



COMMONWEALTH of VIRGINIA

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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: September 16, 2019

Subject: Letter of Assurance for Amended Regulations – Amendment to Public Participation Guidelines found at 13 VAC 5-11

I have reviewed the Board of Housing and Community Development’s proposed Amendment to Public Participation Guidelines found at 13 VAC 5-11 that was posted on the Virginia Regulatory Town Hall. In my view, as counsel to the Board of Housing and Community Development, these regulations may be promulgated pursuant to Titles 2.2-4007.02 and 36 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. The regulations also appear to qualify for the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia because they are noncontroversial.

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.