



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Brian Mullins, 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: August 23, 2010

Subject: Letter of Assurance for Amendments to Amusement Device Regulations.

I have reviewed the Board for Housing and Community Development's proposed amendments to the Amusement Device Regulations, 13 VAC 5-31-10 *et seq.*, that were posted on the Virginia Regulatory Town Hall Internet site on August 19, 2010. In my view, as counsel to the Board for Housing and Community Development, these regulations may be promulgated pursuant to § 36 – 98.3 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, the adoption of some provisions of the regulations is exempt from the procedures in the Virginia Administrative Process Act pursuant to § 2.2-4006(A)(4)(a) of the *Code of Virginia* as being necessary to conform to changes in Virginia statutory law. The proposed amendments that are thus exempt are those to section 13 VAC 5-31-75.

Further, adoption of the amendments to these regulations may be done pursuant to an exempt action, in accordance with § 2.2 – 4006(A)(12) of the *Code of Virginia*, provided the Board follows the alternative procedures required in that section of the *Code of Virginia*.

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.