



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Thomas Fleury, 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: March 27, 2009

Subject: Letter of Assurance for Amendments to USBC to Update Manufactured Housing Installation Reference.

I have reviewed the Board for Housing and Community Development's proposed amendments to the USBC to Update Manufactured Housing Installation Reference, 13 VAC 5-63-220, that were listed on the Virginia Regulatory Town Hall Internet site on March 27, 2009. In my view, as counsel to the Board for Housing and Community Development, these regulations may be promulgated pursuant to § 36 – 98 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, adoption of the amendments to these regulations may be done pursuant to an exempt action, in accordance with § 2.2 – 4006(A)(4)(c) of the *Code of Virginia*, because the amendments are mandated by changes to federal regulations, particularly 24 C.F.R. Part 3285, and which involve no agency discretion.

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.