



COMMONWEALTH of VIRGINIA

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MEMORANDUM
VIA ELECTRONIC MAIL

TO: Stephen W. Calhoun
Regulatory Coordinator
Department of Housing & Community Development

FROM: Thomas W. Nesbitt *TWN*
Assistant Attorney General

DATE: October 6, 2008

RE: Statement of Authority and Exemption from Administrative Process Act Requirements for New Public Participation Guidelines Adopted by the Board of Housing & Community Development

I have reviewed the Final version of the public participation guidelines adopted by the Board of Housing and Community Development ("the Board") on September 29, 2008. In my view, as legal counsel to the Board, the Board has the authority to adopt these public participation guidelines, pursuant to Chapter 321 of the 2008 Acts of Assembly. Additionally, it is my opinion that the Board's adoption of these public participation guidelines is an exempt action for purposes of the Article 2 of the Administrative Process Act because the newly adopted guidelines conform to the model public participation guidelines developed by the Department of Planning and Budget, in consultation with the Office of the Attorney General, on or before July 1, 2008, pursuant to Chapter 321 or the 2008 Acts of Assembly.