



# COMMONWEALTH of VIRGINIA

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## MEMORANDUM

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** April 2, 2014

**SUBJECT:** Final Regulation 22 VAC 40-41-10 et seq.  
Neighborhood Assistance Tax Credit Program

I have reviewed the above-referenced final regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the final regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to promulgate the regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The changes to the regulations are necessary to reflect the changes in Code by the adoption Chapter 802 of the 2013 Acts of Assembly and Chapters 47 and 189 of the 2014 Acts of Assembly. Pursuant to § 2.2-4006(A)(4)(a) of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

The changes in the Code made by the 2014 legislation will not become effective until July 1, 2014. Therefore, the Board's action must set an effective date no earlier than July 1, 2014.

If you have any questions, please feel free to call me at 786-0095.