



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Tanya Pettus
Board Administrator
Common Interest Community Board

From: Joshua E. Laws
Senior Assistant Attorney General

Date: October 3, 2023

Subject: Letter of Assurance for Proposed Regulations – Proposed Amendments to CIC Ombudsman Regulations - HB 1627/SB 1042 Amendments at 18 VAC 48-70

I have reviewed the Common Interest Community Board’s Proposed Amendments to CIC Ombudsman Regulations - HB 1627/SB 1042 Amendments at 18 VAC 48-70 that were posted on the Virginia Regulatory Town Hall on September 28, 2023. In my view, as counsel to the Department of Professional and Occupational Regulation and the Common Interest Community Board, these regulations may be promulgated pursuant to Title 54.1 of the Code of Virginia, Senate Bill 1042, and House Bill 1627 — enacted at Chapter 20, 2023 Acts of Assembly. 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, I certify that the proposed changes are exempt from the Administrative Process Act

under Code of Virginia §§ 2.2-4006(A)(4) as the changes are “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”

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.