State Agency Guide to Petitions for Rulemaking

A petition for rulemaking is a request to an agency/board to promulgate a new regulation, or amend or repeal an existing regulation.

Sources: Section 2.2-4007 of the Code of Virginia and Office of Regulatory Management Procedures (2022) to implement Executive Order 19 (2022)



For more information, visit the Virginia Regulatory Town Hall at townhall.virginia.gov

Petition Process:

The agency receives a request that includes the following:

The substance and purpose of the rulemaking that is requested and, if an existing regulation, the citation to the Virginia Administrative Code.

Legal authority of the agency/board to take the action requested.

Code of Virginia Section 2.2-4007 may also be mentioned.

Within 14 days of receiving the petition, the agency must post a notice on Town Hall with the petitioner's name, the nature of the request, and the agency's plan for handling the request. This notice is automatically sent to the *Virginia Register of Regulations* once it is entered on the Town Hall.

Upon posting the petition, it can be viewed on the Town Hall and an email notification is sent to registered public Town Hall users that evening.

The petition is published in the *Register*, the 21-day public comment period begins, and the Town Hall public comment forum opens.

Public comment period and forum closes.

The agency/board must issue a written decision to grant or deny the petitioner's request within 90 days. If the agency/board has not met within the 90-day period, the written decision must be issued no later than 14 days after the agency/board next meets.

The decision must include the reasons for the agency/board's decision, be posted on the Town Hall, and is submitted to the *Register* for publication.

Town Hall will send an email notification to registered public users.

Note: These decisions are not subject to court review.

