



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General  
Richmond 23219*

**Jason S. Miyares**  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 225 - 4541 TDD

## **MEMORANDUM**

**To:** Tanya Pettus  
Board Administrator  
Common Interest Community Board

**From:** Joshua E. Laws  
Assistant Attorney General

**Date:** October 3, 2023

**Subject:** Letter of Assurance for Amendments to Common Interest Community Time-Share Regulations found at 18 VAC 48-45

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I have reviewed the Department of Professional and Occupational Regulation's (the Department) proposed Amendments to Common Interest Community Time-Share Regulations found at 18 VAC 48-45 that were posted on the Virginia Regulatory Town Hall on September 26, 2023. In my view, as counsel to the Department of Professional and Occupational Regulation and the Common Interest Community Board, these regulations may be promulgated pursuant to Titles 54.1 and 55.1 of the Code of Virginia, Senate Bill 969, and House Bill 1955 — enacted at Chapter 52, 2023 Acts of Assembly. Further, I certify that the proposed changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4)(a) as they are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The regulations do not appear to conflict with the Constitution of the United States or the

Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.