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Exempt Action Proposed Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13 VAC 5-63</u>
Regulation title	Virginia Uniform Statewide Building Code
Action title	Amend and Update Virginia Uniform Statewide Building Code
Document preparation date	April 6, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Uniform Statewide Building Code (USBC) is a regulation governing the construction, maintenance and rehabilitation of new and existing building and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newest editions of the model codes into the regulation through the publishing of a proposed regulation. Those affected by the regulation then review the proposed regulation to assure that the newest model codes and standards reflect the minimum requirements necessary for buildings and structures. After the publishing of the proposed regulation, the board establishes a comment period for the acceptance of code change proposals to modify the model codes or standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

Changes in the proposed regulation may be categorized into three groups. The first group are changes necessary to incorporate the newest editions of the nationally recognized model codes and standards into the regulation. These changes are located in §§ 13 VAC 5-63-10, 13 VAC 5-63-210(G), 13 VAC 5-63-400 and 13 VAC 5-63-450. The newest editions of the model codes are the 2006 editions.

The second group of changes are general clarifications and correlation changes. These changes are simply to more closely match legislative language, to coordinate the application of the regulations with the other building and fire regulations of the board and to remove provisions in the existing USBC which have been successfully added to the latest model codes through the code changes process of the model code organization, thus eliminating the need for those changes in the USBC. This group of changes is located in §§ 13 VAC 5-63-20, 13 VAC 5-63-30, 13 VAC 5-63-40, 13 VAC 5-63-210, 13 VAC 5-63-220, 13 VAC 6-63-240, 13 VAC 5-63-245, 13 VAC 5-63-250, 13 VAC 5-63-265, 13 VAC 5-63-270, 13 VAC 5-63-280, 13 VAC 5-63-310, 13 VAC 5-63-320, 13 VAC 5-63-330, 13 VAC 5-63-360, 13 VAC 5-63-400, 13 VAC 5-63-430, 13 VAC 5-63-432, 13 VAC 5-63-434, 13 VAC 5-63-436, 13 VAC 5-63-438, 13 VAC 5-63-450, 13 VAC 5-63-480, 13 VAC 5-63-520 and 13 VAC 5-63-550.

The third group of changes consists of a number of changes which were considered by committees or by client groups to reach a degree of consensus enabling their inclusion in the proposed regulation. This group of changes is summarized below by section number.

13 VAC 5-63-30(L): Limits the instances where building permits can be withheld to the functional design requirements of other departments or agencies.

13 VAC 5-63-130(J): Establishes minimum criteria for third party inspector policies of the local building departments.

13 VAC 5-63-150(C): Requires the building owner to request documentation of the existence of violations after the statute of limitations time period expires.

13 VAC 5-63-190(E) and 13 VAC 5-63-500(E): Changes the time frame for filing an appeal of the local building department's application of the code to 30 days for construction issues and 14 days for maintenance issues.

13 VAC 5-63-210(F): Permits bed and breakfast-type occupancies having up to 10 occupants total to be classified as a single-family dwelling.

13 VAC 5-63-210(K)(22): Maintains the standards for concrete and masonry foundation walls for single-family dwellings consistent with the existing provisions instead of using the newest model code provisions.

13 VAC 5-63-210(K)(28): Establishes new standards for wall bracing in single-family dwelling construction which facilitate ease in application.

13 VAC 5-63-320(B): Removes a prohibition from the use of plumbing drainage piping in exposed ceiling areas in food service establishments.

13 VAC 5-63-335: Establishes standards for the construction of public swimming pools.

As discussed above in the description of the procedures the board uses to update its building and fire regulations, since all the regulations are interrelated and must be coordinated, the board will consider code change proposals on all provisions of this regulation during the comment period after the proposed regulations are published.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The proposed regulations do not have an impact on the institution of the family and family stability.