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Exempt Action Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development (BHCD)
Virginia Administrative Code (VAC) citation(s)	<u>13 VAC 5 - 63</u>
Regulation title(s)	Uniform Statewide Building Code (USBC)
Action title	Update the USBC
Final agency action date	July 30, 2018
Date this document prepared	July 30, 2018

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, 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, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The 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 client 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 client 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.

Final regulations for the USBC were published in Volume 34, Issue 18 of the Virginia Register on April 30, 2018 initiating a 30-day comment period. During the comment period, petitions were received concerning substantive changes between the proposed and final regulations. An additional 30-day comment period was then established for the submittal of additional public comments on the petitioned provisions.

On July 30, 2018, the Board of Housing and Community Development considered the public comment on the petitioned provisions and readopted final regulations with the following changes from the final regulations:

13VAC5-63-485. Section 105.6 – Delete the last sentence of Section 105.6. Add New Section 105.6.1 *Further action for corrected violations* – Allows the code official to request legal proceedings when property owner served with three or more separate notices of violation for the same property within any five consecutive years. There is an exception for owner-occupied single family dwellings.

Statement of final agency action

Please 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.

On July 30, 2018, the Board of Housing and Community Development approved readopted final regulations for the Virginia Uniform Statewide Building Code.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

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