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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation(s)	<u>13</u> VAC <u>5</u> - <u>51</u>
Regulation title(s)	Statewide Fire Prevention Code (SFPC)
Action title	Update of SFPC to reference 2015 edition of the International Code Council's International Fire Code
Date this document prepared	December 11, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

The subject matter is the regulation of operations and processes relating to fire safety and explosion hazards and the maintenance of the fire protection features in buildings by the State Fire Marshal's Office and by local fire prevention agencies. The intent and goal of this action is to update the model codes and standards referenced in the SFPC from the 2012 editions to the 2015 editions and to amend any administrative and enforcement provisions of the SFPC as determined necessary for the enforcement of the regulation.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and(2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is § 27-97 of the Code of Virginia.

This action is exempt from Article 2 of the Administrative Process Act in accordance with subdivision A 12 of § 2.2-4006 of the Code of Virginia.

Purpose

Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

The SFPC and the Uniform Statewide Building Code (13VAC5-63) (USBC), also a regulation under the authority of the Board of Housing and Community Development for the regulation of the construction of site-built buildings and structures, both utilize the model codes and standards developed by the International Code Council (ICC). New editions of those model codes are available every three years. The current SFPC incorporates the 2012 editions of the International Codes. The 2015 editions of the International Codes are now completed and available from ICC. The use of the newest available model codes and standards in both the SFPC and the USBC assures coordination between the regulations and that the statutory mandate is met to base both regulations on the latest editions of nationally-recognized model codes to assure protection of life and property from the hazards of fire or explosion and the protection of the health, safety and welfare of the occupants and users of buildings and structures at the least possible cost.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The action will update all references in the regulation to the International Codes from the 2012 to the 2015 editions. In addition, any changes to the International Codes which were made in the current regulation which are no longer necessary due to there being consistent provisions in the 2015 International Codes will be deleted. Administrative and enforcement provisions of the SFPC will be updated as determined necessary by the Board in conjunction with the use of the newest editions of the International Codes and in response to proposals or comments received from interested or affected parties.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

As the use of the latest International Codes to encompass the bulk of the regulation is based on statutory requirements, the agency believes this action to be the least burdensome or intrusive method of meeting the essential purpose of the action as well as assuring the least intrusive or costly impact on small businesses.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 371-7150; fax number: (804) 371-7092; email address: sbco@dhcd.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held prior to and following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.