



# **COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

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## **MEMORANDUM**

**To:** Kyle Flanders  
Senior Policy Analyst  
Department of Housing and Community Development

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** May 10, 2021

**Subject:** Letter of Assurance for Update to the Statewide Fire Prevention Code, 13 VAC 5-51.

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I have reviewed the Board of Housing and Community Development's proposed Update to the Statewide Fire Prevention Code, 13 VAC 5-51, that was posted to the Virginia Regulatory Town Hall. In my view, as counsel to the Board of Housing and Community Development, the Board may amend these regulations pursuant to § 27-97 of the *Code of Virginia*. In addition, these regulations are exempt from Article 2 of the Administrative Process Act as by § 2.2-4006(A)(12) of the *Code of Virginia*. The regulations and amendments do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with federal or state law currently in effect.

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.