

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	13 VAC 5 – 52 (Repeal of Chapter 51)
<b>VAC Chapter title(s)</b>	Statewide Fire Prevention Code
<b>Action title</b>	Update the Statewide Fire Prevention Code
<b>Date this document prepared</b>	September 2023 (Updated October 2023)
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Final

**Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Agency Note: Changes between proposed and final regulations were editorial in nature. The table at the end of the document titled *FINAL PHASE Editorial corrections that are not expected to have cost impact* identifies these changes.**

**The Uniform Statewide Building Code, Statewide Fire Prevention Code, Industrialized Building Safety Regulations, and the Virginia Amusement Device Regulations are based on national model codes and standards. These codes and standards are incorporated by reference except where Virginia makes specific amendments in compliance with state law or via its extensive stakeholder development process.**

**National Model Codes – Development Overview**

The International Code Council develops construction and public safety codes through a governmental consensus process. The Code Council governmental consensus process meets the principles defined by the National Standards Strategy of 2000, and the OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities (1998). It complies with Public Law 104-113 National Technology Transfer and Advancement Act of 1995.

#### Openness

- Participation in the development of the codes, including code hearings, is open to all at no cost.
- Anyone can submit a code change proposal or make a public comment.
- Code committees must consider all views before voting.

#### Transparency

- Evidence of committee vote, with reason, must be documented.
- Final decisions are made in an open hearing by public safety officials.
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#### Balance of Interests

- Committee members represent general interests, user interests, producer interests, or multiple interests. One-third of the committee's members must be public safety officials.
- Committee members cannot vote on issues that are a conflict of interest.
- ICC membership is not a condition of committee membership.

#### Due Process

- A code change proponent has the opportunity to rebut opponents and vice versa.
- Anyone who attends the hearing can testify.
- Committees are required to consider all views, objections and the cost impact of all code change proposals.

#### Appeals

- Anyone can appeal an action or inaction of the code committee.
- ICC renders its decision on the appeal based on whether due process was served.

#### Consensus

- Committee members vote to approve the code change, make modifications to it, or vote against it.
- A simple majority from the committee decides the action of the proposed code change.

A link to the national process is here: <https://www.iccsafe.org/products-and-services/i-codes/code-development/current-code-development-cycle-archive-2018-2019/>

**Other Standards Incorporated – In addition to the ICC Model Codes, the Uniform Statewide Building Code, Statewide Fire Prevention Code, Industrialized Building Safety Regulations, and the Virginia Amusement Device Regulations incorporate other national standards. The process for each standard is governed by the promulgating organization, but all generally follow the American National Standards Institute (ANSI) accredited process of balanced committees, openness and appeals, etc. and are subject to regular review.**

This document identifies state amendments to the model codes. A majority of the changes included in this action are clarifications/editorial in nature. For example, they correct references to other codes, clarify existing language, or remove duplicative, or unenforceable construction provisions. The table included at the end identifies all proposals that are not believed to have a cost impact. As described in detail below, this action is not believed to have a cost impact for local governments (Table 2). The items included related to tables 1, 3, and 4 are changes in this action believed to have a cost impact as determined by the proponent of the code change. For many, the impact is based on the scope of the work being completed. Generally, cost impact and benefit information is as provided by a proposal’s proponent and where proponents have provided specific scenarios, this information is included. Detailed code change proposal information is available at - <https://www.dhcd.virginia.gov/board-housing-and-community-development-bhcd> under 2021 Code Development Cycle.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

(1) Direct & Indirect Costs & Benefits (Monetized)	See Table 1 Supplement Below	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	Code change proposals as submitted in the proposed phase.	

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

**Agency Note:** A majority of the changes included in this action are clarifications/editorial in nature. For example, they correct references to other codes, clarify existing language, or remove duplicative provisions. For these changes, maintaining the regulation without change may result in confusion or implementation challenges.

(1) Direct & Indirect Costs &	See Table 1 Supplement Below
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Benefits (Monetized)		
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non- Monetized)		
(5) Information Sources	<b>Code change proposals as submitted in the proposed phase.</b>	

**Table 1c: Costs and Benefits under Alternative Approach(es)**

**Agency Note: In general, the Uniform Statewide Building, Statewide Fire Prevention Code, Industrialized Building Safety Regulations, and the Virginia Amusement Device Regulations are performance-based codes. Outside of general administrative requirements, the codes typically offer various compliance paths to achieve the desired outcome. As the codes are performance based, the ability to provide alternative approaches is part of the framework of the codes.**

**Virginia is required by code to consider national model codes and standards in the development of its construction and maintenance codes and as such, it is important to stay current with the latest updates of these standards. The alternative is to continue to utilize older editions of the model codes. Updates are beneficial to consumers and regulants in considering the newest technologies and safety considerations as well as staying current for insurance rating agencies, FEMA, and other entities.**

**Virginia’s code updates process offers all affected stakeholders significant opportunity to propose amendments to the national model codes that work best for Virginia. There is an open and transparent stakeholder process prior to the adoption of the codes.**

**A majority of the changes included in this action are clarifications/editorial in nature. For example, they correct references to other codes, clarify existing language, or remove duplicative provisions. For these changes, the alternative would be maintaining the regulation without change, which may result in confusion or implementation challenges.**

(1) Direct & Indirect Costs &	<b>See Agency Note</b>
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Benefits (Monetized)		
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non- Monetized)		
(5) Information Sources	<b>Code change proposals as submitted in the proposed phase.</b>	

**Table 1 Supplement (Proposals Submitted in the Proposed Phase)**

<b>Proposal ID</b>	<b>VAC Section Number (13VAC5 -52-...)</b>	<b>Description</b>	<b>Cost Impact Statement Submitted by Proponent</b>	<b>Impact/Benefit from Reason Statement</b>	<b>Status Quo</b>
FP901.4.8-21	135	Requires walls, ceilings, and ceiling tiles to be maintained in place, where such components are required for proper operation of the fire protection system	This proposal is regarding the maintenance of building features, not construction. Therefore, the proposal will not increase the cost of construction and simply ensures that construction features remain in accordance with the applicable building code.	One of the most common violations found regarding fire protection system readiness is the ongoing maintenance of ceilings and walls, specifically ceiling tiles. The horizontal or vertical building construction features required at the time of system installation or modification are absolutely critical to the successful operation of fire sprinklers, fire detection and other fire protection systems. In most cases, the routine inspection and testing standards do not include a specific provision for the maintenance of these features since they are related to building construction and assumed to not be changed. In addition, many fire code officials tend to incorrectly use Chapter 7 (fire rated construction) for enforcement of these concerns when a majority of ceilings and walls in buildings with sprinkler and fire detection systems are not rated. Therefore, it is important to provide a direct solution to fire code officials for the identification and correction of these wall and ceiling deficiencies.	There is not a mechanism for fire officials to require maintenance of certain wall and ceiling systems
FP901.6.3.2-21	135	Requires fire protection systems subject to an annual inspection or test to be marked with an inspection tag or sticker indicating latest inspection status	This proposal relates only to maintenance and inspection of existing fire protection systems, not construction. In addition, many fire protection industries already provide such an inspection label.	With the increase in electronic records and inspection reports, it is becoming increasingly uncommon for the status of critical inspections to be readily apparent for review or identification by owners, occupants and fire code officials. Many if not most fire protection systems companies already provide such tags or stickers on a routine basis. This requirement would ensure that all critical fire protection systems are marked on-site as to their latest inspection status. Many other states and jurisdictions have similar requirements or policies. This particular proposal follows decades-old language used in the Ohio Fire Code. This will not be a substantial change as many fire protection industries already comply with this requirement but it ensures a uniform standard for all types of fire protection systems.	It may be difficult to immediately determine if certain fire protection features are being maintained.
FP1207-21 (SFPC Portion)	81; 138.1	SFPC Sub-Workgroup Proposal: maintenance and operations of Energy Storage Systems	It could be argued that the revisions proposed could potentially reduce costs as a result of clarifying which code provisions are to be applied to any given scenario.	Section 1207 of the IFC - Energy Storage Systems - has received numerous revisions from the 2018 to the 2021 version of the code. A number of said revisions contain construction requirements which do not belong in the SFPC - a maintenance and operation code. The entire Section has been reviewed and edited by the SFPC Sub-workgroup to delete construction provisions, or, revise with maintenance type language where appropriate. These efforts are a continuation of the edit efforts that occurred over the previous code development cycles	Unenforceable construction provisions, which belong in the USBC, would remain in the SFPC and could result in incorrect application of the code

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Agency Note: The Statewide Fire Prevention Code is enforced by local fire/rescue and building departments as determined by local ordinance and the State Fire Marshal’s Office where no ordinance is adopted. DHCD partners with the Department of Fire Programs on relevant training and certification programs. Additionally, many code change proposals are submitted by local government officials. Local government officials have an active part in the code development process and a local government code official is a member of the Board.**

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	\$0	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)		
(4) Assistance	<b>The Department of Housing and Community Development provides training to all local government code officials on code changes at no cost in many cases. Training is conducted via the nationally recognized Virginia Building Code Academy.</b>	
(5) Information Sources	<b>Code change proposals as submitted in the proposed phase.</b>	

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs &	<b>See Table 3 and 4 Supplement Below</b>
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Benefits (Monetized)		
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Information Sources	<b>Code change proposals as submitted in the proposed phase.</b>	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	<b>See Table 3 and 4 Supplement Below</b>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Alternatives	<p><b>Virginia is required by code to consider national model codes and standards in the development of its construction codes and as such, it is important to stay current with the latest updates of these standards. As such, the alternative is to continue to utilize older editions of the model codes. Maintaining up to date codes is beneficial to consumers and regulants in considering the newest technologies and safety considerations as well as staying current for insurance rating agencies, FEMA, and other entities.</b></p> <p><b>Virginia’s code updates process offers all affected stakeholders significant opportunity to propose amendments to the national model codes that work best for Virginia. There is an open and</b></p>	



	<b>transparent stakeholder process prior to the ultimate adoption of the codes.</b>
(5) Information Sources	<b>Code change proposals as submitted in the proposed phase.</b>

**Table 3 and 4 Supplement (Proposals Submitted in the Proposed Phase)**

<b>Proposal ID</b>	<b>VAC Section Number (13VAC5-52-...)</b>	<b>Description</b>	<b>Family Impact</b>	<b>Small Business Impact</b>
FP901.4.8-21	135	Requires walls, ceilings, and ceiling tiles to be maintained in place, where such components are required for proper operation of the fire protection system.	None expected.	Small businesses will be required to maintain certain wall and ceiling features as they were installed.
FP901.6.3.2-21	135	Requires fire protection systems subject to an annual inspection or test to be marked with an inspection tag or sticker indicating latest inspection status.	None expected.	Small businesses and third party inspectors may need to place inspection tags on certain features though often, this already the industry practice.
FP1207-21 (SFPC Portion)	81; 138.1	SFPC Sub-Workgroup Proposal: maintenance and operations of Energy Storage Systems.	None expected.	Certain businesses with Energy Storage Systems (ESS) will be required to obtain an operational permit for the ESS.

**Changes to Number of Regulatory Requirements**

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

**Agency Note: Included are the changes in regulatory counts between the 2018 and 2021 model codes. These are based on the *Significant Changes* documents provided by the International Code Council (ICC) and they are an estimate of model code changes.**

2021 I-Code Book	Discretionary Regulant Total Increase or Decrease in 2021 I-Code Book	Public Health Safety & Welfare (PHS&W)	Discretionary Regulant Total Increase or Decrease in 2021 I-Code (Minus Critical PHS&W)
International Fire Code	77	77	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

Proposed Phase Proposals that are not expected to have a cost impact		
Proposal ID	VAC Section Number (13VAC5-52-...)	Description
FP103.1-21	Multiple	Consensus items from 2021 SFPC Sub-workgroup, continued removal of construction provisions from fire code.
FP107.12-21	81	Updates SFPC to correlate transfer of oversight for Family Day Homes from the Department of Social Services to the Department of Education.
FP111.2-21	111	Allows the option of transmitting a notice of violation via email, if the responsible party is not on site.
FP1201.3-21	138.1	Reinstates IFC Section 1201.3 with minor amendments to account for the “applicable building code” and the correct reference to the appropriate Chapter 1 section.
FP3303.3.1-21	144.5	Removes unenforceable construction provisions from Chapter 33 “Fire Safety During Construction” and correlates with the VCC and VEBC.
FP5601.2.2.1-21	150; 155	Adds a new section and referenced standard for the sale or retail display of permissible fireworks.

FP5705.5-21	151	Revises the scoping provisions of the section to clarify that all alcohol-based hand rub dispensers, not just wall-mounted ones, with Class I or II liquids, are regulated under the SFPC.
B1010.2.8-21 (SFPC Portion)	135.5	Intends to comply with SB 333 and HB 670 by adding "public buildings" to the list of uses/occupancies already allowed to be provided with ESH. The proposal was generated as a result of discussions during the Active Shooter and Hostile Threats in Public Buildings - Study Group.

<b>FINAL PHASE Editorial Corrections that are not expected to have a cost impact</b>	
<b>VAC Section Number (13VAC5-52-...)</b>	<b>Description</b>
<b>140</b>	SFPC 202 Laboratory Suite definition: replace reference to VCC Section 430.3 with correct section - 428.3."
<b>180</b>	SFPC – Several Chapter 6 charging statements are out of sequence in RIS.
<b>180</b>	SFPC 603.5: add "power" before "relocatable" and "taps" to read: "The construction and use of current taps and relocatable power taps shall be in accordance with NFPA 70" This is a result of an ICC erratum.
<b>180</b>	SFPC Section 605.2 Note: add "with" in the last sentence, between "accordance" and "the", to read: "... required maintenance and testing is performed in accordance with the Virginia Boiler ..."
<b>180</b>	SFPC Section 607.7: delete "comply", to read: "... systems shall be maintained..."
<b>210</b>	SFPC Section 907.5.2.2.4: delete "of" from first sentence, to read: "... caption audible public announcements in accordance with the applicable building code..."
<b>220</b>	SFPC Add Section 1030 Assembly and 1030.1 (formerly 1029 and 1029.1 in the base doc) and renumber all subsequent sections accordingly.
<b>240</b>	SFPC Section 1206.10: "a" needs to be deleted from the first sentence, to read: "Access to manual shut off valves ..."
<b>280</b>	SFPC Section 2309.2: the second occurrence of the word "or" is supposed to be "for". Revise to read "... storage, or dispensing of hydrogen shall be maintained for the specific application ..."
<b>320</b>	SFPC Chapter 27, charging statement "Z. Change Sections 2703.15.2 through 2704.2.1 to read:" - the range of sections specified by the charging statement includes IFC Section 2704.2, which is not modified by VA. The charging statement should be revised to identify each individual section being amended, rather than a range of sections, to avoid confusion. I.e.: "Change Sections 2703.15.2, 2703.16, 2704.1 and 2704.2.1 to read:"
<b>410</b>	SFPC Section 3603.5 refers to Section 608. The correct section number to be referenced is 603 (ICC erratum).
<b>480</b>	SFPC Section 5003.11.3.2: delete the following duplicated text: "Storage height shall not exceed 8 feet (2438 mm) above the finished floor in storage areas of Group M and Group S occupancies."
<b>480</b>	SFPC – Section 5004.2.2.1 is listed twice in RIS.

<b>480</b>	SFPC – Section 5005 charging statements need to be revised in RIS to better align with section numbers.
<b>480</b>	SFPC – Need to make charging statement for Sections 5005.1.6 through 5005.1.9 an item (3). Right now, it’s aligned with the code text.
<b>490</b>	SFPC – Chapter 51 item S has a random “1” that needs to be deleted in the charging statement.
<b>510</b>	SFPC Section 5401.1, Exception 2: replace incorrect reference to Section 1206.15 with 1207. (ICC erratum)
<b>530</b>	SFPC Section 5606.5.2.3, item 2.5: insert "or" between "25 feet (7620 mm)" and "by" (ICC erratum).
<b>540</b>	SFPC Section 5704.3.4: insert the word "shall" between "limitations" and "comply".
<b>560</b>	SFPC Section 5906.5.3.2 is out of order. Also, change section reference in charging statement from 5906.3.2 to 5906.3.2.
<b>600</b>	SFPC Section 6303.1.5 is out of order.