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Exempt Action Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation(s)	13 VAC 5- 51
Regulation title(s)	Statewide Fire Prevention Code
Action title	Update the SFPC
Final agency action date	September 7, 2018
Date this document prepared	September 10, 2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The SFPC is a regulation governing the maintenance of the fire protection aspects of existing structures and operational functions relating to fire safety wherever located, including the regulation of the use of explosives and blasting and fireworks displays. The SFPC uses a nationally recognized model code produced by the International Code Council as the basis for the technical provisions of the regulation. Every three years, a new edition of the model code becomes available. At that time, the BHCD initiates a regulatory action to incorporate the newest edition of the model code 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 clients 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 code 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 SFPC were published in Volume 34, Issue 18 of the Virginia Register on April 30, 2018 initiating a 60-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 September 7, 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:

13VAC5-51-131. IFC Chapter 3. General Requirements.
Language inadvertently included in the final text was stricken.

13VAC5-51-133.5. IFC Chapter 6. Building Services and Systems.
Revised to include language that was inadvertently omitted.

13VAC5-51-134. IFC Chapter 8. Interior Finish, Decorative Materials and Furnishings.
Section titles from model code changed to remove unnecessary language.

13VAC5-51-135. IFC Chapter 9. Fire Protection Systems.
Text stricken that was inadvertently left in the final regulation.

13VAC5-51-135.5. IFC Chapter 10. Means of Egress.
The word building was inadvertently omitted in the final text.

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 September 7, 2018, the Board of Housing and Community Development approved readopted final regulations for the Statewide Fire Prevention Code.