



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: January 25, 2011

Subject: Letter of Assurance for Amendments to Uniform Statewide Building Code Regulations.

I have reviewed the Board for Housing and Community Development's proposed amendments to the Uniform Statewide Building Code Regulations, 13 VAC 5-63-10 *et seq.*, that were posted on the Virginia Regulatory Town Hall Internet site on January 25, 2011. In my view, as counsel to the Board for Housing and Community Development, these regulations may be promulgated pursuant to §§ 36 – 98 and 36 – 99 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 sections 13 VAC 5-63-70(D), 13 VAC 5-63-80(E), 13 VAC 5-63-190(E), 13 VAC 5-63-220(N), and 13 VAC 5-63-500(E).

Additionally, adoption of the amendments to these regulations may be done pursuant to an exempt action, in accordance with §§ 2.2 – 4006(A)(12) and 36 – 100 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.