



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Brian Mullins, Chairman
Board for Housing and Community Development
Department of Housing and Community Development

Stephen Calhoun, Secretary
Board for Housing and Community Development
Department of Housing and Community Development

From: Steven P. Jack
Assistant Attorney General

Date: August 23, 2010

Subject: Letter of Assurance for Amendments to Industrialized Building Safety Regulations.

I have reviewed the Board for Housing and Community Development's proposed amendments to the Industrialized Building Safety Regulations, 13 VAC 5-91-10 *et seq.*, that were posted on the Virginia Regulatory Town Hall Internet site on August 19, 2010. In my view, as counsel to the Board for Housing and Community Development, these regulations may be promulgated pursuant to §§ 36 – 73 and 36 – 75 of the *Code of Virginia*. 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.

Further, the adoption of some provisions of the regulations is exempt from the procedures in the Virginia Administrative Process Act pursuant to § 2.2-4006(A)(4)(a) of the *Code of Virginia* as being

necessary to conform to changes in Virginia statutory law. The proposed amendments that are thus exempt are those to section 13 VAC 5-91-70.

Additionally, adoption of the amendments to these regulations may be done pursuant to an exempt action, in accordance with § 2.2 – 4006(A)(12) of the *Code of Virginia*.

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.