



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

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| Agency Name: | Board of Housing and Community Development |
| VAC Chapter Number: | 13 VAC 5-62-260 |
| Regulation Title: | Virginia Uniform Statewide Building Code |
| Action Title: | Final Regulation |
| Date: | October 5, 2003 |

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The regulation establishes a five-foot fire separation distance between residential buildings and structures.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Board of Housing and Community Development adopted final regulations for the Virginia Uniform Statewide Building Code on April 7, 2003.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Section 36-98 of the Code of Virginia directs and empowers the Board of Housing and Community Development (board) to adopt and promulgate the Virginia Uniform Statewide Building Code (USBC) and provides that the USBC supercedes the building codes and building regulations of the counties, municipalities and other political subdivisions and state agencies. The final regulations adopted by the board have been reviewed by the Office of the Attorney General and are certified to be within the statutory authority granted to the board.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Virginia Uniform Statewide Building Code (USBC) establishes minimum regulations for the construction and maintenance of building and structures to protect the health, safety and welfare of the citizens of the Commonwealth and users and occupants of buildings and structures from the hazards of fire.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The final regulation amends provisions of the International Residential Code, adopted by the Board, to achieve additional fire protection for users and occupants of residential buildings. The regulation is designed to implement requirements to protect the health, safety and welfare of the users and occupants of residential buildings and structures on a similar basis as protections provided for users ad occupants of commercial buildings and structures.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The final regulation provides advantages to the public by protecting the health, safety and welfare of users and occupants of buildings and structures with regulations for the construction of new buildings and structures and minimum requirements for the maintenance of existing buildings and structures and for addressing potentially unsafe conditions and situations in existing buildings and structures.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

The final regulation reflects the review of the International Codes during the public comment period, reaction to public comment received during the public comment period and at the public hearing and efforts to coordinate the administrative provisions of the regulation with the use of the new International Codes.

The changes made to the text of the proposed regulation since its publication are categorized as follows:

Sections 13 VAC 5-62-260 L, M and N are amended to increase from 3 to 5 feet the required separation of residential buildings.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

New provisions were added as the result of public comment which were determined to be minimum changes necessary to protect the health, safety and welfare of the citizens of the Commonwealth. Those changes are:

Increasing the separation distance between houses in subdivisions with unprotected exterior walls from three feet to five feet. This is an interim measure while the board continues to study the problem of fire spread in subdivisions with high density housing. Some materials used on exterior walls appears to contribute to the spread of fire from house to

house. The five-foot standard is used in commercial construction and is recognized as being preventative in similar arrangements.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

The changes from the proposed regulation to the final regulation are detailed as follows:

13 VAC 5-62-260 L, M and N – to amend provisions of the adopted International Residential Code to increase from 3 to 5 feet the fire separation distance between residential buildings, similar to the separation distance currently required for commercial buildings.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The nature of this regulation is such that issues of concern under this category do not exist.