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Exempt Action Final Regulation Agency Background Document

Agency name	Common Interest Community Board
Virginia Administrative Code (VAC) citation(s)	18 VAC 48-70
Regulation title(s)	Common Interest Community Ombudsman Regulations
Action title	Title 55 Recodification CIC Ombudsman Regulations
Final agency action date	June 6, 2019
Date this document prepared	October 1, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory action implements Chapter 712 of the 2019 Acts of Assembly, which recodifies Title 55 of the Code of Virginia to a new Title 55.1, effective October 1, 2019. As part of the recodification, Chapter 29 of existing Title 55—which establishes the Office of the Common Interest Community Ombudsman—is repealed and its provisions are incorporated into Chapter 23.3 of Title 54.1, the enabling statute for the Common Interest Community Board.

This regulatory action amends the Common Interest Community Ombudsman Regulations to reflect the changes to the Code of Virginia resulting from the recodification of Title 55. In addition, forms are revised to reflect the Code changes and to reflect current agency practices.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Chapter 712 of the 2019 Acts of Assembly recodifies Title 55 of the Code of Virginia, requiring the Common Interest Community Board to update its Common Interest Community Ombudsman Regulations.

This regulatory action is exempt from the Administrative Process Act under § 2.2-4006(A)(4)(a) as it is "[n]ecessary to conform to changes in Virginia statutory law . . . where no agency discretion is involved."

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Common Interest Community Board authorized an exempt action for the Common Interest Community Ombudsman Regulations on June 6, 2019.

Periodic Review Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include 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.

This action is not the result of a periodic review or small business impact review.