



COMMONWEALTH of VIRGINIA

Office of the Attorney General
Richmond 23219

Jason S. Miyares
Attorney General

202 N. Ninth Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 225 - 4541 TDD

MEMORANDUM

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

From: Justin I. Bell
Assistant Attorney General

Date: January 12, 2023

Subject: Letter of Assurance for Update the Virginia Amusement Device Regulations 13 VAC 5-31

I have reviewed the Virginia Board of Housing and Community Development's (the Board) proposed regulatory action to update the Virginia Amusement Device Regulations at 13 VAC 5-31. The Board has the legal authority to update the Uniform Statewide Building Code as by § 36-98.3 of the *Code of Virginia*. Section 36-98.3 of the *Code of Virginia* requires that the Board shall have due regard for the generally accepted standards for amusement devices and this update will bring the Virginia Amusement Device Regulations up to the standard mentioned in § 36-98.3. In my view, as counsel to the Board, the Board may take this regulatory action.

Further, this update to the Uniform Statewide Building Code is exempt from the requirements of Article 2 of Chapter 40 of Title 2.2 of the *Code of Virginia* pursuant to § 2.2-4006(A)(12) of the *Code of Virginia*. The

regulatory action does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any 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 this regulatory action.