



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: September 23, 2023

Subject: Letter of Assurance for Update the Industrialized Building Safety Regulations at 13 VAC 5-91

I have reviewed the Board of Housing and Community Development's (the Board) proposed amendment of the regulations – Update the Industrialized Building Safety Regulations found at 13 VAC 5-91 that was posted on the Virginia Regulatory Town Hall on September 15, 2023. In my view, as counsel to the Board, these regulations may be promulgated pursuant to § 36-73 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, this action is exempt from Article 2 of the Administrative Process Act pursuant to § 2.2-4006(A)(12) of the *Code of Virginia* because the Board issued a Notice of Intended Regulatory Action, published the proposed amendment and provided an opportunity for oral and written comments, and conducted at least one public hearing prior to the publishing of the proposed regulations as set out in § 2.2-4006(A)(12).

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.