



Periodic Review / Retain Regulation Agency Background Document

Agency name	Commission on Local Government (Department of Housing and Community Development)
Virginia Administrative Code (VAC) citation	1VAC 50-20
Regulation title	Organization and Regulations of Procedure
Document preparation date	March 21, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

The authority for 1VAC 50-20 is § 15.2-2903 of the *Code of Virginia*. The Commission of Local Government within the Department of Housing and Community Development is the promulgating entity.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

This regulation is used by the Commission on Local Government to facilitate their review of proposed voluntary settlement agreements; actions for municipal annexation; proposed voluntary economic growth-sharing agreements; transition from city to town status; and other interlocal matters subject by statute to the Commission's review. The regulation spells out the supporting materials, data and other evidence that the parties (typically local governments) must provide as part of their submissions to the Commission. The regulation puts all parties on notice – prior to filing an action with the Commission – as to the documentation that they will be required to submit. The regulation also ensures that the Commission will have the information it needs to properly evaluate a given case in light of the applicable standard of

review specified in statute (e.g., best interests of the Commonwealth with respect to voluntary settlement agreements and necessity for and expediency of in the context of annexation actions).

In addition, the regulation addresses the powers of the chairman of the Commission and the conduct of its meetings, oral presentations and public hearings, which are also required by statute. An alternative approach to the regulation could be a guidance document that contained the same information; however, the regulation – subject by its very nature to promulgation and amendment through the regulatory process – invites more public input and better meets the needs of the Commission and its customers.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No comments were received during the public comment period. In addition to publication of the Notice of Periodic Review in the December 31, 2012 issue of the *Register of Regulations*, a copy of the Notice was also provided to the Virginia Association of Counties and the Virginia Municipal League. These organizations represent local governments (i.e., counties, cities and towns), which are the primary entities impacted by this regulation.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

While the regulation is clearly written and easily understandable, it is not necessary for the protection of public health, safety or welfare. Instead, the regulation ensures that the Commission on Local Government is provided with the data, materials and other evidence necessary for its members to make informed findings and recommendations that impact the best interests of the citizens of the localities affected by a proposed change (e.g., annexation of county territory into a town, transition of a city to a town status, etc.). The regulation also ensures that the Commission will have the information it needs to determine whether the statutory standard of review has been met in a given case.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Commission on Local Government and the Department of Housing and Community Development recommend that the regulation should stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

As previously described, this regulation primarily impacts local governments in the context of actions they initiate before the Commission on Local Government for municipal annexation, transition of a city to town status and establishment of voluntary economic growth-sharing agreements as well as the review of certain other agreements between localities that settle interlocal issues.

Unless a small business is petitioning for the annexation of its property to a municipality, the regulation has no impact whatsoever on small business. In the Commission's thirty-three year history, there have only been four citizen or property-owner initiated annexation petitions filed, one of which was dismissed before the Commission's review was even completed. Therefore, the economic impact, if any, of this regulation on small business is de minimis, and the agency does not recommend amending or repealing it.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

Not applicable. The regulation has no impact on the institution of the family or family stability.