § 4.1. Professional designations.

A. An optometrist may practice in an office that uses any of the following professional designations, provided that the name of at least one licensed optometrist, associated with the office appears in conjunction with any advertisement or other use of that description:

1. The full name of the optometrist as it appears on his license and renewal certificate; or
2. The name of an optometrist who employs him and practices in the same office; or
3. A partnership name composed of some or all names of optometrists practicing in the same office; or
4. A fictitious name, if the conditions set forth in subsection B. of this section are fulfilled.

B. Optometrists licensed in this Commonwealth who practice as individuals, partnerships, associations, or other group practices may use a fictitious name for the optometric office in which they conduct their practices, provided the following conditions are met:

1. Each fictitious name shall be registered with the board by a licensed optometrist, who must be

associated with the optometric office and who shall assume responsibility for compliance with this section. Each fictitious name shall be approved by the board and a fee shall be paid as prescribed by board regulations prior to use of the name. Names which, in the judgment of the board, are false, misleading, or deceptive will be prohibited.

2. No licensed optometrist may, at any time, register to practice optometry under more than one fictitious name.

3. All advertisements, including but not limited to signs, printed advertisements, and letterheads, shall contain the following:

a. The name of at least one licensed optometrist associated with the optometric office who shall, in conjunction with the licensed optometrists referred to in paragraph 1 of this subsection, assume responsibility for the advertisement:

b. Lettering in which the name of the optometrist appears of at least half the size of the lettering in which the fictitious name appears.

4. No fictitious name may be used that does not contain the word "optometry" or reasonably recognizable derivatives thereof.

5. In the entrance or reception area of the optometric office, a chart or directory listing the names of all optometrists practicing at that particular location shall be kept at all times prominently and conspicuously displayed.

6. The names of all optometrists who practice under the fictitious name shall be maintained in the records of the optometric office for five years following their departure from the practice.

7. Subsequent to the administration of any optometric service, the optometrist of record shall place his name in the record of the patient following a description of the service rendered. If the treatment is rendered by an optometrist other than the optometrist of record, the name of that optometrist shall be placed in the record of the patient.

8. The name of the licensed optometrist providing care shall appear on the initial statement of charges and on the receipts given to patients.

9. No fictitious name may be used which contains the name of an inactive, retired, removed, or deceased optometrist, except that for a period of no more than one year from the date of succession to a practice, an optometrist may list the name of the inactive, retired, removed, or deceased optometrist, so long as he does so in conjunction with his own name, together with the words, "succeeded by," "succeeding," or

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"successor to."

## PART V. RENEWAL OF LICENSURE; REINSTATEMENT.

### § 5.1. Renewal fees.

A. Every person authorized by the board to practice optometry shall, on or before October 31 of every ~~even-numbered~~ year, pay to the executive director of the Board of Optometry the prescribed ~~biennial~~ *annual* licensure fee.

B. It shall be the duty and responsibility of each licensee to assure that the board has the licensee's current address. All notices required by law or by these rules and regulations are to be deemed to be validly tendered when mailed to the address given.

C. It shall be the duty of each person so licensed to return the renewal application with the prescribed fee prior to the expiration of their license. The license of every person who does not return the completed form and fee by October 31 of the ~~renewal~~ *each* year shall automatically become invalid. Upon expiration of the license, the executive director of the board shall notify the licensee of expiration and reinstatement procedures. The board shall reinstate the lapsed license, provided that the applicant can demonstrate continuing competence; that the applicant has satisfied requirements for continuing education during the lapsed period; and that the applicant has paid the prescribed late fees, all unpaid renewal fees from the time the license lapsed, and the prescribed reinstatement fee.

D. The board may, in its discretion, require an applicant who cannot satisfy the requirement of subsection C of § 5.1 of these regulations, to pass all parts of the examination of the National Board of Examiners in Optometry or the state practical examination, or both.

## PART VI. CONTINUING EDUCATION.

### § 6.1. Continuing education.

A. Each license renewal shall be conditioned upon submission of evidence to the board of *12 hours ( 24 hours for the October 31, 1988, renewal)* of continuing education taken by the applicant during the previous license period.

B. It shall be the responsibility of each licensee to submit evidence substantiating attendance of continuing education courses, as required by subsection A. of this section, no later than the last day of each license period.

C. The board will review courses for acceptability for purposes of continuing education requirements ~~upon~~ *upon* payment of a fee as prescribed by board regulations if the following information is provided:

1. The title of the course;
2. The sponsoring organization(s);
3. The name of the lecturer;
4. The qualifications of the lecturer;
5. An outline of the course's content;
6. The length of the course in clock hours;
7. The method of certification of attendance; and
8. Number of credit hours requested.

D. The titles of all courses approved by the board will be kept on a list maintained by the board. All courses approved by the board shall pertain directly to the care of the patient.

Courses excluded by the board shall include:

1. Courses which are designed to promote the sale of specific instruments or products;
2. Courses offering instruction on augmenting income; and
3. Courses which are neither advertised nor in fact available to all optometrists or any courses for which there is no independent assurance that no part of the educational session is devoted to the promotion of specific instruments, products, or marketing philosophies.

E. When the ~~biennial~~ *annual* license fee is submitted to the executive director of the board, the licensee shall enclose with it the required forms to indicate fulfillment of the continuing education requirements for the previous period. In the event such form, with proper substantiation, is not filed by October 31, the executive director of the board shall notify the licensee that their license has lapsed. The board may reinstate the license, upon showing of disability or undue hardship, or upon showing that the licensee has complied with the requirements of subsection B. of this section.

# 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.

## STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution (Parts V and VI).

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Effective Date: April 1, 1988

### Summary:

*The regulation amendments concern provisions covering documents incorporated by reference. The amendments update Appendix M which lists all of the nonstatutory documents (those other than federal and state laws and regulations) and the primary federal regulations incorporated by reference. This list includes the name, reference number and edition for each document. The edition is being updated to reflect the latest available. Also included for each document is the name and address of the organization from which it may be obtained. The amendments also update Rule 5-5 and Rule 6-1 which contain the list of federally promulgated New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) being incorporated by reference.*

*No substantive changes have been made to the regulations since they were proposed.*

VR 120-01. Regulations for the Control and Abatement of Air Pollution (Parts V and VI).

## PART V. ENVIRONMENTAL PROTECTION AGENCY STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (RULE 5-5)

### § 120-05-0501. General.

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR Part 60) designated in § 120-05-0502 are incorporated by reference into these regulations amended by the word or phrase substitutions given in § 120-05-0503. The complete text of the subparts in § 120-05-0502 incorporated herein by reference is contained in 40 CFR Part 60 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-05-0502 identify the specific provisions of the subpart incorporated by reference.

### § 120-05-0502. Designated standards of performance.

#### Subpart A - General Provisions.

40 CFR 60.1, 40 CFR 60.2, *40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, 40 CFR 60.13 thru 40 CFR 60.15, 40 CFR 60.18*

*(applicability, definitions, notification and record keeping performance tests, compliance, monitoring requirements, modification, and reconstruction, [ and ] general control device requirements)*

Subpart D - Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 thru 40 CFR 60.46

*(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)*

Subpart Da - Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a thru 40 CFR 60.49a

*(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)*

#### Subpart E - Incinerators.

40 CFR 60.50 thru 40 CFR 60.54

*(units of more than 50 tons per day charging rate)*

#### Subpart F - Portland Cement Plants.

40 CFR 60.60 thru 40 CFR 60.64

*(kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and*

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unloading systems)

## Subpart G - Nitric Acid Plants.

40 CFR 60.70 thru 40 CFR 60.74 (nitric acid production units)

## Subpart H - Sulfuric Acid Plants.

40 CFR 60.80 thru 40 CFR 60.85

(sulfuric acid production units)

## Subpart I - Asphalt Concrete Plants Hot Mix Asphalt Facilities.

40 CFR 60.90 thru 40 CFR 60.93

(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems)

## Subpart J - Petroleum Refineries.

40 CFR 60.100 thru 40 CFR 60.106

(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

## Subpart K - Storage Vessels for Petroleum Liquids Constructed after June 11, 1973 and Prior to May 19, 1978.

40 CFR 60.110 thru 40 CFR 60.113

(storage vessels with a capacity greater than 40,000 gallons)

## Subpart Ka - Storage Vessels for Petroleum Liquids Constructed after May 18, 1978.

(storage vessels with a capacity greater than 40,000 gallons)

## Subpart L - Secondary Lead Smelters.

40 CFR 60.120 thru 40 CFR 60.123

(pot furnances of more than 550 lb charging capacity, blast (cupola) furnaces and reverberatory furnaces)

## Subpart M - Secondary Brass and Bronze Ingot Production Plants.

40 CFR 60.130 thru 40 CFR 60.133

(reverberatory and electric furnaces of 2,205 lb or greater production capacity and blast (cupola) furnaces of 550 lb per hr or greater production capacity)

## Subpart N - Iron and Steel Plants Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973: Primary Emissions.

40 CFR 60.140 thru 40 CFR 60.144

(basic oxygen process furnace)

## Subpart Na - Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983: Secondary Emissions.

40 CFR 60.140a thru 40 CFR 60.145a

(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs.)

## Subpart O - Sewage Treatment Plants.

40 CFR 60.150 thru 40 CFR 60.154

(incinerators that combust wastes containing more than 10 percent sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2,205 lb per day municipal sewage sludge (dry basis))

## Subpart P - Primary Copper Smelters.

40 CFR 60.160 thru 40 CFR 60.166

(dryer, roaster, smelting furnace and copper converter)

## Subpart Q - Primary Zinc Smelters.

40 CFR 60.170 thru 40 CFR 60.176

(roaster and sintering machine)

## Subpart R - Primary Lead Smelters.

40 CFR 60.180 thru 40 CFR 60.186

(sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace and converter)

## Subpart S - Primary Aluminum Reduction Plants.

40 CFR 60.190 thru 40 CFR 60.195

(potroom groups and anode bake plants)

## Subpart T - Phosphate Fertilizer Industry: Wet-Process

## Phosphoric Acid Plants.

40 CFR 60.200 thru 40 CFR 60.204

(reactors, filters, evaporators and hotwells)

## Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 thru 40 CFR 60.214

(evaporators, hotwells, acid sumps and cooling tanks)

## Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 thru 40 CFR 60.224

(reactor, granulators, dryers, coolers, screens and mills)

## Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 thru 40 CFR 60.234

(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills and facilities which store run-of-pile triple superphosphate)

## Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 thru 40 CFR 60.244

(storage or curing piles, conveyors, elevators, screens and mills)

## Subpart Y - Coal Preparation Plants.

40 CFR 60.250 thru 40 CFR 60.254

(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems and coal transfer and loading systems)

## Subpart Z - Ferroalloy Production Facilities.

40 CFR 60.260 thru 40 CFR 60.266

(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA - Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983.

40 CFR 60.270 thru 40 CFR ~~60.275~~ 60.276

(electric arc furnaces and dust-handling equipment)

Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17 [ 7 17 ], 1983.

40 CFR 60.270a thru 40 CFR 60.276a

(facilities in steel plants that produce carbon, alloy, or specialty steels: electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems)

## Subpart BB - Kraft Pulp Mills.

40 CFR 60.280 thru 40 CFR 60.285

(digester system, brown stock washer system, multiple effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kilns, condensate stripper and kraft pulping operations)

## Subpart CC - Glass Manufacturing Plants.

40 CFR 60.290 thru 40 CFR 60.296

(glass melting furnace)

## Subpart DD - Grain Elevators.

40 CFR 60.300 thru 40 CFR 60.304

(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers and all grain handling operations)

## Subpart EE - Metal Furniture Surface Coating Operations.

40 CFR 60.310 thru 40 CFR 60.316

(metal furniture surface coating operations in which organic coatings are applied)

## Subpart FF - (Reserved)

## Subpart GG - Stationary Gas Turbines.

40 CFR 60.330 thru 40 CFR 60.335

(stationary gas turbines with a heat input at peak



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load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)

## Subpart HH - Lime Manufacturing Plants.

40 CFR 60.340 thru 40 CFR 60.344

(each rotary lime kiln)

## Subparts II thru JJ - (Reserved)

## Subpart KK - Lead-Acid Battery Manufacturing Plants.

40 CFR 60.370 thru 40 CFR 60.374

(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)

## Subpart LL - Metallic Mineral Processing Plants.

40 CFR 60.380 thru 40 CFR 60.386

(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)

## Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.

40 CFR 60.390 thru 40 CFR 60.397

(prime coat operations, guide coat operations, and top-coat operations)

## Subpart NN - Phosphate Rock Plants.

40 CFR 60.400 thru 40 CFR 60.404

(phosphate rock plants which have a maximum plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)

## Subpart OO - (Reserved)

## Subpart PP - Ammonium Sulfate Manufacture.

40 CFR 60.420 thru 40 CFR 60.424

(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)

## Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.

40 CFR 60.430 thru 40 CFR 60.435

(publication rotogravure printing presses, except proof presses)

## Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.

40 CFR 60.440 thru 40 CFR 60.447

(pressure sensitive tape and label material coating lines)

## Subpart SS - Industrial Surface Coating: Large Appliances.

40 CFR 60.450 thru 40 CFR 60.456

(surface coating operations in large appliance coating lines)

## Subpart TT - Metal Coil Surface Coating Operations.

40 CFR 60.460 thru 40 CFR 60.466

(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)

## Subpart UU - Asphalt Processing and Asphalt Roofing Manufacturing.

40 CFR 60.470 thru 40 CFR 60.474

(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)

## Subpart VV - Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60.480 thru 40 CFR 60.489

(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)

**Subpart WW - Beverage Can Surface Coating Industry.**

40 CFR 60.490 thru 40 CFR 60.496

(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)

**Subpart XX - Bulk Gasoline Terminals.**

40 CFR 60.500 thru 40 CFR 60.506

(total of all loading racks at a bulk gasoline terminal which deliver product into gasoline tank trucks)

**Subparts YY thru EEE - (Reserved)**

**Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.**

40 CFR 60.580 thru 40 CFR 60.585

(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

**Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.**

40 CFR 60.590 thru 40 CFR ~~60.590~~ 60.593

(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

**Subpart HHH - Synthetic Fiber Production Facilities**

40 CFR 60.600 thru 40 CFR 60.604

(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

**Subpart III - (Reserved)**

**Subpart JJJ - Petroleum Dry Cleaners.**

40 CFR 60.620 thru 40 CFR 60.625

(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds: petroleum solvent dry cleaning, dryers, washers, filters, stills, and settling tanks)

**Subpart KKK - Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.**

40 CFR 60.630 thru 40 CFR 60.636

(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart)

**Subpart LLL - Onshore Natural Gas Processing: Sulfur Dioxide Emissions.**

40 CFR 60.640 thru 40 CFR 60.648

(facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit)

**Subpart ~~LLL~~ thru ~~OOO~~ MMM thru NNN - (Reserved)**

**Subpart OOO - Nonmetallic Mineral Processing Plants.**

40 CFR 60.670 thru 40 CFR 60.676

(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

**Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.**

40 CFR 60.680 thru 40 CFR 60.685

(each rotary spin wool fiberglass insulation manufacturing line)

**Appendix A - Reference Methods.**

Method 1 - Sample and velocity traverses for stationary sources.

Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).

Method 2A - Direct measurement of gas volume through pipes and small ducts.

Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.

Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

Method 4 - Determination of moisture content in stack gases.

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Method 5 - Determination of particulate emissions from stationary sources.

Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.

Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.

Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.

Method 6 - Determination of sulfur dioxide emissions from stationary sources.

Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.

*Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).*

Method 7 - Determination of nitrogen oxide emissions from stationary sources.

Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.

Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method.

Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion colorimetric method.

*Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).*

Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

Method 9 - Visual determination of the opacity of emissions from stationary sources.

*Alternate Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.*

Method 10 - Determination of carbon monoxide emissions from stationary sources.

Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.

Method 12 - Determination of inorganic lead emissions from stationary sources.

Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

Method 13B - Determination of total fluoride emissions from stationary sources - specific ion electrode method.

Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.

Method 16A - Determination of total reduced sulfur emissions from stationary sources (impinger technique).

Method 17 - Determination of particulate emissions from stationary sources (instack filtration method).

Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.

Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates and electric utility steam generators.

Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.

Method 21 - Determination of volatile organic compounds leaks.

Method 22 - Visual determination of fugitive emissions from material processing sources and smoke emissions from flares.

Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

Method 24A - Determination of volatile matter content and density of printing inks and related coatings.

Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

## Appendix B - Performance specification.

Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

*Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.*

Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring system in stationary sources.

## Appendix C - Determination of Emission Rate Change.

### § 120-05-0503. Word or phrase substitutions.

In all the standards designated in § 120-05-0502 substitute:

- A. Owner or other person for owner or operator.
- B. Board for Administrator.
- C. Board for U.S. Environmental Protection Agency (except in references).
- D. § 120-05-03 for § 60.8.
- E. § 120-05-05 C of § 60.7(c).

PART VI  
ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL EMISSION STANDARDS FOR  
HAZARDOUS AIR POLLUTANTS (RULE 6-1).

### § 120-06-0101. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61) designated in § 120-06-0102 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in § 120-06-0103. The complete text of the subparts in § 120-06-0102 incorporated herein by reference is contained in 40 CFR Part 61 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-06-0102 identify the specific provisions of the subpart incorporated by reference.

### § 120-06-0102. Designated emission standards.

#### Subpart A - General Provisions.

40 CFR 61.01 thru 40 CFR 61.02 and 40 CFR 61.12 thru 40 CFR 61.15

(applicability, and definitions, compliance, emission tests, monitoring, modification)

#### Subpart B - Radon-222 Emissions from Underground Uranium Mines.

40 CFR 61.20 thru 40 CFR 61.28

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

#### Subpart C - Beryllium.

40 CFR 61.30 thru 40 CFR 61.34

#### Subpart D - Beryllium Rocket Motor Firing.

40 CFR 61.40 thru 40 CFR 61.44

#### Subpart E - Mercury.

40 CFR 61.50 thru 40 CFR 61.55

#### Subpart F - Vinyl Chloride.

40 CFR 61.60 thru 40 CFR 61.71

#### Subpart G - (Reserved)

#### Subpart H - Radionuclide Emissions From Department of Energy (DOE) Facilities.

40 CFR 61.90 thru 40 CFR 61.98

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

#### Subpart I - Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by Subpart

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- H.
- 40 CFR 61.100 thru 40 CFR 61.108
- (NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)
- Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.
- 40 CFR 61.110 thru 40 CFR 61.112
- Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.
- 40 CFR 61.120 thru 40 CFR 61.126
- (NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)
- Subpart L - (Reserved)
- Subpart M - Asbestos.
- 40 CFR 61.140 thru 40 CFR 61.156
- Subparts N thru U - (Reserved)
- Subpart V - Equipment Leaks (Fugitive Emission Sources).
- 40 CFR 61.240 thru 40 CFR 61.247
- Appendix B - Test Methods.
- Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.
- Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.
- Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.
- Method 103 - Beryllium screening method.
- Method 104 - Determination of beryllium emissions from stationary sources.
- Method 105 - Determination of mercury in wastewater treatment plant sewage sludges.
- Method 106 - Determination of vinyl chloride from stationary sources.
- Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.
- Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.
- Method 111 - Determination of polonium-210 emissions from stationary sources.
- (NOTE: Authority to enforce the above test method is being retained by EPA and it is not incorporated by reference into these regulations.)
- Appendix C - Quality assurance procedures.
- Procedure 1 - Determination of adequate chromatographic peak resolution.*
- Procedure 2 - Procedure for field auditing gas cylinder analysis.*
- § 120-06-0103 Word or phrase substitutions.
- In all of the standards designated in § 120-06-0102 substitute:
- A. Owner or other person for owner or operator.
  - B. Board for Administrator.
  - C. Board for U.S. Environmental Protection Agency (except in references).
  - D. Part VIII and § 120-06-05 A for §§ 61.05(a), 61.07 and 61.09.
  - E. § 120-06-03 for § 61.14.
- APPENDIX M.  
DOCUMENTS INCORPORATED BY REFERENCE.
- I. General.
- A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout these regulations, documents of the types specified below have been incorporated by reference.
1. United States Code.
  2. Code of Virginia.
  3. Code of Federal Regulations.
  4. Federal Register.
  5. Technical and scientific reference documents.

Additional information on key federal regulations and non-statutory documents incorporated by reference and their availability may be found in Section II.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR ~~(1985)~~ (1986) in effect ~~July 1, 1985~~ July 1, 1986. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR Part 35.20 means Section 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this appendix any document referenced in the regulations shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this appendix may be examined by the public at the headquarters office of the State Air Pollution Control Board, in Room 825, Ninth Street Office Building, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

## II. Specific documents.

### A. Code of Federal Regulations.

1. The provisions specified below from the Code of Federal Regulations (CFR) in effect as of ~~July 1, 1985~~ July 1, 1986 are incorporated herein by reference.

a. 40 CFR Part 40 - National Primary and Secondary Ambient Air Quality Standards.

(1) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(2) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(3) Appendix C - Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

(4) Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

(5) Appendix E - Reference Method for Determination of Hydrocarbons Corrected for Methane.

(6) Appendix F - Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase

Chemiluminescence).

(7) Appendix G - Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

(8) Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone.

b. 40 CFR Part 58 - Ambient Air Quality Surveillance.

Appendix B - Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring.

c. 40 CFR Part 60 - Standards of Performance for New Stationary Sources.

(1) Subpart A - General Provisions.

(a) § 60.1 - Applicability.

(b) § 60.2 - Definitions.

(c) § 60.7 - Notification and record keeping.

(d) § 60.8 - Performance tests.

(e) § 60.11 - Compliance with standards and maintenance requirements.

~~(f)~~ (f) § 60.13 - Monitoring requirements.

~~(g)~~ (g) § 60.14 - Modification.

~~(h)~~ (h) § 60.15 - Reconstruction.

(i) § 60.18 - General control device requirements.

(2) Subpart D - Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

(3) Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

(4) Subpart E - Standards of Performance for Incinerators.

(5) Subpart F - Standards of Performance for Portland Cement Plants.

(6) Subpart G - Standards of Performance for Nitric Acid Plants.

(7) Subpart H - Standards of Performance for Sulfuric Acid Plants.

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(8) Subpart I - Standards of Performance for ~~Asphalt Concrete Plants~~ *Hot Mix Asphalt Facilities* .

(9) Subpart J - Standards of Performance for Petroleum Refineries.

(10) Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After June 11, 1973 and Prior to May 19, 1978.

(11) Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After May 18, 1978.

(12) Subpart L - Standards of Performance for Secondary Lead Smelters.

(13) Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.

(14) Subpart N - ~~Standards of Performance for Iron and Steel Plants~~ *Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.*

(15) Subpart Na - *Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.*

~~(15)~~ (16) Subpart O - Standards of Performance for Sewage Treatment Plants.

~~(16)~~ (17) Subpart P - Standards of Performance for Primary Copper Smelters.

~~(17)~~ (18) Subpart Q - Standards of Performance for Primary Zinc Smelters.

~~(18)~~ (19) Subpart R - Standards of Performance for Primary Lead Smelters.

~~(19)~~ (20) Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.

~~(20)~~ (21) Subpart T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

~~(21)~~ (22) Subpart U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

~~(22)~~ (23) Subpart V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

~~(23)~~ (24) Subpart W - Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.

~~(24)~~ (25) Subpart X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

~~(25)~~ (26) Subpart Y - Standards of Performance for Coal Preparation Plants.

~~(26)~~ (27) Subpart Z - Standards of Performance for Ferroalloy Production Facilities.

~~(27)~~ (28) Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.

~~(28)~~ (29) Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.

~~(29)~~ (30) Subpart BB - Standards of Performance for Kraft Pulp Mills.

~~(30)~~ (31) Subpart CC - Standards of Performance for Glass Manufacturing Plants.

~~(31)~~ (32) Subpart DD - Standards of Performance for Grain Elevators.

~~(32)~~ (33) Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.

~~(33)~~ (34) Subpart GG - Standards of Performance for Stationary Gas Turbines.

~~(34)~~ (35) Subpart HH - Standards of Performance for Lime Manufacturing Plants.

~~(35)~~ (36) Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.

~~(36)~~ (37) Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.

~~(37)~~ (38) Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.

~~(38)~~ (39) Subpart NN - Standards of Performance for Phosphate Rock Plants.

~~(39)~~ (40) Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.

~~(40)~~ (41) Subpart QQ - Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

~~(41)~~ (42) Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

~~(42)~~ (43) Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.

~~(43)~~ (44) Subpart TT - Standards of Performance for Metal Coil Surface Coating.

~~(44)~~ (45) Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

~~(45)~~ (46) Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

~~(46)~~ (47) Subpart WW - Standards of Performance for the Beverage Can Surface Coating Industry.

~~(47)~~ (48) Subpart XX - Standards of Performance for Bulk Gasoline Terminals.

~~(48)~~ (49) Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

~~(49)~~ (50) Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

~~(50)~~ (51) Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.

~~(51)~~ (52) Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.

~~(52)~~ (53) Subpart KKK - Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

(54) Subpart LLL - Standards of Performance for Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

(55) Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.

~~(53)~~ (56) Subpart PPP - Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.

~~(54)~~ (57) Appendix A - Reference Methods.

(a) Method 1 - Sample and velocity traverses for stationary sources.

(b) Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).

(c) Method 2A - Direct measurement of gas volume through pipes and small ducts.

(d) Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.

(e) Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

~~(f)~~ Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

~~(g)~~ (g) Method 4 - Determination of moisture content in stack gases.

~~(g)~~ (h) Method 5 - Determination of particulate emissions from stationary sources.

~~(h)~~ (i) Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.

~~(i)~~ (j) Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.

~~(j)~~ (k) Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.

~~(k)~~ (l) Method 6 - Determination of sulfur dioxide emissions from stationary sources.

~~(l)~~ (m) Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

~~(m)~~ (n) Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.

(o) Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).

~~(n)~~ (p) Method 7 - Determination of nitrogen oxide emissions from stationary sources.

~~(o)~~ (q) Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.

~~(p)~~ (r) Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

~~(q)~~ (s) Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method.

~~(r)~~ (t) Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion chromatographic method.

(u) Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental)



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analyzer procedure).

~~(s)~~ (v) Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

~~(t)~~ (w) Method 9 - Visual determination of the opacity of emissions from stationary sources.

~~(x)~~ *Alternative Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.*

~~(u)~~ (y) Method 10 - Determination of carbon monoxide emissions from stationary sources.

~~(v)~~ (z) Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.

~~(w)~~ (aa) Method 12 - Determination of inorganic lead emissions from stationary sources.

~~(x)~~ (bb) Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

~~(y)~~ (cc) Method 13B - Determination of total fluoride emissions from stationary sources - specific ion electrode method.

~~(z)~~ (dd) Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

~~(aa)~~ (ee) Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

~~(bb)~~ (ff) Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.

~~(cc)~~ (gg) Method 16A - Determination of total reduced sulfur emissions from stationary sources (impinger technique).

~~(dd)~~ (hh) Method 17 - Determination of particulate emissions from stationary sources (in-stack filtration method).

~~(ee)~~ (ii) Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.

~~(ff)~~ (jj) Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates from electric utility steam generators.

~~(gg)~~ (kk) Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.

~~(hh)~~ (ll) Method 21 - Determination of volatile organic compounds leaks.

~~(ii)~~ (mm) Method 22 - Visual determination of fugitive emissions from material sources and smoke emissions from flares.

~~(jj)~~ (nn) Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

~~(kk)~~ (oo) Method 24A - Determination of volatile matter content and density of printing inks and related coatings.

~~(ll)~~ (pp) Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

~~(mm)~~ (qq) Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

~~(nn)~~ (rr) Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

~~(oo)~~ (ss) Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

~~(55)~~ (58) Appendix B - Performance Specifications.

(a) Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

(b) Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

(c) Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

(d) *Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.*

~~(d)~~ (e) Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring systems in stationary sources.

~~(56)~~ (59) Appendix C - Determination of Emission.

d. 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants.

(1) Subpart A - General Provisions.

- (a) § 61.01 - Applicability.
- (b) § 61.02 - Definitions.
- (c) [ § ~~60.12~~ § 61.12 ] - Compliance with standards and maintenance requirements.
- (d) [ § ~~60.13~~ § 61.13 ] - Emission tests and waiver of emission tests.
- (e) [ § ~~60.14~~ § 61.14 ] - Monitoring requirements.
- (f) [ § ~~60.15~~ § 61.15 ] - Modification.
- (2) Subpart C - National Emission Standard for Beryllium.
- (3) Subpart D - National Emission Standard for Beryllium Rocket Motor Firing.
- (4) Subpart E - National Emission Standard for Mercury.
- (5) Subpart F - National Emission Standard for Vinyl Chloride.
- (6) Subpart J - National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- (7) Subpart M - National Emission Standard for Asbestos.
- (8) Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
- (9) Appendix B - Test Methods.
  - (a) Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.
  - (b) Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.
  - (c) Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.
  - (d) Method 103 - Beryllium screening method.
  - (e) Method 104 - Determination of beryllium emissions from stationary sources.
  - (f) Method 105 - Determination of mercury in wastewater treatment plant sewage sludge.
  - (g) Method 106 - Determination of vinyl chloride from stationary sources.

(h) Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

(i) Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

(10) Appendix C - Quality Assurance Procedures.

(a) Procedure 1 - Determination of adequate chromatographic peak resolution.

(b) Procedure 2 - Procedure for field auditing GC analysis.

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

## B. U.S. Environmental Protection Agency.

1. The documents specified below from the U.S. Environmental Protection Agency are incorporated herein by reference.

a. Guideline on Air Quality Models (revised), EPA-450/2-78-027R, OAQPS No. 1.2-080, November 1984 July 1986 .

b. Workbook for Comparison of Air Quality Models, EPA-450/2-78-028a, OAQPS No. 1.2-097, PB202240, Appendices, EPA-450/2-78-028b, PB80-120108, OAQPS No. 1.2-097A, May 1978.

e. b. Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. 999-AP-13, PB190235, 1965.

2. Copies may be obtained from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650.

## C. U.S. government.

1. The following document from the U.S. government is incorporated herein by reference: Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-006 and 003-005-00176-0, respectively).

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

## D. American Society for Testing and Materials (ASTM).

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1. The documents specified below from the American Society for Testing and Materials are incorporated herein by reference.

a. D323-82, "Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

b. D97-66 (reapproved 1978), "Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

2. Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; phone (215) 299-5400.

## E. American Petroleum Institute (API).

1. The following document from the American Petroleum Institute is incorporated herein by reference: API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980.

2. Copies may be obtained from: American Petroleum Institute, 2101 L Street, Northwest, Washington, D.C. 20037; phone (202) 682-8000.

## F. American Conference of Governmental Industrial Hygienists (ACGIH).

1. The following document from the ACGIH is incorporated herein by reference: ACGIH Handbook - Threshold Limit Values ® for Chemical Substances in the Work Environment Adopted by ACGIH with Intended Changes for ~~1985-1986~~ 1986-1987 .

2. Copies may be obtained from: ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211; phone (513) 661-7881.

## G. National Fire Prevention Association (NFPA).

1. The documents specified below from the National Fire Prevention Association are incorporated herein by reference.

a. NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 Edition.

b. NFPA 30, Flammable and Combustible Liquids Code, 1984 Edition.

c. NFPA 30A, Automotive and Marine Service Station Code, 1984 Edition.

2. Copies may be obtained from the National Fire Prevention Association, Batterymarch Park, Quincy, Massachusetts 02269; phone (617) 770-3000.

## 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.

**Effective Date:** March 30, 1988

### Summary:

*These regulations were previously issued as emergency regulations. The final 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 final regulations have been revised in two major areas. First, the loan amount for a single project has been raised from \$2 million to \$2.5 million. Second, the cumulative ceiling on Literary Fund indebtedness for each school division has been increased from \$10 million to \$15 million.*

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 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 [ , except in the case of a documented emergency ].

### 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~~ \$2.5 million (effective for all applications approved by the board subsequent to the effective date of these regulations) ].

§ 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~~ \$50,000 ] (effective for all applications [ ~~not~~ ] approved by the board [ ~~as to form by March 1, 1987~~ subsequent to the effective date of these regulations ]). 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. [ Literary Fund loans in an amount between \$50,000 and \$100,000 shall be for a period of five 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

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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, as follows: ]

[ 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 [ \$10 \$15 ] 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 \$15 ] 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~~ 2 ] shall be eligible for funding only when the board certifies that all applications, current and anticipated [ ; with higher priorities in Priority 1 ] , and the applications to be added from Priority [ ~~3~~ and ~~Priority 4~~ , 2 ] 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~~ 2 ] 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.

application, and is obtainable from the department.

§ 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 [ , or where fee simple title, after sale or transfer, remains in either the school board or its governing body ].

## 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 March 23, 1987 ] 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

V.A. 008 1/76

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, is 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 thereof, is \$ \_\_\_\_\_

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

4. The total amount of the loan will not exceed the cost of the building, addition, or permanent improvement thereon, 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.

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)

At a meeting of the Board of Supervisors for the County of \_\_\_\_\_ or the Council for the City of \_\_\_\_\_, held in this said County or City on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Whereas, The School Board for the County of \_\_\_\_\_ or City of \_\_\_\_\_ on this \_\_\_\_\_ 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 \_\_\_\_\_ 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)

**ATTORNEYS 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 of \_\_\_\_\_, 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 for the Commonwealth for \_\_\_\_\_ Attorney, or \_\_\_\_\_ 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

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)



# Final 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

(3)

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 450-01-8801. Jail Island Clean Cull Area.

Statutory Authority: § 28.1-85 of the Code of Virginia.

Effective Date: February 8, 1988

Preamble:

This order amends VMRC order 82-8, promulgated on August 24, 1982, and made effective October 1, 1982, reducing the minimum oyster size limit within the Jail Island Clean Cull Area of the James River from three inches to 2-1/2 inches.

VR 450-01-8801. Jail Island Clean Cull Area.

§ 1. Authority, prior regulation, and effective date.

A. This order is promulgated pursuant to the authority contained in § 28.1-85 of the Code of Virginia.

B. Order 82-8 which establishes the Jail Island Clean Cull Area and a three inch minimum oyster size limit, is hereby amended.

C. The effective date of this order is February 8, 1988.

§ 2. Purpose.

The purpose of this order is to reduce the oyster minimum size limit from three inches to 2-1/2 inches. The order is promulgated at the request of the oyster industry in response to the high disease mortality occurring in the James River and the need to maintain current production levels while reducing harvest pressure in other areas.

§ 3. Minimum size.

The minimum size of oyster taken from the Jail Island Clean Cull Area shall be 2-1/2 inches.

/s/ William A. Pruitt  
Commissioner  
February 2, 1988

\*\*\*\*\*

Title of Regulation: VR 450-01-8802. Closed Public Oyster Season.

Statutory Authority: §§ 28.1-82 and 28.1-85 of the Code of Virginia.

Effective Date: April 1, 1988 through October 1, 1988

Preamble:

The following order of the Marine Resources Commission closes all public oyster rocks, grounds and shoals within certain designated areas of the state in order to promote and protect the oyster fishery.

VR 450-01-8802. Closed Public Oyster Season.

§ 1. Authority, and effective date.

A. This order is promulgated pursuant to the authority contained in §§ 28.1-82 and 28.1-85 of the Code of Virginia.

B. The effective date of this order is April 1, 1988.

§ 2. Purpose.

The purpose of this order is to close all public oyster grounds, rocks, and shoals in the "clean cull" areas of the state except the Jail Island clean cull area and all public oyster grounds, rocks, and shoals on the Seaside of Eastern Shore to the taking of oysters in order to conserve the resource and promote the growth of the oysters in these areas.

§ 3. Designated areas.

The following areas in the state, where public oyster rocks, grounds, and shoals are located are closed to the taking of oysters.

1. Seaside of Eastern Shore

2. All "clean cull" areas of the state, except the Jail Island clean cull area of the James River.

§ 4. Expiration date.

This order shall terminate on October 1, 1988.

/s/ William A. Pruitt  
Commissioner  
February 2, 1988

COMMONWEALTH TRANSPORTATION BOARD

Title of Regulation: VR 385-01-5. Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities.

Statutory Authority: §§ 33.1-12 and 33.1-13 of the Code of Virginia.

Effective Date: March 30, 1988

# Final Regulations

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**REGISTRAR'S NOTICE:** Due to its length, the Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities filed by the Commonwealth Transportation Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia a summary in lieu of full text is being published. The full text of the regulation is available for inspection at the offices of the Registrar of Regulations and the Department of Transportation.

Summary:

*The Virginia Department of Transportation, in conjunction with Virginia Polytechnic Institute and State University, has developed a handbook entitled "Hazardous Materials, Transportation Rules and Regulations at Virginia Bridge-Tunnel Facilities."*

*The purpose of this manual is to provide the current rules and regulations, including operating requirements, for the transport of hazardous materials through Virginia's Bridge-Tunnel facilities. The manual and its contents are consistent with the Commonwealth of Virginia's regulations and in conformance with Department of Transportation regulations as identified in the Code of Federal Regulations (Title 49).*

*Further, the manual provides interested parties with detailed and specific information concerning the regulations established by the Virginia Department of Transportation and the Chesapeake Bay Bridge-Tunnel District governing the transportation of hazardous materials, as well as a useful table (alphabetized) of hazardous materials transported through the Commonwealth, and the restrictions governing their transport.*

*No major changes were made to this document that would alter the basic meaning or intent of the regulation as proposed.*

# STATE CORPORATION COMMISSION

## STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 28, 1988

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI880081

Ex Parte, In re: Surety Bond  
Requirements for Credit Unions

### ORDER ADOPTING AMENDED REGULATION

ON THIS DAY came the Commissioner of Financial Institutions and reported to the Commission that on December 7, 1987 the Bureau, pursuant to delegated authority, gave written notice of a proposed amended Regulation IV-1, relating to surety bond requirements for credit unions, to all state chartered credit unions and certain other interested parties, which notice contained the content of and purpose for the proposed amended regulation and a direction that all comments and requests for hearing upon the proposed amended regulation be submitted to the Bureau on or before January 6, 1988; and the Commissioner further reported that no comments or requests for hearing were received, and recommended that the proposed amended regulation be adopted.

UPON CONSIDERATION of the foregoing and applicable law, the Commission finds that reasonable notice of the content of the proposed amended regulation has been given and an opportunity for hearing afforded, and further finds that the amended regulation should be adopted as proposed.

THEREFORE, IT IS ORDERED that amended Regulation IV-1, Surety Bond Amount Required, attached hereto and made a part of this order, is hereby adopted pursuant to Virginia Code § 6.1-211(2), and that former Regulation IV-1 is hereby rescinded, both effective immediately.

The Bureau shall mail a copy of this order to every Virginia State chartered credit union and to the Surety Association of America. This case shall be placed among the ended cases.

ATTESTED COPIES hereof shall be sent to: Office of the Attorney General, Division of Consumer Counsel, 101 North 8th Street, 5th Floor, Richmond, Virginia 23219; the Commissioner of Insurance; and the Commissioner of Financial Institutions.

\* \* \*

REGULATION IV-1

SURETY BOND AMOUNT REQUIRED

ADOPTED

Title 6.1, Chapter 4 - Credit Union Act

Reference: § 6.1-211(2) of the Code of Virginia

1. Every credit union incorporated and operating under the provisions of Chapter 4, Title 6.1 of the Code of Virginia shall obtain and keep in force a blanket surety bond upon all of its officials, committee members and employees in a surety company licensed to do business in Virginia in an amount of at least that shown in the following schedule based upon its total assets as shown by its latest statement of financial condition made to the Commission as of the end of each calendar year:

ASSETS	MINIMUM BOND
\$0 to \$10,000	Coverage equal to the credit union's assets.
\$10,001 to \$1,000,000	\$10,000 for each \$100,000 or fraction thereof.
\$1,000,001 to \$50,000,000	\$100,000 plus \$50,000 for each million or fraction over \$1,000,000.
\$50,000,001 to \$295,000,000	\$2,550,000 plus \$10,000 for each million or fraction thereof over \$50,000,000.
Over \$295,000,000	\$5,000,000.

2. The maximum amount of deductibles allowed are based on the credit union's total assets. The following table sets out the maximum deductibles:

ASSETS	MAXIMUM DEDUCTIBLE
\$0 - \$100,000	No deductibles allowed
\$100,001 - \$250,000	\$1,000
\$250,001 - \$1,000,000	\$2,000
Over \$1,000,000	\$2,000 plus 1/1000 of total assets up to a maximum deductible of \$200,000

FTRE

3. No bond obtained pursuant to this Regulation may be cancelled unless written notice thereof is given to the Commissioner of Financial Institutions at least thirty days prior to the effective date of such cancellation, and every such bond shall contain a provision to that effect.

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# GUBERNATORIAL OBJECTION AND RESPONSES

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## STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

Title of Regulation: VR 435-01-1. Regulations for the  
Certification and Licensure of Librarians.

Office of the Governor

February 17, 1988

Mr. David Hathcock  
Director  
Department of Commerce  
3600 West Broad Street  
Richmond, Virginia 23230-4917

RE: Proposed regulation VR 435-01-1.

Reference is made herein to the above captioned regulation for the certification and licensure of librarians as adopted by the Board for the Certification of Librarians on December 11, 1987.

I have reviewed the final regulation as adopted and determined that substantial changes were made to the proposed regulation.

Therefore, pursuant to the provisions of § 9-6.14:9.1C of the Code of Virginia, I hereby suspend the regulatory process for thirty days.

/s/ Gerald L. Baliles  
Governor

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# GOVERNOR

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## GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

### DEPARTMENT FOR THE VISUALLY HANDICAPPED

Title of Regulation: **VR 670-03-1. Regulations Governing Provision of Services in Vocational Rehabilitation.**

Governor's Comment:

I have no substantive objections to the proposed regulations. I am concerned, however, that the standards are not sufficiently clear to provide notice to affected entities of their anticipated impact. The Department should also attempt to ensure consistency, in appropriate circumstances, between these regulations and others defining the scope of the agency's services. Prior to my final approval of these standards, I expect the Department of Planning and Budget's recommendations on these issues to be fully considered to improve the clarity and specificity of these regulations.

/s/ Gerald L. Baliles  
February 2, 1988

\* \* \* \* \*

Title of Regulation: **VR 670-03-2. Regulations Governing Provision of Services for the Program for the Infants, Children, and Youth Program.**

Governor's Comment:

I have no substantive objections to the proposed regulations. I am concerned, however, that the standards are not sufficiently clear to provide notice to affected entities of their anticipated impact. The Department should also attempt to ensure consistency, in appropriate circumstances, between these regulations and others defining the scope of the agency's services. Prior to my final approval of these standards, I expect the Department of Planning and Budget's recommendations on these issues to be fully considered to improve the clarity and specificity of these regulations.

/s/ Gerald L. Baliles  
February 2, 1988

\* \* \* \* \*

Title of Regulation: **VR 670-03-3. Provision of Services in Rehabilitation Teaching.**

Governor's Comment:

I have no substantive objections to the proposed regulations. I am concerned, however, that the standards are not sufficiently clear to provide notice to affected entities of their anticipated impact. The Department should

also attempt to ensure consistency, in appropriate circumstances, between these regulations and others defining the scope of the agency's services. Prior to my final approval of these standards, I expect the Department of Planning and Budget's recommendations on these issues to be fully considered to improve the clarity and specificity of these regulations.

/s/ Gerald L. Baliles  
February 2, 1988

\* \* \* \* \*

Title of Regulation: **VR 670-03-4. Provision of Independent Living Rehabilitation Services.**

Governor's Comment:

I have no substantive objections to the proposed regulations. I am concerned, however, that the standards are not sufficiently clear to provide notice to affected entities of their anticipated impact. The Department should also attempt to ensure consistency, in appropriate circumstances, between these regulations and others defining the scope of the agency's services. Prior to my final approval of these standards, I expect the Department of Planning and Budget's recommendations on these issues to be fully considered to improve the clarity and specificity of these regulations.

/s/ Gerald L. Baliles  
February 2, 1988

\* \* \* \* \*

Title of Regulation: **VR 670-03-5. Supervision of Administrative Regulations Governing Intake and Social Services.**

Governor's Comment:

I have no substantive objections to the proposed regulations. I am concerned, however, that the standards are not sufficiently clear to provide notice to affected entities of their anticipated impact. The Department should also attempt to ensure consistency, in appropriate circumstances, between these regulations and others defining the scope of the agency's services. Prior to my final approval of these standards, I expect the Department of Planning and Budget's recommendations on these issues to be fully considered to improve the clarity and specificity of these regulations.

/s/ Gerald L. Baliles  
February 2, 1988

\* \* \* \* \*

Title of Regulation: **VR 670-03-6. Regulations Governing Deaf-Blind Services.**

# Governor

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Governor's Comment:

I have no substantive objections to the proposed regulations. I am concerned, however, that the standards are not sufficiently clear to provide notice to affected entities of their anticipated impact. The Department should also attempt to ensure consistency, in appropriate circumstances, between these regulations and others defining the scope of the agency's services. Prior to my final approval of these standards, I expect the Department of Planning and Budget's recommendations on these issues to be fully considered to improve the clarity and specificity of these regulations.

/s/ Gerald L. Baliles  
February 2, 1988

\* \* \* \* \*

**Title of Regulation: VR 670-03-7. Regulations Governing Low Vision.**

Governor's Comment:

I have no substantive objections to the proposed regulations. I am concerned, however, that the standards are not sufficiently clear to provide notice to affected entities of their anticipated impact. The Department should also attempt to ensure consistency, in appropriate circumstances, between these regulations and others defining the scope of the agency's services. Prior to my final approval of these standards, I expect the Department of Planning and Budget's recommendations on these issues to be fully considered to improve the clarity and specificity of these regulations.

/s/ Gerald L. Baliles  
February 2, 1988

## STATE WATER CONTROL BOARD

**Title of Regulation: VR 680-14-02. Policy for Nutrient Enriched Waters: Water Quality Standards.**

Governor's Comment:

This regulation designates the waters of the Commonwealth that are nutrient enriched and establishes a policy to control certain discharges of phosphorus from point sources affecting those waters designated as nutrient enriched waters. I recommend promulgation, pending public comments on the cost impact to locations.

/s/ Gerald L. Baliles  
February 8, 1988

# GENERAL NOTICES/ERRATA

## Symbol Key †

† Indicates entries since last publication of the Virginia Register

### ALCOHOLIC BEVERAGE CONTROL BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider promulgating, amending or repealing regulations entitled: **VR 125-01-1. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending and repealing the board's regulations.

#### NOTICE TO THE PUBLIC

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines for Adoption or Amendment of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on June 2, 1988 at 10 a.m. in its Hearing Room, First Floor, Alcoholic Beverage Control Board, Main Offices, 2901 Hermitage Road, City of Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board regulations. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs and/or savings to regulate entities, the public, or other incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than March 31, 1988.

B. The board will also be appointing an Ad Hoc Advisory Panel consisting of persons on its general mailing list who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will study requests for regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by March 31, 1988 requesting that their name be placed on the general mailing list.

C. Applicable laws or regulation (authority to adopt regulations): Sections 4-11, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103 and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, Part V, Board Regulations.

D. Entities affected: (i) all licensees (manufacturers, wholesalers, importers, retailers) and (ii) the general public.

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted until March 31, 1988.

Contact: Robert N. Swinson, Secretary to the Board, Alcoholic Beverage Control Board, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 367-0616 or SCATS 367-0616

### CHILD DAY-CARE COUNCIL

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Child Day-Care Council intends to consider promulgating regulations entitled: **Public Participation Guidelines.** The purpose of the proposed regulation is to establish written procedures to solicit input from "interested parties" prior to formation and drafting of the proposed regulations and during the formation, promulgation and final adoption process of the regulations. Public participation guidelines have been approved by the Governor on a temporary emergency basis and are in effect until November 29, 1988.

Statutory Authority: § 63-1.202 of the Code of Virginia.



# General Notices/Errata

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Written comments may be submitted until March 16, 1988.

**Contact:** Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 662-9025 or SCATS 662-9025

## 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 amending regulations entitled: **Board for Certification of Operators of Water and Wastewater Works**. The purpose of the proposed regulation is to clarify and simplify areas pertaining to experience, education and the examination process.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 1, 1988.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8534, toll-free 1-800-552-3016, or SCATS 367-8534

## DEPARTMENT OF CORRECTIONS (STATE BOARD OF) Division of Youth Services

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Corrections, Division of Youth Services intends to consider amending regulations entitled: **Rules and Regulations Governing Applications for Virginia Delinquency Prevention and Youth Development Act Grants**. The purpose of the proposed regulation is to provide regulations governing applications for Virginia Delinquency Prevention and Youth Development Act grants with respect to eligibility, developmental process, criteria for application review and funding, and the review process.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Written comments may be submitted until June 1, 1988.

**Contact:** Thomas J. Northern, III, Delinquency Prevention Specialist, Department of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 367-1633 or SCATS 367-1633

## VIRGINIA BOARD OF DENTISTRY

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Dentistry intends to consider promulgating new regulations and repeal existing regulations entitled: **Virginia Board of Dentistry Regulations**. The purpose of the proposed regulations is to (i) set standards for the administration of general anesthesia, conscious sedation and nitrous oxide oxygen inhalation analgesia; (ii) consider setting standards for restraint techniques; (iii) consider fee adjustments; (iv) consider setting standards for infectious disease control; (v) consider dental assistants posting radiation certification certificates; and (vi) review any new and existing regulations believed to be necessary by the public.

Statutory Authority: § 54-163 of the Code of Virginia.

Written comments may be submitted until April 10, 1988.

**Contact:** N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

## STATE BOARD OF HEALTH

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries**. The purpose of the proposed regulation is to continue regulations which prohibit the taking of specific finfish in designated portions of the James River and its tributaries. Continuation of the regulations is recommended for a one-year period (July 1, 1988 through June 30, 1989).

Statutory Authority: §§ 28.1-176, 28.1-177 and 32.1-248 of the Code of Virginia.

Written comments may be submitted until 5 p.m., May 2, 1988.

**Contact:** Robert B. Stroube, M.D., M.P.H., Deputy Commissioner for Community Health Services, Department of Health, Room 400, Richmond, Va. 23219, telephone (804) 786-3575 or SCATS 786-3575

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

### 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 promulgating regulations entitled: **Lock In and Lock Out Program**. The purpose of the proposed action is to promulgate as regulations the department's administrative requirements for the control of excessive and

inappropriate utilization of services.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until March 1, 1988, to Sharon A. Long, Supervisor, Recipient Monitoring Unit, Division of Health Services Review, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-6548.

**Contact:** Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

## 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 action is to establish baseline procedures to be performed by optometrists on patients during eye examinations, and is intended to help assure that members of the public receive adequate eye examinations.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until March 15, 1988.

**Contact:** Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

## DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Transportation intends to consider promulgating regulations entitled: **State Noise Abatement Policy**. The purpose of the proposed regulation is to implement a statewide noise abatement program for all new federal and nonfederal highway projects.

Statutory Authority: § 33.1-12 of the Code of Virginia.

Written comments may be submitted until May 27, 1988, to J.S. Hodge, Chief Engineer, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219.

**Contact:** A.C. Anday, Coordinator, Air, Noise & Energy, Department of Transportation, 1401 E. Broad St., Room 1111, Richmond, Va. 23219, telephone (804) 786-6556 or

SCATS 786-6556

## STATE WATER CONTROL BOARD

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-21-00, Water Quality Standards**. The purpose of the proposed regulation is to amend Special Condition b, Potomac Embayment Standards, Section VR 680-21-07.1 of the Water Quality Standards.

Amendments to special condition (b) may impact the National Pollutant Discharge Elimination System Permits for the Lower Potomac, Little Hunting Creek, Aquia, Lorton, Harbor View and Quantico Marine Corps Mainside sewage treatment plants.

Applicable laws and regulations include the Clean Water Act, State Water Control Law, Water Quality Standards, Regulation No. 6 - National Pollutant Discharge Elimination System Permits.

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

Written comments may be submitted until 4 p.m., March 14, 1988.

**Contact:** Jean Gregory, Water Resources Ecology Supervisor, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6985 or SCATS 367-6985

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed**. The purpose of the proposed action is to amend the policy to incorporate recommendations of recent technical studies, as well as to make the policy consistent with current state water quality goals, regulations and operating policies.

The communities potentially impacted include the Town of Leesburg, Loudoun County, and Fairfax County. The policy goals would remain unchanged, but wastewater treatment requirements would be based on technically-verified water quality requirements. The result of such a change would significantly reduce capital and operating costs for those jurisdictions operating wastewater treatment plants in the watershed. Water quality standards would continue to be met and drinking water supply operations would be unaffected.

Applicable laws and regulations include the Federal Clean Water Act, State Water Control Law, Water Quality

# General Notices/Errata

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Standards, and Regulation No. 6 - National Pollutant Discharge Elimination System Permit Program. For copies or inspection of these materials, please contact Stephen Hogye at the address below.

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

Written comments may be submitted until 4 p.m., March 14, 1988.

**Contact:** Stephen Hogye, Northern Regional Office, State Water Control Board, 5515 Cherokee Avenue, Suite 404, Alexandria, Va. 22312, telephone (703) 750-9111

## Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Richmond-Crater Water Quality Management Plan**. The purpose of the proposed action is to amend the Richmond-Crater Water Quality Management Plan by adding ammonia and ortho-phosphorus limits for existing and proposed discharges and adding limits for the City of Petersburg sewage treatment plant.

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

Written comments may be submitted until 4 p.m., February 29, 1988.

**Contact:** Thomas D. Modena, Supervisor, Water Resources, Development, State Water Control Board, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-1006

## GENERAL NOTICES

### 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

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 Procedure Manual may also be obtained from Jane Chaffin at the above address.

\* \* \* \* \*

The following form is to be used when transmitting proposed regulations to the Department of Planning and Budget and is available from that department.

FORM:

DPBRR09

## ERRATA

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-01-03. Virginia Horse Breeder Incentive Program.

Publication: 4:8 VA.R. 643-645 January 18, 1988

Correction:

Page 643, § 2, midway through the second sentence, the word "matching" is misspelled.

### STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Title of Regulation: VR 130-01-2. Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.

Publication: 4:8 VA.R. 645-663 January 18, 1988

Correction:

Page 646, § 1.3, should read: Expiration, renewal and fees of licenses.

Page 649, § 1.12 B.4, should read: Application of the seal and signature indicates acceptance of responsibility for work shown thereon.

Page 653, Table I. Requirements for Architectural Licensure; this table consists of four pages. As printed, pages 3 and 4 were interchanged, and should be reversed.

Page 654, § 3.4. References for professional engineering examination; should read: To be eligible for admission to the principles and practice of the engineering examination....

Page 654, § 3.6. Engineering intern status; should read: The education or experience, or both, and examination requirements for engineering intern status [ *are as follows* ]:

Page 656, § 4.1 Fees; B should read: B. Applicants approved to sit for an examination shall register for the examination....

Page 659, § 4.14. Monumentation; A should read: A. Each boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners ..... appropriate reference markers shall be set, preferably on line,....

# CALENDAR OF EVENTS

## 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

### VIRGINIA AGRICULTURAL COUNCIL

† May 16, 1988 - 9 a.m. - Open Meeting  
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston, Virginia

A meeting to (i) review progress reports on approved funded research projects; (ii) hear any new project proposals which are properly supported by the Board of Directors of a commodity group; and (iii) any other business that may come before the members of the council.

Contact: Henry H. Budd, Assistant Secretary, Washington Bldg., 1100 Bank St., Room 203, Richmond, Va. 23219, telephone (804) 786-2373

### ALCOHOLIC BEVERAGE CONTROL BOARD

March 8, 1988 - 9:30 a.m. - Open Meeting  
March 22, 1988 - 9:30 a.m. - Open Meeting  
April 5, 1988 - 9:30 a.m. - Open Meeting  
April 19, 1988 - 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) 367-0617

### STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

† March 11, 1988 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) approve minutes of December 10, 1987; (ii) review disciplinary cases; and (iii) review correspondence.

### Virginia State Board of Land Surveyors

† March 10, 1988 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) approve minutes of February 5, 1988; (ii) review applications; and (iii) consider enforcement cases.

Contact: Bonnie S. Salzman, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8512, toll-free 1-800-552-3016 or SCATS 367-8512

### ARLINGTON COUNTY/CITY OF FALLS CHURCH LOCAL EMERGENCY PLANNING COMMITTEE

† March 9, 1988 - 3:30 p.m. - Open Meeting  
Arlington County Court House, 1400 North Courthouse Road, Room 202, Arlington, Virginia. ☒

An organization meeting, appointment of chairperson and other business.

Contact: Thomas M. Hawkins, Jr., Fire Chief, 1020 N. Hudson St., Arlington, Va. 22201-2186, telephone (703) 558-2485

### AUCTIONEERS BOARD

May 3, 1988 - 10 a.m. - Open Meeting  
Roanoke City Circuit Court, 315 W. Church Avenue, Roanoke, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Auctioneers Board v. Earl Frith.

Contact: Sylvia Bryant, Hearings Coordinator, Department

of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

## STATE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

† **March 16, 1988 - 10 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

An open board meeting to (i) conduct affairs of the board; (ii) discuss revenue and expenditures; (iii) sign certificates; and (iv) conduct orientation from members of the staff at Health Regulatory Boards, etc.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

## AUDITOR OF PUBLIC ACCOUNTS

**March 23, 1988 - 9 a.m.** – Public Hearing  
Roanoke City Council Chambers, City Hall, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Auditor of Public Accounts intends to amend regulations entitled: **VR 160-01-01. Specifications for Audit.** The purpose of the proposed action is to establish policies and procedures of the Auditor of Public Accounts related to the review of audits of local political subdivisions performed by independent Certified Public Accountants.

Statutory Authority: §§ 2.1-164 and 15.1-167 of the Code of Virginia.

Written comments may be submitted until April 15, 1988.

**Contact:** Cynthia J. Hartley, Director, Systems and Quality Control, P. O. Box 1295, Richmond, Va. 23210, telephone (804) 225-3350

## BOARD OF BARBER EXAMINERS

**March 7, 1988 - 9 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A meeting to (i) review regulations; (ii) review correspondence; and (iii) review enforcement cases.

**Contact:** Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016

## VIRGINIA BOATING ADVISORY BOARD

† **April 7, 1988 - 10 a.m.** – Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

Review of and action on issues, legislation and regulations affecting Virginia's recreational boating public.

**Contact:** Wayland W. Rennie, Chairman, 8411 Patterson Ave., Richmond, Va. 23229, telephone (804) 740-7206

## GOVERNOR'S ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

**March 4, 1988 - 10 a.m.** – Open Meeting  
Koger Building, Koger Executive Center, Room 124, Richmond, Virginia. ☒

A regular quarterly meeting.

**Contact:** D. Ray Sirry, Division Director, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9308

## CHILD DAY-CARE COUNCIL

† **March 10, 1988 - 8:30 a.m.** – Open Meeting  
Koger Executive Center, 8007 Discovery Drive, Blair Building, Conference Rooms A & B, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers. During the morning, council members will meet in subcommittees to discuss ways to revise standards and regulations of child care centers. The contingency snow date is March 18, 1988.

**Contact:** Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

## BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

† **April 8, 1988 - 10 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

An open board meeting to (i) conduct affairs of the board; (ii) discuss revenue and expenditures; (iii) conduct regulatory review; and (iv) conduct review of complaints.

**Contact:** Geralde W. Morgan, Assistant Director,

# Calendar of Events

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Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

## STATE BOARD FOR COMMUNITY COLLEGES

† **March 16, 1988 - 1 p.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☐

A working session. The state board committees will meet at 3 p.m. following the working session.

† **March 17, 1988 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Board Room, 15th Floor, Richmond, Virginia. ☐

A meeting of the board. The agenda is unavailable.

Contact: Joy Graham, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Virginia Soil and Water Conservation Board

**March 17, 1988 - 9 a.m.** – Open Meeting  
203 Governor Street, Division Conference Room, Richmond, Virginia. ☐

A regular bi-monthly business meeting.

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

## STATE BOARD FOR CONTRACTORS

**March 16, 1988 - 10 a.m.** – Open Meeting  
Massey Building, 4100 Chain Bridge Road, Board of Supervisors Conference Room, Fairfax, Virginia

The board will meet to conduct a formal administrative hearing: State Board for Contractors v. Herbert Rose.

Contact: Sylvia Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

## STATE BOARD OF CORRECTIONS

**March 16, 1988 - 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) 367-6274

## VIRGINIA BOARD OF DENTISTRY

**March 5, 1988 - 9 a.m.** – Open Meeting  
**March 6, 1988 - 7:30 a.m.** – Open Meeting  
Koger Center, 1601 Rolling Hills Drive, Surry Building, Richmond, Virginia. ☐

The board will conduct the following committee meetings:

Executive Committee  
Test Implementation Committee  
Anesthesia Committee  
Regulation Implementation Committee

Also, the board will discuss the results of the Public Informational Hearing held December 5, 1987, regarding regulations.

† **April 15, 1988 - 8:30 a.m.** – Open Meeting  
† **April 16, 1988 - 8:30 a.m.** – Open Meeting  
† **April 17, 1988 - 8:30 a.m.** – Open Meeting  
Cascades Conference Center, Williamsburg, Virginia

The Virginia Board of Dentistry meeting will cover (i) general board business; (ii) officer's reports; (iii) disciplinary hearings; and (iv) proposed regulations.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

## STATE BOARD OF EDUCATION

**March 17, 1988 - 9 a.m.** – Open Meeting  
**March 18, 1988 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☐

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 requested.

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

## DEPARTMENT OF EDUCATION

† **March 15, 1988 - 7 p.m.** – Public Hearing

Lake Taylor High School, 1384 Kempsville Road, Norfolk, Virginia

† **March 15, 1988 - 7 p.m.** — Public Hearing  
Henrico High School, 302 Azalea Avenue, Richmond, Virginia

† **March 15, 1988 - 7 p.m.** — Public Hearing  
Marshall High School, 7731 Leesburg Pike, Falls Church, Virginia

† **March 15, 1988 - 7 p.m.** — Public Hearing  
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

Pursuant to § 22.1-16 of the Code of Virginia and 34 CFR 99.1-99; 20 USC 1232 et seq., the Management of Student's Scholastic Record is being amended. A public hearing will be held in order that all persons will be offered full opportunity to present testimony concerning the record.

**Contact:** Kathe Klare, Supervisor, Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2887, toll-free 1-800-422-2083, SCATS 225-2887 or 1-800-422-1098/TDD ☎

† **March 17, 1988 - 3 p.m.** — Public Hearing  
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☎ (Interpreter for deaf provided if requested)

Pursuant to § 22.1-209.2 of the Code of Virginia, the Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia currently being amended are further amended to include regulations for education programs in regional and local juvenile detention homes. A public hearing will be held in order that all persons will be afforded full opportunity to present testimony concerning the regulations for education programs in regional and local detention homes.

**Contact:** Nancy W. Haynes, Supervisor, Institutional and Related Services, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2883, toll-free 1-800-422-2083, SCATS 225-2883 or 1-800-422-1098/TDD ☎

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**March 17, 1988 - 3 p.m.** — Public Hearing  
James Monroe Building, 101 North 14th Street, 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 adopt regulations entitled: **Regulations Governing Criteria to Identify Toxic Art Materials; Labeling; Use in Elementary Grades**

**Prohibited.** The proposed criteria will be used by the Department of Education to evaluate all art materials used in schools and identify those which are toxic. All materials used in the public schools which meet the criteria as toxic will be so labeled and the use of such art materials will be prohibited in the elementary grades.

Statutory Authority: § 22.1-274.1 of the Code of Virginia.

Written comments may be submitted until March 21, 1988.

**Contact:** Cheryle C. Gardner, Supervisor of Art, Fine Arts Service, Department of Education, P. O. Box 6-Q, Richmond, Va. 23216, telephone (804) 225-2053

## LOCAL EMERGENCY PLANNING COMMITTEE

**April 6, 1988 - 10 a.m.** — Open Meeting  
Mount Rogers Planning District Commission's Conference Room, 1021 Terrace Drive, Marion, Virginia. ☎

A meeting to update committee and review the plan to date.

**Contact:** Mt. Rogers Planning District Commission, 1021 Terrace Dr., Marion, Va. 24354, telephone (703) 783-5103

## VIRGINIA FIRE SERVICES BOARD

**March 3, 1988 - 1 p.m.** — Open Meeting  
James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ☎

Fire Services Board committee meetings to discuss fire training and fire policies. The committee meetings are open to the public for their input.

**March 4, 1988 - 9 a.m.** — Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Room D, 1st Floor, Richmond, Virginia. ☎

A business meeting to discuss fire training and fire policies. The meeting is open to the public for their input.

**Contact:** Anne J. Bales, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2681

## VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**March 8, 1988 - 10 a.m.** — Open Meeting  
**March 9, 1988 - 10 a.m.** — Open Meeting  
**March 10, 1988 - 9 a.m.** — Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia



# Calendar of Events

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Tuesday, March 8, 1988 - Informal Conferences. Examinations may be given.

Wednesday, March 9, 1988 - Formal administrative hearings.

Thursday, March 10, 1988 - A general board meeting. Proposed regulations may be discussed.

**Contact:** Mark L. Forberg, Executive Secretary, -1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907 or toll-free 1-800-533-1560

## BOARD OF GAME AND INLAND FISHERIES

† **March 25, 1988 - 9:30 a.m.** - Open Meeting  
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia. ☐

A meeting of the board to (i) act on a proposed amendment to VR 325-02-11.1 pertaining to closed season on mountain lions; (ii) consider regulation proposals relative to local legislative acts repealed by the 1987 General Assembly; (iii) discuss matters concerning Smith Mountain Lake; (iv) give committee reports; and (v) consider general administrative matters.

**Contact:** Norma G. Adams, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 367-1000, toll-free 1-800-237-5712 (hotline) or SCATS 367-1000

## DEPARTMENT OF GENERAL SERVICES

### State Insurance Advisory Board

**NOTE: CHANGE OF DATE OF MEETING**  
**March 18, 1988 - 9:30 a.m.** - Open Meeting  
Department of General Services, Ninth Street Office Building, 9th and Grace Streets, Room 209, Director's Conference Room, Richmond, Virginia. ☐

A quarterly meeting.

**Contact:** Charles F. Scott, Director, Department of General Services, Division of Risk Management, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4619

## STATE BOARD OF HEALTH

† **May 2, 1988 - 10 a.m.** - Public Hearing  
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: VR 355-22-1.1.

**Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.** These regulations prohibit the removal, for the purpose of sale, of specific finfish from designated areas of the James River and its tributaries.

## STATEMENT

**Basis and authority:** Chapter 7, Title 28.1 authorizes the State Health Commissioner to limit or set boundaries on taking shellfish, finfish, or crustacea where pollution conditions render these products unfit for market. Also, he may establish standards by which fish, shellfish, and crabmeat are deemed sanitary and fit to market. The State Board of Health, § 32.1-248 of Title 32.1, is authorized to adopt regulations closing any river in which a toxic substance is present in such a manner as to constitute a present threat to public health, and to amend said regulations without application of the Administrative Process Act, where the threat has been abated in part.

**Purpose:** The State Board of Health and State Health Commissioner promulgate these amended regulations, at this time, to extend (for one year, July 1, 1988 through June 30, 1989) the restrictions on taking, distribution, and consumption of finfish from designated portions of the James River and its tributaries. The original contaminant levels in specified finfish species, which were above the action level for Kepone (a toxic pesticide), were found to constitute a threat to public health. At this time, it is evident and recognized that the mean levels of Kepone in these finfish have been consistently decreasing, and are currently below the 0.3 parts per million (ppm) action level. Based on these chronological developments and the continued monitoring of currently-restricted species, this proposed amendment may be rescinded, following intensive and ongoing scientific/public health scrutiny.

**Summary and analysis:** By this Amendment 3, recreational finfishing and crabbing continues without restriction in all portions of the James River and its tributaries. As in the previous regulations, commercial fishing for Striped Bass, Croaker, and American Eel not deperated is prohibited throughout the effective period of this amendment. Also, commercial finfishing for Grey Trout and Bluefish is restricted between July 1, and December 31, 1988.

Unless specifically restricted, all other finfish may be taken commercially and marketed.

**Impact:** The amendment continues the Kepone ban on the James River, for one year, as it has existed for the past two years under Amendment 2.

Limitations on Striped Bass and Croaker constitute a continuing economic impact on the industry. An estimated 200 working watermen are affected by the fishing limitations of this amended ban.

Monitoring costs to the Commonwealth will be

approximately \$150,000 during the effective period. No adverse impact to local government is anticipated from this amendment.

Statutory Authority: §§ 28.1-176, 28.1-177 and 32.1-248 of the Code of Virginia.

Written comments may be submitted until May 2, 1988.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Health Commissioner, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3575

**VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL**

† March 16, 1988 - 9 a.m. - Open Meeting  
Fort Magruder Inn and Conference Center, Williamsburg, Virginia. ☒

A regular business meeting.

Contact: Raymond O. Perry, M.P.H., Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6970

**COUNCIL ON HEALTH REGULATORY BOARDS**

**Compliance and Discipline Committee**

† February 29, 1988 - 11 a.m. - Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

A meeting to review a proposed workplan for the Council on Health Regulatory Boards' evaluation of the health professional regulatory enforcement system.

† March 10, 1988 - 11 a.m. - Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

A meeting to review a final draft and approve the workplan for the evaluation.

Contact: Richard D. Morrison, Executive Director, Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9904

**HOPEWELL INDUSTRIAL SAFETY COUNCIL**

March 1, 1988 - 9 a.m. - Open Meeting  
† April 5, 1988 - 9 a.m. - Open Meeting  
† May 3, 1988 - 9 a.m. - Open Meeting  
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, City of Hopewell, 300 N. Main St., Hopewell, Va. 23860, telephone (804) 541-2298

**VIRGINIA HOUSING DEVELOPMENT AUTHORITY**

† March 15, 1988 - 10 a.m. - Open Meeting  
13 South 13th Street, Richmond, Virginia. ☒

A regular monthly meeting 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; and (iv) consider such other matters and take such other actions as it 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

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† March 11, 1988 - 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. The purpose of this action is to establish a program for acquisition, ownership and operation by the authority (or related entity) of multi-family housing developments for low and moderate income persons and families and, in some cases, for construction or permanent financing of such developments.

**STATEMENT**

Purpose: To establish a program for the acquisition, ownership and operation by the authority, or by any entity formed by the authority, on its own behalf or in conjunction with other parties, of multi-family housing developments intended for occupancy by persons of low and moderate income and to permit the authority to provide financing both for the construction of such developments prior to their acquisition by the authority as well as for the acquisition of such developments by entities formed by the authority.

Subject, substance and issues: The 1987 General Assembly added to the Virginia Housing Development Authority Act § 36-55.33:2 of the Code of Virginia in order to permit the authority, or an entity formed by the authority, to acquire,

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develop, own and operate multi-family housing developments intended for occupancy by low and moderate income persons.

The proposed amendments to the authority's rules and regulations implement the legislative amendment by establishing a program for the acquisition, development, ownership and operation of developments by the authority (or related entity) and the making of loans by the authority to finance the construction of such developments prior to their acquisition by the authority (or related entity). They include provisions relative to the terms and conditions of such acquisitions and construction loans, the application and review process for proposals for acquisitions and construction loans, the selection of tenants and the income limits applicable thereto, the operation of the developments and the acquisitions of developments by entities formed by the authority, including a provision permitting the authority to make permanent mortgage loans to such entities to finance their acquisitions of developments.

**Impact:** The authority expects that the proposed regulations will enable the authority, or a related entity, to annually acquire and develop approximately 1,000 units of multi-family residential rental housing which will serve 1,000 persons or families of low and moderate income.

The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed amendments.

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

Written comments may be submitted until March 11, 1988.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

\* \* \* \* \*

† **March 11, 1988** – 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 400-02-0003. Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income.** The purpose of this action is to make certain adjustments in the maximum allowable sales prices and maximum allowable gross incomes, to make corrections to the provisions concerning the net worth of loan applicants and the payment of discount points and to make certain other clarifying or administrative changes.

## STATEMENT

**Subject, substance and issues:** Under the current provisions of the authority's procedures, instructions and guidelines for single family mortgage loans to persons and families of low and moderate income, the Commonwealth is divided into five separate areas, and there are maximum allowable sales prices and maximum allowable gross family income figures established for all five of those areas. In order to better reflect the differences in sales prices and incomes within those five areas, the proposed regulations will further subdivide three of them to create a total of 10 separate areas of the Commonwealth. Furthermore, in order to reflect the increased housing costs in certain areas of the Commonwealth, the proposed regulations will make increases in the maximum allowable sales prices for those areas. Similarly, to reflect the increased incomes of low and moderate income persons and families in certain of these areas, the proposed regulations will make increases in the maximum allowable gross family income figures for those areas. The proposed regulations also amend the current procedures, instructions and guidelines for single family mortgage loans to persons and families of low and moderate income by (i) deleting a requirement that the authority's PDS agents initial a certain checklist of federal tax law requirements for each loan, (ii) correcting the provision concerning the net worth of loan applicants by deleting the concept of adjusted income (since all loans reserved or submitted for approval for assumption since August 10, 1987, are being underwritten based on the applicant's annual gross family income), (iii) clarifying the authority's policy that even though closing fees and mortgage insurance premiums may be financed by the authority's maximum allowable sales price limit (as in the case of a VA-guaranteed loan), (iv) correcting the provision concerning discount points to require the PDS agents to remit such points to the authority, and (v) clarifying that manufactured homes may only be financed by the authority if they are insured by FHA.

**Impact:** The authority expects that the proposed regulations will enable approximately 500 additional persons and families of low and moderate income to meet the authority's eligibility requirements for applicants for mortgage loans and will enable approximately 500 additional dwelling units to meet the authority's eligibility requirements for property to be financed by such loans.

The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed procedures.

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

Written comments may be submitted until March 11, 1988.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

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† March 11, 1988 – 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 regulations entitled: **VR 400-02-0014. Procedures, Instructions and Guidelines for the Acquisition of Multi-Family Housing Developments.** The purpose of these regulations is to establish a program for acquisition, ownership and operation by the authority (or a related entity) of multi-family housing developments for low and moderate income persons and families and, in some cases, for construction or permanent financing of such developments.

## STATEMENT

Purpose: To establish a program for the acquisition, ownership and operation by the authority, or by any entity formed by the authority, on its own behalf or in conjunction with other parties, of multi-family housing developments intended for occupancy by persons of low and moderate income and to permit the authority to provide financing both for the construction of such developments prior to their acquisition by the authority as well as for the acquisition of such developments by entities formed by the authority.

Subject, substance and issues: In 1987, the legislature amended the Virginia Housing Development Authority Act (§ 36-55.24 et seq. of the Code of Virginia) by adding § 36-55.33:2. That section grants to the authority (or to a legal entity formed by the authority) certain powers to acquire, develop and own multi-family housing developments intended for occupancy by persons of low and moderate income. The proposed regulations implement the aforementioned legislative amendment by establishing such a program for acquisition, development and ownership of developments by the authority (or a related entity). The proposed regulations include procedures and requirements with regard to the solicitation, application, processing, underwriting, review and acceptance of proposals for acquisition by the authority (or a related entity) of developments. Under the proposed regulations, the authority may provide, as an integral part of the acquisition process, mortgage loans to finance the construction of such developments prior to their acquisition by the authority (or a related entity). The proposed regulations include provisions governing income limits and general restrictions applicable to the occupancy of the development; terms and conditions of the acquisitions and construction loans; requirements for the construction phase of the development and for the consummation of the acquisition; the making of permanent loans by the authority to its related entities to finance their acquisition of developments; increases in the purchase prices or construction loans applicable to developments; and the operation, management and marketing of developments.

Impact: The authority expects that the proposed regulations will enable the authority, or a related entity, to annually acquire and develop approximately 1,000 units of multi-family residential rental housing which will serve 1,000 persons or families of low and moderate income.

The authority does not anticipate that any significant costs will be incurred for the implementation of and compliance with these proposed regulations.

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

Written comments may be submitted until March 11, 1988.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

## COUNCIL ON INDIANS

**March 16, 1988 - 2 p.m. – Open Meeting**  
Ninth Street Office Building, 9th and Grace Streets, 6th Floor, Richmond, Virginia. ☒

A meeting to discuss revision of educational curriculum with Department of Education and other council activities.

Contact: Mary Zoller, Special Assistant, Office of the Secretary of Human Resources, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-7765

## DEPARTMENT OF LABOR AND INDUSTRY

**April 18, 1988 - 10 a.m. – Public Hearing**  
General Assembly Building, Capitol Square, House 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 Labor and Industry intends to amend regulations entitled: **VR 425-01-27. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, XI. Program Sponsor Evaluation Procedure.** The program sponsor evaluation procedure will be used when program sponsors are evaluated once every two years to determine their compliance with the intent of the Voluntary Apprenticeship Act.

Statutory Authority: § 40.1-118 of the Code of Virginia.

Written comments may be submitted until April 15, 1988.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381 or SCATS 786-2381

# Calendar of Events

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## Virginia Safety and Health Codes Board

† **March 7, 1988 - 10 a.m.** — Open Meeting  
Fourth Street Office Building, 205 North 4th Street, 2nd  
Floor Conference Room, Richmond, Virginia. ☒

The board will meet to consider (i) Formaldehyde  
Standard, 1910.1048; (ii) Grain Handling Facilities,  
1910.272, 1917.1; and (iii) other issues.

**Contact:** Jay W. Withrow, Occupational Safety and Health  
Technical Services Director, Department of Labor and  
Industry, P. O. Box 12064, Richmond, Va. 23241, telephone  
(804) 786-4300 or SCATS 786-4300

## LIBRARY BOARD

**February 29, 1988 - 9:30 a.m.** — Open Meeting  
Blue Ridge Regional Library, 310 East Church Street,  
Martinsville, Virginia. ☒

A regular meeting to discuss administrative matters.

**Contact:** Jean K. Reynolds, Virginia State Library and  
Archives, 11th St. and Capitol Square, Richmond, Va.  
23219, telephone (804) 786-2332

## COMMISSION ON LOCAL GOVERNMENT

† **March 7, 1988 - 10 a.m.** — Open Meeting  
Ninth Street Office Building, Room 901, Richmond, Virginia

A regular meeting of the Commission on Local  
Government to consider such matters as may be  
presented.

**Contact:** Barbara W. Bingham, Executive Secretary Senior,  
Ninth Street Office Bldg., Room 901, Richmond, Va. 23219,  
telephone (804) 786-6508

## MARINE RESOURCES COMMISSION

**March 1, 1988 - 9:30 a.m.** — Open Meeting  
† **April 5, 1988 - 9:30 a.m.** — Open Meeting  
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, 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 five days.

**Contact:** Sandra S. Schmidt, Secretary to the Commission,  
2401 West Ave., P. O. Box 756, Newport News, Va.  
23607-0756, telephone (804) 247-2206

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## Habitat Management Division

**May 3, 1988 - 9:30 a.m.** — Public Hearing  
Newport News City Council Chambers, Newport News,  
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Marine Resources  
Commission intends to adopt guidelines entitled: **VR  
450-01-0047. Criteria for the Siting of Marinas or  
Community Facilities for Boat Mooring.** The purpose  
of these guidelines is to set forth criteria which will  
be used by the Virginia Marine Resources Commission  
to evaluate the siting of marinas and community boat  
mooring facilities pursuant to the permitting authority  
provided in § 62.1-3 of the Code of Virginia.

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

Written comments may be submitted until April 15, 1988.

**Contact:** Norman E. Larsen, Chief, Habitat Management,  
Marine Resources Commission, P. O. Box 756, Newport  
News, Va. 23607-0756, telephone (804) 247-2200

## BOARD OF MEDICAL ASSISTANCE SERVICES

† **March 8, 1988 - 10 a.m.** — Open Meeting  
600 East Broad Street, Suite 1300, Richmond, Virginia. ☒

An open meeting to discuss (i) organ transplant final  
regulations; (ii) hospital reimbursement issues; (iii)  
legislation budget update; and (iv) other business  
pertinent to the board.

**Contact:** Jacqueline M. Fritz, Administrative Assistant, 600  
E. Broad St., Suite 1300, Richmond, Va. 23219, telephone  
(804) 786-7933

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**April 15, 1988** — 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  
Medical Assistance Services intends to amend

regulations entitled: **The State Plan for Medical Assistance Relating to Audit Requirements.** This proposed amendment replaces provision requiring audits every three years with proposed provision for periodic audits as determined from internal desk audits.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., April 15, 1988, to N. Stanley Fields, Director, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Richmond, Va. 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

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**April 15, 1988** – 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 Medical Assistance Services intends to amend **The State Plan for Medical Assistance Relating to the Cost Report Filing Requirements.** The amendments standardize information to be supplied by institutional providers which is necessary for the process of finalizing cost reports.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., April 15, 1988, to N. Stanley Fields, Director, Provider Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

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**April 14, 1988** – 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 Medical Assistance Services intends to amend **The State Plan for Medical Assistance Relating to Rehabilitative Services.** These proposed amendments clarify requirements for inpatient and outpatient admission authorizations, add criteria for rehab nursing and make technical corrections to existing language.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., April 14, 1988, to Tinnie Conover, Manager of Institutional Services, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933 or SCATS 786-7933

**VIRGINIA STATE BOARD OF MEDICINE**

**April 20, 1988 - 9:30 a.m.** – Public Hearing  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Medicine intends to adopt regulations entitled: **VR 465-02-1. Practice of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Acupuncture** and repeal existing regulations. The purpose of this action is to establish the requirements governing the practice of medicine, osteopathic medicine, chiropractic, clinical psychology, podiatry, acupuncture and other healing arts.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., Richmond, Va. 23229-5005.

Contact: Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., Richmond, Va. 23229-5005, telephone (804) 662-9925

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**April 20, 1988 - 10:30 a.m.** – Public Hearing  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Medicine intends to adopt regulations entitled: **VR 465-03-1. Physical Therapy** and repeal existing regulations. The purpose of this action is to establish the requirements governing the practice of physical therapy.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988,

# Calendar of Events

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to Hilary H. Conner, M.D., Executive Director, 1601 Rolling Hills Drive, Surry Building, Richmond, Va. 23229-5005.

**Contact:** Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

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**April 20, 1988 - 1:30 p.m. – Public Hearing**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Medicine intends to adopt regulations entitled: **VR 465-05-1. Physician Assistants**, and repeal existing regulations. The purpose of this action is to establish the requirements governing the practice of physician's assistants in the Commonwealth.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, 1601 Rolling Hills Drive, Surry Building, Richmond, Va. 23229-5005.

**Contact:** Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Building, 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

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**April 20, 1988 - 2:30 p.m. – Public Hearing**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Board Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Medicine intends to adopt regulations entitled: **VR 465-06-1. Correctional Health Assistants** and repeal existing regulations entitled **Physicians Assistants - Category II**. The purpose of this action is to establish requirements for the practice of Correctional Health Assistants employed in correctional institutions.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until April 29, 1988, to Hilary H. Connor, M.D., Executive Director, Board of Medicine, Surry Building, Richmond, Va. 23229-5005.

**Contact:** Eugenia K. Dorson, Board Administrator, Board of Medicine, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

## Chiropractic Examination Committee

**March 1, 1988 - 12:30 p.m. – Open Meeting**  
**April 21, 1988 - 12:30 p.m. – Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting in open and executive session for the purpose of reviewing and developing chiropractic questions for the June, 1988 exam.

## Credentials Committee

**April 9, 1988 - 8:15 a.m. – Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and closed sessions and to discuss any other items which may come before this committee.

## Informal Conference Committee

**April 6, 1988 - 9 a.m. – Open Meeting**  
† **April 12, 1988 - 10 a.m. – Open Meeting**  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

† **April 8, 1988 - 1 p.m. – Open Meeting**  
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

† **April 22, 1988 - 9 a.m. – Open Meeting**  
Patrick Henry Inn and Conference Center, York and Page Streets, Route 60 East, Williamsburg, Virginia. ☒

† **April 27, 1988 - 9 a.m. – Open Meeting**  
Radisson Hotel Lynchburg, 601 Main Street, Lynchburg, 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 Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **March 23, 1988 - 10 a.m. – Open Meeting**  
Piedmont Hospital, Burkeville, Virginia. ☒

A regular monthly meeting. The agenda will be published on March 16 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

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

### State Human Rights Committee

† **March 3, 1988 - 4 p.m.** – Open Meeting  
† **March 4, 1988 - 9 a.m.** – Open Meeting  
Central State Hospital, Petersburg, Virginia. ☒

Regular meetings of the committee to discuss business relating to human rights issues. Agenda items are listed prior to meeting.

**Contact:** Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

## VIRGINIA STATE BOARD OF NURSING

† **March 4, 1988 - 9:30 a.m.** – Open Meeting  
Hampton General Hospital, 3120 Victoria Boulevard, Classroom C, Hampton, Virginia. ☒

Three formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated regarding:

Nora Arthur, R.N. at 9:30 a.m.  
Diane Smith, L.P.N. at 11:30 a.m.  
Audrey Bland, L.P.N. at 1 p.m.

† **March 8, 1988 - 9:30 a.m.** – Open Meeting  
Arlington Hospital Conference Center, 1701 North George Mason Drive, Administrative Conference Room, Arlington, Virginia. ☒ (Interpreter for deaf provided if requested)

Three formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated regarding:

Clayton Voight, R.N. at 9:30 a.m.  
Ramona Chisholm, R.N. at 11 a.m.  
Marian Betz, R.N. at 1 p.m.

† **March 11, 1988 - 9:30 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Three formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated regarding:

Ann K. Ridge, R.N. at 9:30 a.m.  
Jacqueline Gartland, R.N. at 11 a.m.  
Jacqueline Spencer, L.P.N. at 1 p.m.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or SCATS 662-9909

## STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

† **March 17, 1988 - 9 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

An open board meeting to (i) conduct examinations; (ii) review revenue and expenditures; (iii) review applications; (iv) sign certificates; and (v) conduct other matters of the board.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

## VIRGINIA BOARD OF OPTOMETRY

† **May 1, 1988** – 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 Board of Optometry intends to amend regulations entitled: **VR 510-01-1. Regulations of the Virginia Board of Optometry.** The proposed amendments increase the fees charged to optometrists for licensure and examination.

### STATEMENT

**Purpose:** The proposed regulations increase the fees charged by the Board of Optometry so that the board can generate adequate revenue for its operation. The Board of Optometry sets fees to pay for its direct expenses and its share of the Department of Health Regulatory Boards' costs of operation.

The Board of Optometry is expected to close the current biennium with a deficit of \$31,000. At present fee rates, the board's deficit would grow to \$151,700 by mid 1990.

The proposed regulations establish fees that will generate adequate revenue to meet the Board of Optometry's



# Calendar of Events

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projected budget of \$364,950 for the 1988-90 biennium. Additionally, the renewal frequency is changed from biennial to annual. Lastly, the regulations reduce the hours of continuing education required for license renewal from 24 to 12, to reflect the more frequent licensure renewal—there is no proportional change in the amount of continuing education needed for renewal.

## Impact:

A. Regulated entities: Virginia's 997 licensed optometrists will be affected by the proposed rules.

B. Projected costs to the regulated: The proposal will increase costs for the licensees in four fee categories—licensure, examination, professional designation and reinstatement.

1. Licensure fees will change from \$200 a biennium to \$150 a year, a net increase of \$50 a year. The fee for a late renewal will rise from \$30 to \$100.

A licensure fee increase of \$50 per year is not expected to adversely affect the licensees because of the higher than average incomes typically earned by members of the optometric profession. New licensees who have not yet established a reliable income source will be most affected. The board has prorated the fees for new licensees to reduce this burden. Also, the board changed the renewal frequency from two to one year to reduce the amount paid at any one given time.

The late fee increase is an avoidable cost and therefore not expected to have adverse impact.

2. The examination fees change from \$100 to \$150 for the licensure test and from \$50 to \$100 for the diagnostic pharmaceutical agents test.

This proposed increase reflects the board's costs of administering the examinations and will affect candidates for licensure. The fee change may cause some recent graduate candidates who do not yet have an income to increase their debt burden. The increase may discourage a few candidates from seeking licensure in Virginia. However, Virginia's proposed fee is in line with that charged by other states.

3. The fee for applying for a professional designation is proposed to change from \$100 to \$200. There is no change to the biennial fee for registration of a professional designation.

This change annually will affect approximately five practicing optometrists who wish to begin practicing under a trade name. The fee is voluntary so it will cause no unavoidable impacts.

4. The fee for reinstatement of a lapsed license changes from \$200 to \$400.

This fee will affect only those optometrists who allow their licenses to lapse, and then at some later date wish to resume practice in Virginia. Because incurring this fee is preventable, the increase is not expected to have a significant impact.

C. Projected cost to the agency: Implementing the proposed rules will increase the board's costs slightly because renewals will be processed twice as often.

D. Source of funds: All of the board's funds come from the fee categories proposed to be revised; no funds come from the Commonwealth's General Funds.

Summary: The proposed regulations increase most of the fees charged by the Board of Optometry so that revenues will be adequate to cover the Board's operating expenses for the 1988-90 biennium.

Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until May 1, 1988.

**Contact:** Moira C. Lux, Executive Director, Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

## **BOARD OF COMMISSIONERS TO EXAMINE PILOTS**

**April 13, 1988 - 10 a.m. – Open Meeting**  
Hasler and Company, 121 Tazwell Street, Norfolk, Virginia

A regular quarterly business meeting.

**Contact:** David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8531 or William L. Taylor, 3329 Shore Drive, Virginia Beach, Va. 23451, telephone (804) 496-0995

## **VIRGINIA BOARD OF PROFESSIONAL COUNSELORS**

**March 30, 1988 –** 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 Board of Professional Counselors intends to repeal existing and adopt new regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.** The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Statutory Authority: § 54-929(a) of the Code of Virginia.

Written comments may be submitted until March 30, 1988.

**Contact:** Stephanie A. Sivert, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond,

Va. 23229, telephone (804) 662-9912

## VIRGINIA BOARD OF PSYCHOLOGY

† **March 3, 1988 - 9 a.m.** — Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to conduct general board business and discuss state written examination questions.

**Contact:** Phyllis Henderson, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

## VIRGINIA REAL ESTATE BOARD

† **March 16, 1988 - 9 a.m.** — Open Meeting  
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration, and licensing issues (e.g., reinstatement, eligibility requests). The agenda may include possible revision of the Rules and Regulations of Fair Housing, Property Registration, and Licensing.

**Contact:** Joan L. White, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

## DEPARTMENT OF SOCIAL SERVICES

### Division of Licensing Programs

**March 31, 1988** — 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 amend regulations entitled: **VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.** The purpose of the proposed regulation is to regulate homes which provide maintenance and care to aged, infirm, and disabled adults.

Statutory Authority: §§ 63.1-174 and 63.1-182.1 of the Code of Virginia.

Written comments may be submitted until March 31, 1988.

**Contact:** Kathryn Thomas, Program Development Supervisor, Department of Social Services, Licensing

Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

## REFORESTATION OF TIMBERLANDS BOARD

**March 16, 1988 - 10 a.m.** — Open Meeting  
Department of Forestry Office, Alderman and McCormick, Charlottesville, Virginia. ☒

A semi-annual meeting of the board to review accomplishments and budget.

**Contact:** James D. Starr, Department of Forestry, P. O. Box 3758, Charlottesville, Va. 22903-0758, telephone (804) 977-6555

## COMMONWEALTH TRANSPORTATION BOARD

† **March 17, 1988 - 10 a.m.** — Open Meeting  
Department of Transportation, 1401 East Broad Street, Board Room, Third Floor, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

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

**Contact:** Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9950

## DEPARTMENT OF TRANSPORTATION

† **March 28, 1988 - 10 a.m.** — Public Hearing  
Fredericksburg District Office, Route 607 (Deacon Road) 0.4 mile west of Route 218, Fredericksburg, Virginia. ☒  
(Interpreter for deaf provided if requested)

† **March 30, 1988 - 10 a.m.** — Public Hearing  
Suffolk District Office, 1700 North Main Street (Route 460), Suffolk, Virginia. ☒ (Interpreter for deaf provided if requested)

† **April 1, 1988 - 10 a.m.** — Public Hearing  
Bristol District, Virginia Highway School Auditorium, Long Crescent Drive, Bristol, Virginia. ☒

† **April 4, 1988 - 10 a.m.** — Public Hearing  
Lynchburg District Office, Route 501, 0.26 mile south of intersection Routes 460 and 501 south of Lynchburg, Virginia. ☒ (Interpreter for deaf provided if requested)

† **April 6, 1988 - 10 a.m.** — Public Hearing  
Richmond District Office, Pine Forest Drive off Route 1, one mile north of Colonial Heights, Virginia. ☒ (Interpreter

# Calendar of Events

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for deaf provided if requested)

† **April 8, 1988 - 2 p.m.** – Public Hearing  
Staunton District Office, Commerce Road (Route 11 Bypass) just north of Staunton, Virginia. ☒ (Interpreter for deaf provided if requested)

† **April 11, 1988 - 10 a.m.** – Public Hearing  
Culpeper District Office, Route 15, 0.5 mile south of Route 3, Culpeper, Virginia. ☒ (Interpreter for deaf provided if requested)

† **April 12, 1988 - 10 a.m.** – Public Hearing  
Salem District Office, Harrison Avenue north of Main Street and east of Route 311 in Salem, Virginia. ☒ (Interpreter for deaf provided if requested)

† **April 22, 1988 - 1:30 p.m.** – Public Hearing  
Fairfax City Hall, 10455 Armstrong Street, Room 305, Council Chambers, Fairfax, Virginia. ☒ (Interpreter for deaf provided if requested)

Public hearings to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary, and urban systems.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9950

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**April 1, 1988 - 2 p.m.** – Public Hearing  
Department of Transportation, Central Office, 1401 East Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Transportation intends to adopt regulations entitled: **VR 385-01-06. Minimum Standards of Entrances to State Highways.** These regulations establish guidelines for controlling the use of highway right-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.

Statutory Authority: §§ 33.1-12(3), 33.1-197 and 33.1-198 of the Code of Virginia.

Written comments may be submitted until April 1, 1988.

Contact: John L. Butner, Assistant State Traffic Engineer, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2878 or SCATS 786-2878

## TREASURY BOARD

**March 16, 1988 - 9 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, 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

## VIRGINIA RESOURCES AUTHORITY

† **March 8, 1988 - 10 a.m.** – Open Meeting  
Mutual Building, 909 East Main Street, 12th Floor Conference Room, Richmond, Virginia

The board will meet to (i) approve minutes of the meeting of January 5, 1988; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

## BOARD FOR THE VISUALLY HANDICAPPED

**March 10, 1988 - 11 a.m.** – Open Meeting  
397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A bi-monthly meeting to review policy and procedures of the department; and to review and approve department's budget, executive agreement, and operating plan.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

## DEPARTMENT FOR THE VISUALLY HANDICAPPED

### Advisory Committee on Services

**April 23, 1988 - 10:30 a.m.** – Open Meeting  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A quarterly meeting to advise the department on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

† March 24, 1988 - 10:30 a.m. - Public Hearing  
James Madison Building, 109 Governor Street, Main Floor  
Conference Room, Richmond, Virginia. ☒

A meeting to review public hearing comments and  
product data for products being considered for  
inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of  
Pharmacy Services, Virginia Department of Health, 109  
Governor St., Richmond, Va. 23219, telephone (804)  
786-4326

VIRGINIA WASTE MANAGEMENT BOARD

† March 8, 1988 - 10 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, Conference  
Room D, Richmond, Virginia. ☒

A general business meeting to consider (i) final  
approval of Amendment 6 - Hazardous Materials  
Transportation regulations; (ii) review of the 1988  
General Assembly proposed legislation and budget; and  
(iii) presentation of the Strategic Resources  
Committee recommendations.

Contact: Cheryl Cashman, Legislative Analyst, James  
Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va.  
23219, telephone (804) 225-2667 or SCATS 225-2667

STATE WATER CONTROL BOARD

February 29, 1988 - 10 a.m. - Public Hearing  
Washington County Administration Office Building, 205  
Academy Drive, Board of Supervisors Room, Abingdon,  
Virginia

March 1, 1988 - 1 p.m. - Public Hearing  
Roanoke County Administration Center Community Room,  
3738 Brambleton Avenue, S.W., Roanoke, 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  
680-14-01. Permit Regulation.** The proposed  
amendments include language changes to ensure that  
the National Pollutant Discharge Elimination System  
(NPDES) permit program conforms with federal  
regulations and the incorporation of other  
permit/certificate regulations into a single permit  
regulation.

Statutory Authority: § 62.1-44.15(10) of the Code of  
Virginia.

Written comments may be submitted until 5 p.m., March  
22, 1988, to Doneva Dalton, Hearing Reporter, State Water

Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Martin Ferguson, Jr., Permit Manager, State  
Water Control Board, P. O. Box 11143, Richmond, Va.  
23230, telephone (804) 367-6984

February 29, 1988 - 7 p.m. - Public Hearing  
Graham Middle School, Little Theatre, Double Gates,  
Bluefield, Virginia

A public hearing to receive comments on the proposed  
National Pollutant Discharge Elimination System  
(NPDES) Permit for Westwood Health Center Sewage  
Treatment Plant, in the Town of Bluefield, Virginia.

Contact: Doneva A. Dalton, State Water Control Board, P.  
O. Box 11143, Richmond, Va. 23230, telephone (804)  
367-6829

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March 9, 1988 - 7 p.m. - Public Hearing  
Court Room, City Municipal Building, 300 East Washington  
Street, 2nd Floor, Lexington, Virginia

Notice is hereby given 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 proposed amendments would revise the BOD5  
poundage limits for Cascades Creek at  
Ashwood-Healing Springs, for Cabin River at Millboro  
and for Maury River at Lexington.

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

Written comments may be submitted until 5 p.m., March  
22, 1988, 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

† March 14, 1988 - 7 p.m. - Public Hearing  
Eastern Shore Community College, Route 13, Lecture  
Room, Melta, Virginia

A public hearing to receive comments on the proposed  
issuance or denial of an NPDES Permit to Integrated  
Fisheries International, Limited.

This issuance proposes interim effluent limitations and  
a schedule of compliance to upgrade in order to meet  
future effluent limitations to assure compliance with  
Water Quality Standards.

Contact: Doneva A. Dalton, State Water Control Board, P.  
O. Box 11143, Richmond, Va. 23230, telephone (804)  
367-6829

# Calendar of Events

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**April 4, 1988 - 7 p.m. - Public Hearing**  
Spotsylvania County Board of Supervisors Room, Route 208  
at Spotsylvania Courthouse, Spotsylvania, 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 adopt regulations entitled: **VR 680-16-17. Rappahannock River Basin Water Quality Management Plan.** The Plan sets forth measures to be implemented by the State Water Control Board to reach and maintain applicable water quality goals.

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

Written comments may be submitted until April 18, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230.

**Contact:** Dale J. Jones, Director, Office of Water Resources Planning, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6422

## BOARD FOR THE CERTIFICATION OF WATER AND WASTEWATER WORKS OPERATORS

† **March 10, 1988 - 10 a.m. - Open Meeting**  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☐

An open board meeting to conduct regulatory review.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

**April 21, 1988 - 3 p.m. - Open Meeting**  
**April 22, 1988 - 8 a.m. - Open Meeting**  
Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting to (i) approve the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board, and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

**Contact:** Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va.

23185, telephone (804) 253-4226

## COUNCIL ON THE STATUS OF WOMEN

**March 15, 1988 - 8 p.m. - Open Meeting**  
Embassy Suites Hotel, 2925 Emerywood Parkway,  
Richmond, Virginia

Meetings of the Standing Committees of the Virginia Council on the Status of Women.

**March 16, 1988 - 9 a.m. - Open Meeting**  
Embassy Suites Hotel, 2925 Emerywood Parkway,  
Richmond, Virginia

A regular meeting of the council to conduct general business and to receive reports from the council standing committees.

**Contact:** Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

## LEGISLATIVE

### Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in the Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### February 29

- † Health Regulatory Boards, Council on
- Compliance and Discipline Committee
- Library Board
- Public Library Development Committee

#### March 1

- Hopewell Industrial Safety Council
- Marine Resources Commission
- Medicine, Virginia State Board of
- Chiropractic Examination Committee

#### March 3

- Fire Services Board, Virginia
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of
- State Human Rights Committee
- † Psychology, Virginia Board of

**March 4**

Child Abuse and Neglect, Governor's Advisory Board on  
Fire Services Board, Virginia  
† Mental Health, Mental Retardation and Substance Abuse Services, Department of  
- State Human Rights Committee  
† Nursing, Virginia State Board of

**March 5**

Dentistry, Virginia Board of

**March 6**

Dentistry, Virginia Board of

**March 7**

Barber Examiners, Board of  
† Labor and Industry, Department of  
- Virginia Safety and Health Codes Board  
† Local Government, Commission on

**March 8**

Alcoholic Beverage Control Board  
Funeral Directors and Embalmers, Virginia Board of  
† Medical Assistance Services, Board of  
† Nursing, Virginia Board of  
† Virginia Resources Authority  
† Waste Management Board, Virginia

**March 9**

† Arlington County/City of Falls Church Local Emergency Planning Committee  
Funeral Directors and Embalmers, Virginia Board of

**March 10**

† Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of  
- Virginia State Board of Land Surveyors  
† Child Day-Care Council  
Funeral Directors and Embalmers, Virginia Board of  
† Health Regulatory Boards, Council on  
- Compliance and Discipline Committee  
Visually Handicapped, Board for the  
† Water and Wastewater Works Operators, Board for the Certification of

**March 11**

† Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of  
† Nursing, Virginia State Board of

**March 15**

† Education, Department of  
† Housing Development Authority, Virginia  
Women, Council on the Status of

**March 16**

† Audiology and Speech Pathology, State Board of Examiners for  
† Community Colleges, State Board for  
Contractors, State Board for

Corrections, State Board of

† Health Coordinating Council, Virginia Statewide Indians, Council on  
† Real Estate Board, Virginia  
Timberlands Board, Reforestation of  
Treasury Board  
Women, Council on the Status of

**March 17**

† Community Colleges, State Board for  
Conservation and Historic Resources, Department of  
- Virginia Soil and Water Conservation Board  
Education, State Board of  
† Education, Department of  
† Nursing Home Administrators, State Board of Examiners for  
† Transportation Board, Commonwealth

**March 18**

Education, State Board of  
† General Services, Department of  
- State Insurance Advisory Board

**March 22**

Alcoholic Beverage Control Board

**March 23**

† Mental Health, Mental Retardation and Substance Abuse Services, State

**March 24**

† Voluntary Formulary Board, Virginia

**March 25**

† Game and Inland Fisheries, Board of

**April 5**

Alcoholic Beverage Control Board  
† Hopewell Industrial Safety Council  
† Marine Resources Commission  
Real Estate Board, Virginia

**April 6**

Emergency Planning Committee, Local  
Medicine, Virginia State Board of  
- Informal Conference Committee  
Real Estate Board, Virginia

**April 7**

† Boating Advisory Board, Virginia  
Real Estate Board, Virginia

**April 8**

† Commercial Driver Training Schools, Board for  
† Medicine, Virginia State Board of  
- Informal Conference Committee

**April 9**

Medicine, Virginia State Board of  
- Credentials Committee

# Calendar of Events

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**April 12**

† Medicine, Virginia State Board of  
- Informal Conference Committee

**April 13**

Pilots, Board of Commissioners to Examine

**April 15**

† Dentistry, Virginia Board of

**April 16**

† Dentistry, Virginia Board of

**April 17**

† Dentistry, Virginia Board of

**April 19**

Alcoholic Beverage Control Board

**April 21**

Medicine, Virginia State Board of  
- Chiropractic Examination Committee  
William and Mary, The College of  
- Board of Visitors

**April 22**

† Medicine, Virginia State Board of  
- Informal Conference Committee  
William and Mary, The College of  
- Board of Visitors

**April 23**

Visually Handicapped, Department for the  
- Advisory Committee on Services

**April 27**

† Medicine, Virginia State Board of  
- Informal Conference Committee

**May 3**

Auctioneers Board  
† Hopewell Industrial Safety Council

**May 16**

† Agricultural Council, Virginia

**March 17**

Education, Department of

**March 23**

Auditor of Public Accounts

**March 28**

† Transportation, Department of

**March 30**

† Transportation, Department of

**April 1**

† Transportation, Department of

**April 4**

Water Control Board, State  
† Transportation, Department of

**April 6**

† Transportation, Department of

**April 8**

† Transportation, Department of

**April 11**

† Transportation, Department of

**April 12**

† Transportation, Department of

**April 18**

Labor and Industry, Department of

**April 20**

Medicine, Virginia State Board of

**April 22**

† Transportation, Department of

**May 2**

† Health, State Board of

**May 3**

Marine Resources Commission  
- Habitat Management Division

## PUBLIC HEARINGS

**February 29**

Water Control Board, State

**March 1**

Water Control Board, State

**March 9**

Water Control Board, State

**March 14**

† Water Control Board, State