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Exempt Action: Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13VAC5 - 63
VAC Chapter title(s)	Uniform Statewide Building Code
Action title	Update the Uniform Statewide Building Code
Final agency action date	December 14, 2020
Date this document prepared	December 2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The 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 (ICC) 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 BHCD initiates a regulatory action to incorporate the newest editions of the model codes into the regulation as well as accepting proposals for changes to the regulation from affected stakeholder groups and the public. The Department of Housing and Community Development staff maintains mailing lists for workgroups involving different subject areas of regulation and conducts workgroup meetings attended by stakeholder group participants to develop consensus recommendations, when possible, concerning proposals which have been submitted. The Department uses an online program incorporating the provisions of the regulation and the model codes and standards to facilitate the submittal of proposals. A public hearing is held during the workgroup meeting stage of the process and a comment period established. Once workgroup meetings are

completed, the BHCD has a series of meetings to consider each proposal and those proposals approved are incorporated into the proposed regulation. After the publishing of the proposed regulation, the BHCD establishes a comment period for additional proposals to be submitted and to comment on the proposed regulation and an additional public hearing is held. The BHCD then meets to consider proposals and public comments to develop a final regulation to complete the regulatory process.

13VAC5-63-10

Clarifies that references to the International Codes and standards include state amendments made to those codes

Provides supersession provisions when the VECC address the same subject matter in the NEC, VMC, VPC, and VFGC

13VAC5-63-130

Adds flood hazard documentation requirements for submission to the building official

13VAC5-63-190

Adds that the State Review Board has the power and duty to hear all appeals arising from the USBC
Adds that all hearings before the State Review Board shall be open meetings, the Board shall have the power to uphold, reverse or modify decisions of the LBBCA, and that the proceedings are governed by the Administrative Process Act 2.2-4000 et seq.)

13VAC5-63-210

Revises and reorganizes the sections on residential occupancies
Adds requirements for State Regulated Care Facilities

Makes several changes to the Residential Code, including:

Adds definitions for Accessory dwelling unit, Substantial Damage, and Substantial Improvement

Revises the Component and Cladding table and the Height and Exposure Adjustment Coefficient table

Updates the wind design section to correlate with ASCE 7-16

Adds elevation requirements for buildings in flood hazard areas

Adds a requirement for garage door labeling to include model/series number, testing standard, and wind pressure rating

Adds a requirement for a mandatory energy certificate to list predominant R-values of insulation, U-factors of fenestration, and SHGC of fenestration

Adds requirements for the required pan under a storage tank-type water heater or hot water storage tank

Adds the allowance of NFPA 13 and 13R sprinkler systems

13VAC5-63-224

Adds a new requirement for address identification

13VAC5-63-226

Adds an alternative construction provision requiring certain type of construction to comply with all provisions of the 2021 IBC and IFC

13VAC5-63-250

Adds fixture type provisions for multi-user gender-neutral toilet facilities

13VAC5-63-260

Adds new provisions to accommodate multi-user gender-neutral facilities

13VAC5-63-264

Adds new energy requirements for roofs and roof assemblies

Adds new energy requirements for skylights

13VAC5-63-280

Adds a new section detailing testing requirements for garage doors and rolling doors

13VAC5-63-300

Changes Article 555 of NFPA 70 2017 edition to NFPA 70 2020 edition

13VAC5-63-310

Adds occupant density and outdoor airflow rate metrics for medical procedure rooms, patient rooms, and physical therapy rooms

Prohibits the installation of dampers in the exhaust duct

Adds requirements for protecting penetrations of shaft and ductwork

13VAC5-63-320

Adds minimum number of fixture requirements for multi-user gender-neutral toilet facilities

Adds exceptions to separate facility requirements where single-user toilet rooms or multi-user gender-neutral facilities are provided

Adds requirements for the location of backflow preventers

Adds calculation procedures for the effects of roof discharge on calculating roof area

Removes minimum fixture requirements from the IBC and points directly to the VPC

13VAC5-63-410

Adds a provision that requires additions separated by a new firewall be constructed per the VCC

13VAC5-63-430

Adds a new definition for roof covering and deletes the definition for roof repair

13VAC5-63-431

Adds a requirement that the repair or replacement of smoke alarms shall be with UL217 listed devices no more than 10 years from the date of manufacture of the original smoke alarm.

13VAC5-63-432.5

Changes the provisions of the change of occupancy section to state that existing buildings are not required to be provided with additional accessibility features and removes the exception for Type B dwelling or sleeping units

Adds a requirement that additional toilet and bathing facilities in assembly and mercantile occupancies must include no fewer than one accessible family or assisted-use toilet room

Adds a provision that Type B dwelling or sleeping units are not required to be provided in historic buildings or structures

13VAC5-63-433

Adds a requirement that repairs shall comply with the VECC and specifies what work shall be considered a repair

13VAC5-63-433.3

Adds conditions by which alterations are required to comply with the VECC or VRC without requiring the unaltered portions to comply with the VECC or VRC

Adds new sections on reroofing, roof recover, and reinstallation of materials for roofing

13VAC5-63-433.5

Adds a provision that standpipe systems installed due to a change of occupancy only need to serve the area undergoing the change of occupancy

13VAC5-63-435.5

Adds a retrofit requirement for existing buildings requiring address identification and FDC sign.

13VAC5-63-440

Adds a requirement for evaluating existing buildings for structural integrity.
Adds requirements for evaluating existing fire alarm systems, means of egress capacity, maximum exit travel distance, means of egress emergency lighting, and standpipes

13VAC5-63-444

Adds requirements for displays and written information being able to be seen by a seated person and for new direct connections to commercial, retail, or residential facilities to have an accessible route to the maximum extent feasible.

13VAC5-63-485

Adds a requirement that copies of notices of violations shall be delivered to the owner, even if the owner isn't the responsible party

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The promulgation of the USBC is required per section 36-98 of the Code of Virginia. Further, Section 36-99 indicates that modifications and provisions of the USBC should have due regard for, "generally accepted standards as recommended by nationally recognized organizations". The USBC uses nationally recognized model building codes and standards produced by the International Code Council (ICC) 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 BHCD initiates a regulatory action to incorporate the newest editions of the model codes into the regulation as well as accepting proposals for changes to the regulation from affected stakeholder groups and the public.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Board of Housing and Community Development adopted final regulations for the Uniform Statewide Building Code December 14, 2020.