



Exempt Action Proposed Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13 VAC 5-51</u>
Regulation title	Virginia Statewide Fire Prevention Code
Action title	Amend and Update Virginia Statewide Fire Prevention Code
Document preparation date	August 12, 2009

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 Statewide Fire Prevention Code (SFPC) is a regulation governing the maintenance of fire-safety features in existing buildings and structures and fire-safety related operations on property. The SFPC incorporates by reference the International Fire Code (IFC), a nationally recognized model code produced by the International Code Council as a companion code to that used under the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the "USBC"). Every three years, a new edition of the model code become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer edition of the model code 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 code and its referenced standards reflect the minimum standards necessary for the fire safety of existing buildings and property. After the publishing of the proposed regulation, the board establishes a comment period for the acceptance of code change proposals to modify the model code 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.

Specific changes in the proposed regulation are outlined below:

13 VAC 5-51-21(E) and (H): Correlation changes due to new chapter numbering in the 2009 edition of the IFC, which is the new edition of the IFC being incorporated into the SFPC and to a provision in the USBC which is being renumbered in a correlating regulatory amendment action.

13 VAC 5-51-31: Updates the reference to the IFC from the 2006 to the 2009 edition, which is the new nationally recognized model code used in the SFPC.

13 VAC 5-51-81: Changes fee provisions to match state law in accordance with § 27-97 of the Code of Virginia. As the catchline was formerly entitled only "Permits" there was confusion over whether separate fees could be charged for appeals even though state law clearly provides for such separate fees.

13 VAC 5-51-85: Deletes the requirements for construction permits and retains the requirements for operational permits. The construction permit requirements were inserted under a prior regulatory action in an attempt to correlate with when permits are needed under the USBC to assist persons enforcing the SFPC in existing buildings when discovering work which needed a permit under the USBC, so that the local building department responsible for enforcement of the USBC could be notified. The requirement is being removed as the permit requirements of the USBC change frequently thus making amendments to this regulation necessary to remain consistent with the USBC.

13 VAC 5-51-130(A) and (C): The change to subsection A is to correlate with the same definition in the USBC and simply moves the group classifications from a parenthetical reference to the text of the definition. The change to subsection C is to delete the definition of the term "canopy" to correlate with changes made to the IFC to eliminate the need for the definition. Canopies are now regulated under the USBC and only tents are regulated under the SFPC.

13 VAC 5-51-132, 133 and 135: Correlation changes only necessary to match new numbering in the 2009 edition of the IFC.

13 VAC 5-51-143: The provisions in this section are repealed as they were amendments to the 2006 edition of the IFC which are now incorporated into the 2009 IFC, thereby making the changes to the IFC unnecessary.

13 VAC 5-51-145, 150 and 155: The changes to these provisions are necessary to correlate with changes in the IFC from the 2006 to the 2009 edition; no substantive changes are made.

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.