



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: October 13, 2005

SUBJECT: Proposed Regulation 22 VAC 40-41-10 et seq.
Neighborhood Assistance Program

I have reviewed the attached proposed regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state law.

Pursuant to Virginia Code § 63.2-2002 the State Board has the authority to promulgate regulations for the approval or disapproval of proposals from neighborhood organizations seeking tax credits under the Neighborhood Assistance Act (Virginia Code § 63.2-2000 *et seq.*). The State Board also is authorized to adopt regulations for determining the value donations made to approved organizations. It appears that the State Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0095.

Attachment