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## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	<u>13 VAC 5-91</u>
<b>Regulation title</b>	Virginia Industrialized Building Safety Regulations
<b>Action title</b>	Amend and Update Virginia Industrialized Building Safety Regulations
<b>Document preparation date</b>	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 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:

13 VAC 5-91-10: The definition of "Compliance assurance agency" is changed to match state law in § 36-70 of the Code of Virginia. The previous definition used the term "building" instead of "section" or "module." While this difference had no bearing on the application of the previous regulation since only one label was required for each building, amendments are being made in this regulatory action to require a separate label on each section or module, therefore, the existing definition would cause confusion if left unchanged.

13 VAC 5-91-20(A) through (D): Changes to these subsections are just reorganizational and to match statutory provisions.

13 VAC 5-91-20(E): Adds an exemption for shipping containers and portable on demand storage (PODS) containers to clarify that they are not subject to the regulations.

13 VAC 5-91-40(A): Adds provisions which allow the Department to perform inspection of manufacturing facilities and at building sites during reasonable hours and issue inspection reports for correction of violations caused by the manufacturer.

13 VAC 5-91-50: Revises provisions of the section addressing the administrator's right to inspect industrialized buildings to match state law in § 36-82 of the Code of Virginia.

13 VAC 5-91-60: Revises section on the administrators' responsibilities to notify responsible parties of any violations discovered during an inspection and to have the building brought into compliance in accordance with state law in § 36-82 of the Code of Virginia.

13 VAC 5-91-70: Revises section on appeals to match state law in § 36-82.1 of the Code of Virginia.

13 VAC 5-91-100: Changes to this section are to more succinctly delineate the responsibilities of the local building official under these regulations and to clarify that site work associated with the installation of an industrialized building is subject to the USBC and not this regulation.

13 VAC 5-91-120(B): Clarifies that signs identifying unregistered industrialized buildings on sales lots are not necessary for accessory shed-type buildings.

13 VAC 5-91-120(C)(2): Subdivision (2) of this section establishes a methodology for a compliance assurance agency to use in evaluating an existing unregistered building for registering the building without unnecessary disassembly. Clarification is added that this methodology may only be used when the date of manufacture is known.

13 VAC 5-91-160: Updates the editions of all of the model codes referenced in the regulation.

13 VAC 5-91-200: Updates the ASTM E541-01 Standard to the E541-08 Standard for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building. Also adds the option for inspection personnel of obtaining a DHCD or ICC certification in the appropriate subject area in lieu of complying with the ASTM E541 Standard when conducting compliance assurance inspections.

13 VAC 5-91-210: Adds language requiring a label on each manufactured section or module of a registered industrialized building in conjunction with a new fee structure to be charged to each module or section.

13 VAC 5-9-245: Revises the list of information required on permanent manufacturer's date plate.

13 VAC 5-91-260: Updates seal requirements to include one for each section or module and changes the fees to reflect the change in seal requirements. It also gives the option of either placing a seal on each section or module or all of the modules or sections in one location in the completed building and to submit fees by electronic means.

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.