

13 VAC 5-21. VIRGINIA CERTIFICATION STANDARDS (Amending 13 VAC 5-21-10 through 13 VAC 5-21-41, 13 VAC 5-21-51, 13 VAC 5-21-61 and 13 VAC 5-21-70; adding 13 VAC 5-21-45).

13 VAC 5-21-10. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

~~"Active certificate holder" means any certificate holder who has attended the required DHCD-designated periodic training courses and is classified by DHCD as active.~~

~~"Applicant" or "candidate" means any a person seeking to become qualified to provide enforcement or perform inspections or reviews under the applicable BHCD regulation by obtaining a certificate from the BHCD.~~

~~"BCAAC" means the Building Code Academy Advisory Committee appointed by the BHCD under ~~§ 36-137~~ § 36-137(7) of the Code of Virginia to advise the BHCD and the DHCD Director on policies, procedures, operations, and other matters pertinent to enhancing the delivery of training services provided by the Building Code Academy .~~

~~"BHCD" means the Virginia Board of Housing and Community Development.~~

~~"Certificate" means a ~~document~~ certificate of competence issued by BHCD as a certificate of competence concerning the content, application, and intent of specified subject areas of the~~

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building and fire prevention regulations promulgated by the ~~Board~~ BHCD and issued to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to ~~the Uniform Statewide Building Code Chapter 6~~ (§ 36-97 et seq. ~~of the Code of Virginia~~) of Title 36 of the Code of Virginia, and ~~the Statewide Fire Prevention Code Chapter 9~~ (§ 27-94 et seq. ~~of the Code of Virginia~~) of Title 27 of the Code of Virginia, and any regulations adopted thereunder, who have completed training programs or in other ways demonstrated adequate knowledge.

"Certificate holder" means ~~any a person certified by the BHCD under this chapter and classified by DHCD as active or inactive~~ to whom the BHCD has issued a certificate.

"Code Academy" means the Virginia Building Code Academy established under ~~§ 36-139~~ § 36-139(14) of the Code of Virginia, ~~and educational institutions established in accordance with § 36-137~~ or individual or regional training academies accredited by DHCD pursuant to § 36-137(7) of the Code of Virginia, ~~which are accredited by DHCD under 13 VAC 5-80 to conduct classes to prepare individuals pursuing occupations in the building, amusement device or fire inspection professions or to upgrade individuals in technical phases of building amusement device or fire regulations and codes.~~

~~"Code enforcement agency" means the agency or agencies to which responsibility for enforcement of the USBC, VADR, or SFPC has been assigned.~~

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~~"Code inspection agency" or "code review agency" means any department, division, company, individual or agency to which inspection or construction document review responsibility under the applicable USBC, VADR, or SFPC has been assigned or delegated and, in addition, shall include such entities whose reports of inspection or review will be the basis of approvals under the applicable USBC, VADR, or SFPC.~~

"DFP" means the Virginia Department of Fire Programs.

"DHCD" means the Virginia Department of Housing and Community Development.

~~"Inactive certificate holder" means any certificate holder who has not attended the required DHCD-designated periodic training courses and is classified by DHCD as inactive.~~

"SFPC" means the Virginia Statewide Fire Prevention Code (13 VAC 5-51).

~~"Training" means the facilitation of an individual's learning that is focused on the performance of the job duties and tasks related to the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by BHCD.~~

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~~"Training code academy" means training conducted by a code academy and that is divided into the following types of modules: (i) core module means the general foundation training module for persons seeking to become qualified to perform inspections and other duties under the BHCD regulations, which includes emphasis on the legal authority and the regulatory foundation of enforcement and administration of Virginia's building and fire regulations; (ii) management module means the advanced training modules for persons seeking to become qualified to manage and supervise enforcement and inspections and other functions under the BHCD regulations; and (iii) technical module means the foundation and advanced training modules for the various specialty areas related to performing plans review, inspections and other job duties under the BHCD regulations, including but not limited to areas such as building, fire protection, plumbing, electrical, mechanical, amusement device and elevators.~~

~~"Training DFP" means training conducted under the DFP, Regulations Establishing Certification Standards for Fire Inspectors (19 VAC 15-20).~~

"TRB" means the ~~Virginia~~ State Building Code Technical Review Board established under § 36-108 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code (~~13 VAC 5-61~~ 13 VAC 5-63).

"VADR" means the Virginia Amusement Device Regulations (13 VAC 5-31).

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B. Words and terms used in this chapter that are defined in the USBC, VADR, or SFPC and that are not defined in this chapter shall have the meaning ascribed to them in those regulations unless the context clearly indicates otherwise.

13 VAC 5-21-20. Purpose.

The purpose of this chapter is to establish standards ~~to be used by persons desiring to be issued for applicants for~~ a BHCD certificate and standards to be used by DHCD in the evaluation and determination of a person's eligibility for the issuance of BHCD certificates.

13 VAC 5-21-31. ~~Proof of qualifications for certificate~~ Qualification and examination requirements.

A. ~~Applicants~~ An applicant for a BHCD certificate ~~prior to certification in categories associated with the USBC or the SFPC~~ shall provide ~~to DHCD for verification,~~ a written endorsement from the code official, or the code official's supervisor, ~~or in the case of nongovernment employees, other such documentation as proof of compliance in the locality in which they are employed certifying that the applicant complies with the qualification section as listed in the USBC, or the SFPC or VADR as applicable~~ for each type of certificate sought. When the applicant for a BHCD certificate in categories associated with the USBC or the SFPC is a non-government

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employee, a written endorsement from the applicant's supervisor or a person having a similar relationship to the applicant shall be provided certifying that the applicant complies with the qualification section in the USBC or the SFPC as it would relate to the applicant's job responsibilities for each type of certificate sought.

B. An applicant for a BHCD certificate in categories associated with the VADR shall provide a written endorsement from the applicant's supervisor or a person having a similar relationship to the applicant certifying that the applicant is generally qualified to conduct activities related to the VADR.

~~B.~~ C. Applicants for all BHCD certificates shall provide proof of successful completion of approved examinations for each type of certificate sought , except as provided for in 13 VAC 5-21-45 . DHCD shall maintain a list of approved testing agencies and examinations that meet nationally accepted standards for each type of certificate. For information on approved testing agencies and examinations contact: DHCD, Division of Building and Fire Regulation, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7180.

~~C. Upon written request by the applicant with the endorsement as required under subsection A of this section, the DHCD may approve alternate testing agencies and examinations or may approve any combination of education and experience which would in other ways demonstrate adequate knowledge for the type of certificate sought. Under § 36-139 of the Code of Virginia, the DHCD~~

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~~may also approve other training, experience and educational offerings as equivalent to and in place of code academy technical module training. The types of such combinations of education and experience may include military training, college classes, technical schools, or long term work experiences, except that long term work experiences shall not be the sole substitute. DHCD may convene meetings of the BCAAC to review and advise the DHCD concerning the appropriateness of applications for certification under this section.~~

13 VAC 5-21-41. Certification categories and training requirements.

A. DHCD shall maintain a list of BHCD certification categories and required training.

For information on BHCD certification categories and required training, contact: DHCD, Division of Building and Fire Regulation, 501 N. 2nd St., Richmond, VA 23219, (804) 371-7180.

B. ~~Prior to receiving certification, all applicants~~ Applicants for all BHCD certification certificates shall attend and complete the ~~code academy~~ Code Academy core module , ~~except as provided for in 13 VAC 5-21-45~~ . In addition to the completion of the core module, applicants for the following categories of BHCD certification are required to attend and complete ~~additional~~ the following ~~code academy~~ Code Academy training ~~prior to receiving certification in accordance with the following table~~ , ~~except as provided for in 13 VAC 5-21-45~~ :

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Category of BHCD Certification	Code academy <u>Academy</u> Training
Building official	Advanced official module
Fire official	Advanced official module and the 1031 school as administered by the Department of Fire Programs <u>DFP</u>
Building maintenance official	Advanced official module and the property maintenance module
Fire prevention inspector	The 1031 school as administered by the Department of Fire Programs <u>DFP</u>
Amusement device inspector	Amusement device inspection module

~~Exception: Applicants for BHCD provisional certification shall comply with 13 VAC 5-21-51 C.~~

13 VAC 5-21-45. Alternatives to examination and training requirements.

A. An applicant for a BHCD certificate with the written endorsement required by 13 VAC 5-21-31 may submit a written request to DHCD to approve an examination by a testing agency not on the list of approved testing agencies maintained by DHCD to satisfy the examination requirements of 13 VAC 5-21-31. Such an applicant may also submit a written request to DHCD to approve any combination of education and experience to satisfy the examination

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requirements. DHCD shall consider the approval of any such requests based on whether adequate knowledge has been demonstrated for the type of certification sought. DHCD may request the assistance of BCAAC in any such consideration.

B. Upon written application by any applicant for a BHCD certificate, DHCD may approve alternative training or a combination of training, education or experience to satisfy the training requirements of 13 VAC 5-21-41. The types of combinations of education and experience may include military training, college classes, technical schools or long-term work experiences, except that long-term work experiences shall not be approved as the sole substitute to satisfy the training requirements. DHCD may request the assistance of BCAAC in any such consideration.

13 VAC 5-21-51. Issuance of Certification Certificates .

A. A BHCD certificate under this chapter shall Certificates will be issued when the DHCD determines a candidate an applicant has complied with 13 VAC 5-21-31 and 13 VAC 5-21-41 the applicable requirements of this chapter for the certification sought . Certificate holders will be classified by DHCD as active or inactive. An active certificate holder is a person who is certified and who has attended all periodic training courses designated by DHCD subsequent to becoming certified. An inactive certificate holder is a person who is certified but has not attended all such training courses. An inactive certificate holder may request reinstatement from DHCD as an active certificate holder after completing make-up training courses authorized by

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DHCD. DHCD may also issue provisional certificates in accordance with subsection C of this section.

~~B. All certificate holders certified~~ certificates issued by the BHCD since June 1978 are ~~still certified~~ considered to be valid unless revoked ~~and shall be classified as active or inactive or suspended by the BHCD, except that provisional certificates shall remain valid as set out under subsection C of this section . Any certificate holder classified as inactive shall be deemed not to meet the certification requirements of the applicable USBC, VADR, or SFPC. Such inactive certificate holder may complete DHCD designated training and apply to become an active certificate holder.~~

C. Provisional certificates may be issued by the BHCD to ~~Any person falling under any one or more of the following circumstances :~~

1. A ~~noncertificate holder~~ person who has been directed by the BHCD to obtain ~~certification~~ a certificate ;
2. A ~~candidate seeking certification based on demonstration of adequate knowledge and experience for the certificate being sought~~ An applicant requesting a certificate under the alternative examination or training provisions of 13 VAC 5-21-45 ; or

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3. ~~The~~ An applicant when the required DHCD or DFP training has not been provided or offered ~~the required training under 13 VAC 5-21-41-B or approved appropriate alternate training .~~

~~May be issued a~~ Such a provisional certificate may be issued under any of the following conditions:

a. ~~1.~~ 1. The ~~candidate~~ applicant has satisfactorily completed the Code Academy core module ;

b. ~~2.~~ 2. The ~~candidate~~ applicant has ~~complied with 13 VAC 5-21-31 A for proof of qualifications~~ provided the written endorsement required by 13 VAC 5-21-31 ; or

c. ~~3.~~ 3. The ~~candidate~~ applicant has ~~complied with 13 VAC 5-21-41~~ completed any training through the Code Academy or through other providers determined by DHCD to warrant the issuance of the provisional certificate .

d. ~~Such certification is nonrenewable and shall expire one year from the date of issuance.~~

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~~Exception: Such provisional certification is renewable and shall not expire one year from the date of issuance when the DHCD or DFP has not provided or offered the required training. However, the DHCD may approve appropriate alternate training.~~

~~When a provisional certificate holder has complied with the provisions of 13 VAC 5-21-31 B for a regular BHCD certificate, DHCD shall issue such certificate.~~

The provisional certificate is valid for a period of one year after the date of issuance and shall only be issued once to any individual, except that a provisional certificate shall remain valid when the required DHCD or DFP training has not been provided or offered.

~~D. A certification under this chapter may be denied when the BHCD determines a candidate has not complied with the applicable provisions of this chapter.~~

~~E. All certificate holders certified by the BHCD shall attend continuing education training as specified by DHCD in order to maintain status as an active certificate holder.~~

13 VAC 5-21-61. Sanctions.

~~When the BHCD determines a certificate holder, code official, technical assistant or an inspector of a code inspection agency or code review agency has failed to (i) maintain a minimally~~

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acceptable level of competence ~~under § 36-137(6) of the Code of Virginia~~ which demonstrates adequate knowledge , (ii) comply with an order issued by the BHCD or the TRB, or (iii) obtain the applicable BHCD ~~certification~~ certificate ~~as may be required under~~ by the applicable USBC, VADR ; or the SFPC, the BHCD may impose any of the following sanctions on such enforcement personnel ~~covered by this chapter~~ :

1. A warning letter under this chapter may be issued when the BHCD determines a certificate holder , ~~code official, technical assistant or an inspector of a code inspection agency or code review agency~~ committed any act prohibited by this chapter. The documentation that serves as the basis for such letter shall be ~~made a part of the certification file on the certificate holder, technical assistant or inspector~~ kept in records by DHCD for that individual .

~~2. Attendance at special training under this chapter may be ordered when the BHCD determines a certificate holder lacks an adequate level of knowledge, skill or training to practice in the specific area of certification. A probation period may also be imposed by the BHCD upon completion of all such training.~~

~~3.~~ 2. A certificate issued under this chapter may be revoked or suspended by the BHCD.

13 VAC 5-21-70. Appeal.

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Decisions of the BHCD regarding ~~a candidate~~ an applicant for a certificate or a certificate holder shall be final ~~if the candidate or certificate holder makes no appeal~~ unless appealed .

~~Decisions of the BHCD~~ Actions under this regulation are ~~case decisions under~~ governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and are subject to judicial review in accordance with that law.