



Exempt Action Proposed Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13 VAC 5-91</u>
Regulation title	Virginia Industrialized Building Safety Regulations
Action title	Revisions to Industrialized Building Safety Regulations for 2012 Edition
Document preparation date	June 4, 2013

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

The Virginia Industrialized Building Safety Regulations (IBSR) are regulations governing the in-factory construction of industrialized buildings, which are also known as modular buildings. The regulations provide the same standards for construction as those buildings constructed on-site and regulated by the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the "USBC"). Both regulations utilize nationally recognized model building codes and standards to provide the technical requirements for the actual construction of the regulated buildings. The model codes are produced by the International Code Council and 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 newer editions of the model codes into the regulations through the publishing of a proposed regulation. Those affected by the regulations then review the proposed regulations to assure that the newest model codes and standards reflect the minimum standards necessary for the safe construction of such buildings and structures. After the publishing of the proposed regulations, the board establishes a comment period for the acceptance of code change proposals to modify the model codes and 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 regulations are general clarification and correlation changes. These changes are simply to more closely match legislative language and to coordinate the application of the regulations with the other building and fire regulations of the board. The changes are described below by section number:

13VAC5-91-10: Revises the definition of “Compliance Assurance Agency” (CAA) to delete the words “on each manufactured section or module” which refers to the placement of the CAAs labels on industrialized buildings. The Industrialized Building Safety Regulations (IBSR) allow the labels to be placed in one location.

13VAC5-91-10: Adds the definition of “label”, “certification label” or “compliance assurance agency certification label” to clarify the meaning of the label(s) that is applied to industrialized buildings by the CAA.

13VAC5-91-10: Adds the definition “seal” “registration seal” or Virginia registration seal” to clarify the meaning of the certification seals that are issued by the State Building Codes Office to be applied to industrialized buildings.

13VAC5-91-10: Changes the name of the State Building Code Administrative Office to the State Building Codes Office (SBCO). This name change occurs throughout the IBSR.

13VAC5-91-20: Revises the exemption of storage containers from the regulations. The terms “shipping containers” and “portable on demand storage (PODS)” were replaced with “off-site manufactured intermodal freight containers” “moving and storage containers”. These new terms more clearly define the types of containers that are exempted. Wording was also added that these containers may be placed on a site temporarily or permanently for use as storage containers.

13VAC5-91-40: Revises title of this section by adding the words “by administrator” to clarify the entity responsible for enforcing this section.

13VAC5-91-60: Revises title of this section by adding the words “from administer” to clarify the entity responsible for issuing a notice of violation to the IBSR.

13VAC5-91-60: Added language explaining the right to appeal any order issued by the administrator.

13VAC5-91-100 (A)(3): Deleted language using the terms “serious defect” and “imminent safety hazard” which are terms used in the HUD administered manufactured home program and not defined by the adopted building codes. The deleted language was replaced with clarifying language that “the building official shall be permitted to require the correction of any violations of this chapter before occupancy of the registered industrialized building is permitted”.

13VAC5-91-100 (A)(4): Deleted language using the terms word “defects” and “noncompliance” which are terms used in the HUD administered manufactured home program and not defined by the adopted building codes.

13VAC5-91-115: Deleted “USBC” and replaced it with “this chapter” to clarify that the change of use of an industrialized building is subject to the requirements of the IBSR.

13VAC5-91-120(B): Deleted this section in its entirety. This is an unnecessary requirement that is not required by the law. A factory built structure without a Virginia registration seal is by definition an unregistered industrialized building.

13VAC5-91-130: Deleted this section in its entirety. The intent of this section which allows the building official to require the correction of a violation before occupancy of an industrialized building, has been moved to section 13VAC5-91-100 (A)(3).

13VAC5-91-150(B): Deleted in its entirety. This section is not required by law. It is always an option of the SBCO to contact the local AHJ to be afforded an opportunity to present his views and recommendations.

13VAC5-91-160: Updates the editions of all of the model codes referenced in the regulation.

13VAC5-91-170: Deleted reference to Chapter 1 of the USBC. This is redundant language that appears in section 13VAC5-91-100(B).

13VAC5-91-180(A): Deleted the word “may” and replaced with “shall”, as it is not an option for a compliance assurance agency to make application for acceptance by the SBCO.

13VAC5-91-180(B)(C) &(D): This section which addresses the approval of Compliance Assurance Agencies by the SBCO has been expanded to clearly delineate the terms of the approval. The new language clarifies that: The approval is for a period of two years after which the CAA must re-apply for continued approval. CAA’s that are already approved must resubmit applications within 90 days from the adoption of these regulations. Defines the conditions under which the approval of a CAA may be suspended or revoked.

13VAC-5-91-210(A): Revision to clarify that the CAA’s certification labels must be applied to a registered industrialized building prior to shipment of the building from the place of manufacturer. This language is consistent with the existing requirement that the SBCO certification seals must be applied prior to the building being shipped from the place of manufacture. Language has been added to clarify that the certification labels may be applied by either the CAA or by the manufacture when authorized by the CAA.

13VAC5-91-210(B): This is an existing requirement regarding where certification labels are to be placed. This requirement was moved from section 13VAC5-91-220. The language has been slightly modified but the intent remains unchanged.

13VAC5-91-220: Moved the requirement that certification labels may be placed in one location. This requirement has been relocated to section 13VAC5-91-210(B). Added language that the certification labels shall be installed near the registration seal. This is consistent with the current requirement in section 13VAC-5-91-260(D) that the certification seal shall be installed near the certification label.

13VAC5-91-240: Title of this section has been revised from “Label control” to “Control of compliance assurance agency certification label” to better describe the content of this section.

13VAC5-91-260(A): Revised to be consistent with 13VAC5-91-210(A). Clarifies that certification seals may be applied to an industrialized building by either the CAA or by the manufacturer when authorized by the CAA.

13VAC5-91-260(C): Revised to specify that registration seals “shall” be purchase from the SBCO instead if “may” be purchased. Also revised the cost of registration seals for building constructed as R-5 (residential) from \$75 to \$50 per module. The reduction in cost is to off-set the cost of local building permit fees paid by builders to install one and two family dwellings.

13VAC-91-260(D): Revised to be consistent with 13VAC5-91-120 which requires the certification labels to be applied in the vicinity of the electrical distribution panel or in another readily accessible location.

13VAC5-91-260(F): Added new section to reflect the law § 36-85.1 regarding refund of certification seals. The law allows the refund to be “whole or in part”. A processing fee of 25% has been specified and shall not exceed \$250. In addition, a note has been added to the end of the section advising users that the Department of Professional and Occupational Regulation requires licenses for certain activities related to the industrialized building industry.

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

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