



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 8, 2019

### MEMORANDUM

**TO:** Board of Housing and Community Development Members  
**FROM:** Kyle Flanders  
**SUBJECT:** March 18, 2019 Board of Housing and Community Development Meeting

Enclosed is the agenda and information package for the Board of Housing and Community Development meeting to be held on Monday, March 18, 2019. The Housing and Community Development committee will meet at 10:00 a.m. followed by the Codes and Standards Committee and last, by the regular meeting of the Board.

The Board meeting will be held at the **Virginia Housing Center** located in Innsbrook at 4224 Cox Road in Glen Allen, Virginia. Lunch will be provided during the meeting.

If you will not be able to attend the Board meeting, please contact me as soon as possible. I can be reached by e-mail at [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) or by telephone at 804-786-6761.

Please let me know if you have any questions or if I can be of assistance. I look forward to seeing you at the meeting.

Enclosure

**AGENDA**  
**BOARD OF HOUSING and COMMUNITY DEVELOPMENT**  
**Housing and Community Development Committee**  
**Monday, March 18, 2019**  
**Glen Allen, VA**  
**10:00 a.m.**

- |      |  |               |
|------|--|---------------|
| I.   | OPENING                                      |               |
|      | a. Call to Order                             | Chair         |
|      | b. Roll Call                                 | Kyle Flanders |
| II.  | CONSENT AGENDA                               | Chair         |
|      | o <i>Approval of Minutes</i> : July 30, 2018 |               |
| III. | 2019 CONSOLIDATED PLAN/ANNUAL ACTION PLAN    | DHCD Staff    |
| IV.  | UNFINISHED BUSINESS                          | Board members |
| V.   | NEW BUSINESS                                 | Board members |
| VI.  | ADJOURNMENT                                  | Chair         |

# AGENDA

## BOARD OF HOUSING and COMMUNITY DEVELOPMENT

### Codes and Standards Committee

Monday, March 18, 2019

Glen Allen, VA

To begin at the conclusion of the Housing and Community Development committee

- I. OPENING
  - a. Call to Order Chairman
  - b. Roll Call Kyle Flanders
  
- II. CONSENT AGENDA Chairman
  - o *Approval of Minutes*: September 7, 2018
  
- III. UNIFORM STATEWIDE BUILDING CODE DHCD Staff
  - o *Emergency Regulations/NOIRA*
  
- IV. NOTICE of INTENDED REGULATORY ACTION DHCD Staff
  - o *Uniform Statewide Building Code (USBC)*
  - o *Statewide Fire Prevention Code (SFPC)*
  - o *Industrialized Building Safety Regulation (IBSR)*
  - o *Virginia Amusement Device Regulations (VADR)*
  - o *Manufactured Housing Safety Regulation (MHSR)*
  - o *Virginia Certification Standards (VCS)*
  
- V. REVIEW and APPROVAL of UPDATED SCHEDULED DHCD Staff
  
- VI. UNFINISHED BUSINESS Board members
  
- VII. NEW BUSINESS Board members
  
- VIII. ADJOURNMENT Chairman

# AGENDA

## BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Monday, March 18, 2019

Glen Allen, VA

To begin at the conclusion of the Codes and Standards Committee

- I. OPENING
  - a. Call to Order Chairman
  - b. Roll Call Kyle Flanders
  - c. Public Comment Chairman
  
- II. CONSENT AGENDA Chairman
  - *Approval of Minutes*: January 28, 2019
  
- III. REPORT OF THE HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE Helen Hardiman
  
- IV. REPORT OF THE CODES and STANDARDS COMMITTEE Steve Semones
  - **ACTION ITEMS:**
    - *Uniform Statewide Building Code Emergency Regulation/NOIRA*
  
    - *Notice of Intended Regulatory Action (NOIRA)*
      - *Uniform Statewide Building Code (USBC)*
      - *Statewide Fire Prevention Code (SFPC)*
      - *Industrialized Building Safety Regulation (IBSR)*
      - *Virginia Amusement Device Regulations (VADR)*
      - *Manufactured Housing Safety Regulation (MHSR)*
      - *Virginia Certification Standards (VCS)*
  
    - *Review and Approval of Updated Schedule*
  
- V. LEGISLATIVE UPDATE DHCD Staff
  
- VI. REPORTS AND INFORMATION
  - a. VHDA Report Susan Dewey
  - b. Report of the Virginia Fire Services Board Andrew Friedman
  - c. Report of the Director Erik Johnston
  
- VII. UNFINISHED BUSINESS Board members
  
- VIII. NEW BUSINESS Board members

- IX. BOARD MATTERS Board members
- X. FUTURE BOARD MEETING DATES Erik Johnston
  - *Monday, May, 13, 2019*
  - *Monday, July 22, 2019*
  - *Monday, September 16, 2019*
  - *Monday, December 16, 2019*
- XI. ADJOURNMENT Chairman

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**  
**HOUSING and COMMUNITY DEVELOPMENT COMMITTEE**  
**10:00 A.M., July 30, 2018**  
**Glen Allen, Virginia**

Members Present

Sonny Abbasi  
Susan Dewey  
Mimi Elrod  
Andrew Friedman  
Richard Gregory  
Helen Hardiman  
Abigail Johnson  
Steve Semones

Members Absent

Earl Reynolds

Call to Order

Mr. Steve Semones, Chairman of the Housing and Community Development Committee, called the meeting of the Committee to order.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development's (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Introductions

Newly appointed Board members, existing board members, and staff all provided introductions.

Approval of Minutes

A motion was made and properly seconded to approve the minutes of the May 21, 2018, meeting of the Committee; the motion passed.

Private Activity Bond Guidelines

Mr. Flanders provided background information on Private Activity Bonds for the new Board members present. He stated that last year there was an interest in updating the guidelines. Mr. Flanders then presented the staff and stakeholder changes to the Committee, noting the following significant changes: the fee that is applied to an application that resubmits in the same year will now be sent to the Virginia Housing Trust Fund and not the Commonwealth Priority Housing Fund as that fund is not currently active, also, the submission date for documentation of carryforward elections is changed from February to January to allow for potential reallocation if a carryforward project cannot make their election.

A motion was made and properly seconded to recommend for approval, the Private Activity Bond Guidelines; the motion passed.

Industrial Revitalization  
Fund Guidelines

Mr. Jeff Sadler, Associate Director in the Community Revitalization Office at DHCD, provided background information on the Industrial Revitalization Fund for the new Board members present. The most significant proposed guideline changes included changes to the structure of grant/loans, the definition of blight, and the weight of scoring categories.

After some discussion a motion was made and properly seconded to recommend for approval, the Industrial Revitalization Guidelines; the motion passed.

Unfinished Business

There was no unfinished business to be discussed.

New Business

There was no new business to be discussed.

Committee Matters

There were no Committee matters to be discussed.

Adjournment

Upon a motion duly made and seconded, the committee meeting was adjourned.

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**Codes and Standards Committee**

**Friday, September 7, 2018**

**12:00 p.m.**

**Glen Allen, VA**

**Members Present**

Sonny Abbasi  
J.P. Carr  
Mimi Elrod  
Sean Farrell  
Andrew Friedman  
Richard Gregory  
Helen Hardiman  
Abigail Johnson  
Keith Johnson  
Earl Reynolds  
Jeff Sadler  
Steve Semones

**Members Absent**

Patty Shields

Call to Order

Mr. Steve Semones, Chairman of the Codes and Standards Committee called the meeting to order.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development's (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Approval of Minutes

A motion was made and properly seconded to approve the minutes from the July 30, 2018, meeting of the committee; the motion passed.

Discussion of Petitions and Additional Comments for the Statewide Fire Prevention Code (SFPC)

Mr. Semones stated that Ms. Cindy Davis, Deputy Director of Building and Fire Regulations at DHCD, provided an overview of the comments received during the petition phase. Mr. Semones stated that consensus was not reached during the Statewide Fire Prevention Code Development Committee therefore there is no recommendation from that committee.

Mr. J.P. Carr made a motion to recommend approval of the Statewide Fire Prevention Code (SFPC) as approved on October 16, 2017, to include the technical changes provided by staff with an effective date of October 16, 2018; that motion was then seconded. After discussion, the motion passed 8 – 3 – 1 with Ms. Mimi Elrod abstaining.

Discussion of Uniform  
Statewide Building Code  
(USBC) Technical Corrections

Ms. Davis presented the Board with information regarding certain technical errors that had been identified within the recently effective USBC. Ms. Davis requested that the Board approve corrections to these as errors as had been presented to them by staff.

A motion was made and properly seconded to approve the technical corrections as presented by staff; the motion passed.

Other Business

There was no other business to be discussed.

Adjournment

The meeting was adjourned

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT  
MEETING  
10:00 A.M., January 28, 2019  
Richmond, Virginia**

Members Present

Sonny Abbasi  
John Patrick “J.P.” Carr  
Sean Farrell  
Andrew Friedman  
Richard Gregory  
Helen Hardiman  
Abigail Johnson  
Keith Johnson  
Earl Reynolds  
Jeff Sadler  
Steve Semones  
Mimi Elrod

Members Absent

Susan Dewey  
Patricia Shields

Call to Order

Mr. J.P. Carr, Chairman of the Board of Housing and Community Development, called the meeting of the Board to order at 10:00 am.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development’s (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Public Comment

No one from the public wished to comment; the public comment period was then closed.

Approval of Minutes

A motion was made and properly seconded to approve the minutes of the October 26, 2018, meeting of the Board; the motion passed.

2018 Code Change  
Cycle

Ms. Cindy Davis, Deputy Director of Building and Fire Regulation for DHCD presented the tentative schedule for the 2018 Code Update Cycle. Discussion ensued among board members regarding a key dates. Mr. Erik Johnston, Director of DHCD, noted that a large body of work would be accomplished through the work groups. Ms. Davis noted additional workgroups would be meeting in regards to the following topics: energy, use groups, and the Statewide Fire Prevention Code edits.

A motion was made and properly seconded to adopt the tentative 2018 code change cycle schedule. The motion passed.

Periodic Reviews

Mr. Flanders presented information to the Board regarding the Periodic Review of Regulations for the Public Participation Guidelines, the Virginia Standards for Individual and Regional Code Academies, and the Solar Energy Criteria for Tax Exemption. Mr. Flanders indicated that public comment on the regulations would last for 30 days and the Board would be presented with the findings of the periodic reviews in the coming months.

A motion was made and properly seconded to direct staff to proceed with a periodic review of regulations for the Public Participation Guidelines, the Virginia Standards for Individual and Regional Code Academies, and the Solar Energy Criteria for Tax Exemption. The motion passed.

Conflict of Interest

Mr. Flanders stated that Board members are required to complete Conflict of Interest Act (COIA) Financial Disclosure forms by the end of the week. He also noted the required online training requirements for COIA, indicating he would follow-up with the Board members about this training.

Legislative Update

Mr. Johnston discussed active legislation during the General Assembly session pertinent to the work of the Board. This included legislation related to the building and fire codes, fair housing, evictions, and related budget items.

Mr. Sean Farrell indicated the Board should carefully consider any regulation adopted based on legislation from the General Assembly session.

VFSB Report

Mr. Farrell reported that the Virginia Fire Services Board (VFSB) had not met since the last Board meeting and that the next meeting would be February 22, 2019. Mr. Farrell reported information from the State Fire Marshal's Office regarding fire related fatalities in the Commonwealth; discussion ensued among the Board members regarding presentation of the information.

Report of the Director

Mr. Johnston presented the Governor's Executive Order 25

regarding housing in the Commonwealth. Mr. Johnston noted that work on the Annual Action Plan (part of the Consolidated Plan) was ongoing and provided upcoming input session dates. Mr. Johnston stated that the Alliance for National and Community Resilience (ANCR) published a system for benchmarking resiliency of buildings; Mr. Johnston indicated that DHCD staff has been involved with the development of the benchmarks.

Unfinished Business            Mr. Keith Johnson inquired about a potential replacement for Mr. Farrell as representative to the Fire Services Board. Mr. Carr indicated that pending conversations with interested Board members, a decision would likely be made soon.

New Business                    There was no new business to be discussed.

Board Matters                   Mr. Justin Bell, Assistant Attorney General Representative to the Board, instructed that should Board members have concerns or questions regarding Conflict of Interest, they should consult with the Attorney General's Office or the Ethics Council.

Future Meetings                The next meeting of the Board will be March 18, 2019.

Adjournment                    Upon a motion duly made and seconded, the meeting was adjourned.



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# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 8, 2019

### **Memorandum**

**To:** Board of Housing and Community Development Members

**From:** Erik C. Johnston, Director

**RE:** Annual Action Plan

The Board of Housing and Community Development is responsible for the review/approval of the 2019 – 2020 Annual Action Plan. The Annual Action Plan is a component of the Consolidated Plan that is updated yearly. The plans are a HUD requirement that set priorities and goals for the use of HUD program funds that include the Community Development Block Grant (CDBG), Emergency Solution Grant (ESG), HOME Investment Partnership, Housing Opportunities for Persons with AIDS (HOPWA), and the National Housing Trust Fund (NHTF). For more information about the consolidated planning process, please see [DHCD Online](#).

The draft version of the Annual Action Plan will likely be available for review by mid-March. Final review/approval of the Annual Action Plan will be included as an action item for the May 13, 2019 Board Meeting agenda; the March meeting is informational/discussion only. The attached PowerPoint slides (dated March 18, 2019) provide an overview of the Consolidated Plan/Annual Action Plan.

Enclosures

*Partners for Better Communities*



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# **Consolidated Plan Process**

## **March Board Meeting**

March 18, 2019



# What is the Consolidated Plan?

- **Housing and Urban Development (HUD) requirement**
  - Consolidated Plan completed every 5 years with the following components
  - 2019/20 Annual Action Plan is year two of the five-year plan
  - Action Plan and CAPER completed annually
    - Needs Assessment
      - Housing
      - Homelessness
      - Non-Homeless Special Needs Housing
      - Non-Housing Community Development
    - Strategic Plan
    - Market Analysis
  - Analysis of the Impediments to Fair Housing



# Resources

- **Community Development Block Grant (CDBG)**
- **HOME Investment Partnership (HOME)**
- **Emergency Solution Grants (ESG)**
- **Housing Opportunities for Persons with AIDS (HOPWA)**
- **National Housing Trust Fund (NHTF)**





# Input and Consultation

- Annual Action Plan Input Sessions (January/February 2019)
- Community Development Input Sessions (October 2018)
- Written comments
  - USPS
  - Online portal
- Public Notice (mid-March) and Hearing (March 29, 2019)
- DHCD board review/approval
  - Any specific input should be emailed to Kyle Flanders at [kyle.flanders@dhcd.Virginia.gov](mailto:kyle.flanders@dhcd.Virginia.gov)



## VIRGINIA'S CONSOLIDATED PLAN



Virginia's Consolidated Plan is a five-year plan that examines the housing and community development needs of the Commonwealth. It enables Virginia to administer funds from federal housing and community development programs through the Virginia Department of Housing and Community Development (DHCD) that help improve the quality of life of low to moderate income Virginians.

The Consolidated Plan, which is updated annually and submitted to the federal Department of Housing and Urban Development (HUD), covers programs such as the Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), the Housing Opportunities for Persons with AIDS (HOPWA) program.

Information about the consolidated plans (including annual action plans, citizen participation, Consolidated Annual Performance and Evaluation Report [CAPER] and more) may be found below.

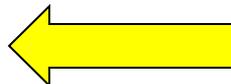
DHCD values input in developing its Consolidated Planning Process. DHCD's Citizen Participation Plan is available here.

- [Citizen Participation Plan](#)



DHCD also encourages you to attend one of four input sessions scheduled across the Commonwealth in early December 2018. However, if you are unable to attend an input session and would still like to provide input, click below.

 [Submit Feedback](#)



### SEARCH DHCD



### DHCD QUICK MENU

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[BUSINESS APPRECIATION MONTH](#)

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[PROCUREMENT OPPORTUNITIES](#)

[VIRGINIA HOUSING TRUST FUND PLAN](#)

[LOOKING FOR RENTAL HOUSING?](#)

[PRIVATE ACTIVITY BONDS](#)

[GOVERNOR'S HOUSING CONFERENCE](#)

[CONSOLIDATED PLANNING PROCESS](#)

 [CALENDAR OF EVENTS](#)



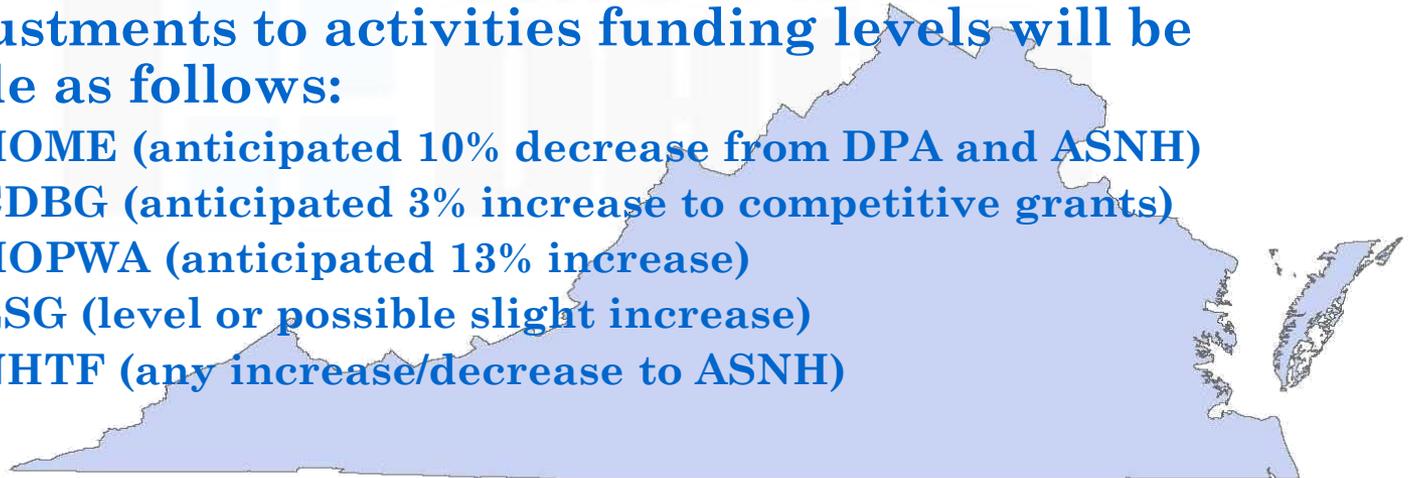
- **Initial draft (2019/2020) Posted by Mid-March**
- **Public Comment Period: October 1, 2018 – April 19, 2019**
- **Public Hearing March 29, 2019 (announced in public legal notice)**
- **Board Approval May 2019**
- **HUD Submission May 2019**





# Funding Levels

- **2019 – 2020 HUD funding levels announced but waiting for allocation amount**
- **DHCD will update the proposed Con Plan and Annual Action with actual numbers when announced**
- **Adjustments to activities funding levels will be made as follows:**
  - HOME (anticipated 10% decrease from DPA and ASNH)
  - CDBG (anticipated 3% increase to competitive grants)
  - HOPWA (anticipated 13% increase)
  - ESG (level or possible slight increase)
  - NHTF (any increase/decrease to ASNH)





# Summary of Changes

- **Prioritizing Permanent Supportive Housing**
- **Addition of Broadband as eligible activity for Comprehensive Community Development (CCD) projects in the CDBG Competitive Round**
- **Scattered Site Housing Rehabilitation eligible for CDBG Competitive Round grants**
- **Established a Regional Water/Wastewater Fund for CDBG Open Submission grants**
- **Increase water and wastewater per connection cost limits to \$15,000 and \$18,000, respectively**



# Contact Information

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Associate Director-Policy and Planning  
(804) 371-7122  
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Associate Director of Policy & Strategic  
Development  
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# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 8, 2019

**To:** Board of Housing and Community Development Members

**From:** Erik C. Johnston, Director

**RE:** Emergency Regulations

The substitute version of House Bill 2000, introduced during the 2019 session of the General Assembly, considered changes to the Virginia Maintenance Code (VMC) (a part of the Uniform Statewide Building Code) relating to the maximum allowed temperature permitted in instances where cooling is provided in multifamily buildings. The Chairman of House of Delegates General Laws Committee has submitted a letter to the Board requesting emergency regulatory action to address the changes sought in House Bill 2000. The patron of the bill and stakeholders agreed the matter should be achieved without legislation and instead through the emergency regulatory process.

The proposed change being presented would amend 13VAC5-63-540 B 5 of the VMC to lower from 80 to 77 degrees Fahrenheit, the maximum allowed temperature, where cooling is provided, in R-2 multifamily residences. Testimony heard in committee demonstrated the public health and safety concerns of delegates from several districts in the Commonwealth and the need to update the regulations before the upcoming summer months. Staff recommends the Board adopt this emergency regulation and Notice of Intended Regulatory Action (NOIRA) as presented.

Attached for your reference are the following: correspondence from the Chairman of the House General Laws Committee, the substitute version of House Bill 2000, and the Agency Background Document for this emergency regulatory action, including the proposed change to the regulatory text.

Enclosures

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COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

CHRISTOPHER K. PEACE  
8101 VANGUARD DRIVE  
SUITE 101  
MECHANICSVILLE, VIRGINIA 23111

NINETY-SEVENTH DISTRICT

COMMITTEE ASSIGNMENTS:  
GENERAL LAWS (CHAIRMAN)  
APPROPRIATIONS  
HEALTH, WELFARE AND INSTITUTIONS

February 11, 2019

Mr. J.P. Carr, Chairman  
Board of Housing and Community Development  
Main Street Centre  
600 East Main Street, Suite 300  
Richmond, VA 23219

Chairman Carr:

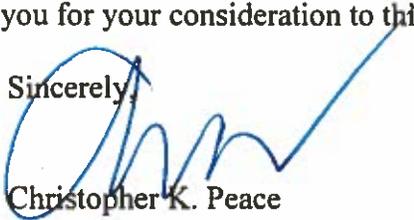
House Bill 2000 was considered during the 2019 session of the General Assembly and sought to make amendments to the Uniform Statewide Building Code (USBC). House Bill 2000 and a subsequent substitute version of the bill proposed to require that the USBC lower from 80 to 77 degrees Fahrenheit, the maximum allowed temperature in R-2 apartment buildings when cooling is provided.

After considerable deliberation, the patron of the bill and relevant stakeholders, including representatives for apartment owners, homebuilders, realtors, and code officials, agreed that the intent of the bill could be achieved without legislation through the regulatory process. The patron and stakeholders concur that the urgency of the issue remains.

As Chairman of the House General Laws Committee, I respectfully request the Board of Housing and Community Development to consider proceeding with an emergency regulatory process to adopt changes to the Uniform Statewide Building Code as intended in the substitute to House Bill 2000. The substitute bill has been attached for your reference. Testimony heard in the committee demonstrated the public health and safety concerns of delegates from several districts in the Commonwealth and the need to update the regulations before the upcoming summer months.

Thank you for your consideration to this matter.

Sincerely,

  
Christopher K. Peace

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HOUSE BILL NO. 2000  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on General Laws  
on \_\_\_\_\_)  
(Patron Prior to Substitute--Delegate Price)

A BILL to direct various state agencies to amend their regulations pertaining to the maximum temperature at which certain rooms may be kept.

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That the Board of Housing and Community Development is directed to revise the Uniform Statewide Building Code to decrease the temperature at which an owner or operator of a Group R-2 apartment building who rents, leases, or lets one or more dwelling units, rooming units, or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof is required to supply cooling during the period from May 15 to October 1 from 80 degrees Fahrenheit to 77 degrees Fahrenheit.

#



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## Emergency Regulation and Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	13 VAC 5 - 63
<b>Regulation title(s)</b>	Uniform Statewide Building Code
<b>Action title</b>	Emergency Cooling Regulations
<b>Date this document prepared</b>	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals 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 or changes. If applicable, generally describe the existing regulation.*

Currently, section 13VAC5-63-540 B 5 of the Uniform Statewide Building Code (USBC) requires that landlords who provide cooling either expressly or implied must maintain a minimum cooling temperature of 80 degrees Fahrenheit. This provision is part of the Virginia Maintenance Code (VMC), a portion of the USBC that is adopted at the discretion of local governments.

This emergency action is to lower from 80 to 77 degrees Fahrenheit, the required cooling temperature as provided in section 13VAC5-63-540 B 5 of the USBC.

## Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

---

Uniform Statewide Building Code – USBC  
Virginia Maintenance Code - VMC

## Mandate and Impetus (Necessity for Emergency)

*Please explain why this rulemaking is an emergency situation in accordance with Virginia Code § 2.2-4011 A and B. In doing so, please either:*

- a) Indicate whether the Governor's Office has already approved the use of emergency regulatory authority for this regulatory change.*
- b) Provide specific citations to Virginia statutory law, the appropriation act, federal law, or federal regulation that require that a regulation be effective in 280 days or less from its enactment.*

*As required by § 2.2-4011, please also describe the nature of the emergency and of the necessity for this regulatory change. In addition, delineate any potential issues that may need to be addressed as part of this regulatory change.*

---

This rulemaking action is an emergency situation as it is essential to protect the health, safety, and welfare of Virginians.

Currently, the VMC, a part of the USBC, requires that when cooling is provided to tenants of certain multi-family buildings it must be provided to a temperature of at least 80 degrees Fahrenheit. The current threshold has been identified as a public health concern in multiple localities that adopt the VMC. Residents living in buildings kept at higher temperatures are more likely to experience certain health conditions as a result of the higher temperatures. A change to 77 degrees will assist tenants living in affected buildings to avoid the negative health impacts of the higher indoor temperatures.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity's overall regulatory authority.*

---

The Board of Housing and Community Development is promulgating this emergency regulation pursuant to §2.2-4011 of the Code of Virginia (emergency authority) and §§36-98 and 36-102 of the Code of Virginia (standard regulatory authority).

**Purpose**

*Please describe the specific reasons why the agency has determined that this regulation 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.*

A baseline temperature of 80 degrees, where cooling is provided, in certain multifamily housing has potential negative health impacts to residents. A maximum allowed temperature of 77 degrees will ameliorate negative consequences.

**Substance**

*Please describe any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Set forth the specific reasons the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of Virginians.*

For changes to existing regulations, use this chart:

<b>Current section number</b>	<b>Current requirement</b>	<b>Change, intent, rationale, and likely impact of new requirements</b>
<p><b>13VAC5-63-540 B 5</b></p>	<p>5. Section 602.4 Cooling supply. Every owner and operator of a Group R-2 apartment building who rents, leases, or lets one or more dwelling units, rooming units, or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than 80°F (27°C) in all habitable rooms. The code official may also consider modifications as provided in Section 104.5.2 when requested for unusual circumstances or may issue notice approving building owners to convert shared heating and cooling piping HVAC systems 14 calendar days before or after the established dates when extended periods of unusual temperatures merit modifying these dates.</p> <p>Exception: When the outdoor temperature is higher than the summer design temperature for the locality, maintenance of the room temperature shall not be required provided that the cooling system is operating at its full design capacity. The summer outdoor design temperature for the locality shall be as indicated in the IECC.</p>	<p>5. Section 602.4 Cooling supply. Every owner and operator of a Group R-2 apartment building who rents, leases, or lets one or more dwelling units, rooming units, or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than <del>80°F</del> <u>77°F (27.25°C)</u> in all habitable rooms. The code official may also consider modifications as provided in Section 104.5.2 when requested for unusual circumstances or may issue notice approving building owners to convert shared heating and cooling piping HVAC systems 14 calendar days before or after the established dates when extended periods of unusual temperatures merit modifying these dates.</p> <p>Exception: When the outdoor temperature is higher than the summer design temperature for the locality, maintenance of the room temperature shall not be required provided that the cooling system is operating at its full design capacity. The summer outdoor design temperature for the locality shall be as indicated in the IECC.</p> <p>This regulatory change was suggested as legislation during the 2019 session of the</p>

		<p>General Assembly. While the legislation did not move forward the legislative intent can be met through the regulatory process. Providing more suitable living conditions for inhabitants of multifamily housing is essential to protect the health, safety, and welfare of Virginians.</p>
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## Issues

*Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

This change will improve the lives of tenants in multifamily residences providing for a healthier living environment during the summer months. For many landlords this will simply require adjusting existing equipment. This change is important to protect the health of vulnerable tenants such as the elderly and those with certain health issues.

## Alternatives

*Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.*

The alternative to this emergency action would be to adopt this change via the normal regulatory process. Such a change would likely not be effective for at least two more cooling seasons, proving detrimental to affected residents.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this Emergency/NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.*

This NOIRA is not being used to announce a periodic review or a small business impact review.

## Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation 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 regulation.*

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The Board of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period

A public hearing will be held 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 (<https://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.



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 8, 2019

**To:** Board of Housing and Community Development Members

**From:** Erik C. Johnston, Director

**RE:** Notices of Intended Regulatory Action (NOIRA)

At the January 28, 2019 meeting the Board approved a tentative regulatory schedule which included direction for to staff to initiate the regulatory process; this includes preparation of the Notices of Intended Regulatory Action (NOIRAs). The NOIRAs indicate that the Board intends to start a regulatory/rulemaking process. The 2018 Code Update process will incorporate by reference the 2018 editions of the national model codes as promulgated by the International Code Council (ICC). The process will include relevant updates involving other national standards and related Virginia regulations.

Staff would request the Board approve publication of NOIRAs for the following regulations:

- Uniform Statewide Building Code (USBC)
- Statewide Fire Prevention Code (SFPC)
- Industrialized Building Safety Regulation (IBSR)
- Virginia Amusement Device Regulations (VADR)
- Manufactured Housing Safety Regulation (MHSR)
- Virginia Certification Standards (VCS)

Enclosures

*Partners for Better Communities*



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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>13</u> VAC <u>5</u> - <u>63</u>
<b>Regulation title(s)</b>	Uniform Statewide Building Code (USBC)
<b>Action title</b>	Update of USBC to reference the 2018 editions of the International Code Council's model codes and standards
<b>Date this document prepared</b>	March, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The subject matter is the regulation of the construction, reconstruction, alteration, repair and conversion of use and maintenance of buildings and structures through minimum standards for the health, safety and welfare of the citizens of Virginia. The intent and goal of this action is to update the nationally recognized model codes and standards referenced in the USBC from the 2015 editions to the 2018 editions. This action will consider amendments to administrative and enforcement provisions of the USBC as determined necessary for the administration and enforcement of the USBC by local government building departments.

## Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document.*

USBC - Virginia Uniform Statewide Building Code  
ICC – International Code Council

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

The 2018 edition of the national model codes were published in August 2017. As the basis for Virginia’s building code it is important to stay in sync with the national model codes. At its January 28, 2019 meeting, the Board of Housing and Community Development adopted a tentative regulatory schedule and directed staff to proceed with initiating the code development process.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity’s overall regulatory authority.*

The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is §§ 36-98 and 36-102 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 this regulation 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 USBC utilizes model codes and standards developed by the International Code Council (ICC). New editions of those model codes are available every three years. The current USBC incorporates the 2015 editions of the International Codes. The 2018 editions of the International Codes are now completed and available from ICC. The use of the newest available model codes and standards in the USBC assures that the statutory mandate is met to base the regulation on nationally-recognized model codes to assure the protection of the health, safety and welfare of the residents of Virginia and that buildings and structures are constructed and maintained 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 2015 to the 2018 editions. In addition, any changes to the International Codes which were made in the current regulation which are no longer necessary will be deleted. Administrative and enforcement provisions of the USBC 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 regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.*

As the use of nationally recognized model codes is based on statutory requirement, 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.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation 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 regulation.*

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The Board of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov). In order to be considered, comments must be received by 11:59 pm 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 (<https://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.



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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>13</u> VAC <u>5</u> - <u>51</u>
<b>Regulation title(s)</b>	Statewide Fire Prevention Code (SFPC)
<b>Action title</b>	Update of SFPC to reference 2018 edition of the International Code Council's International Fire Code
<b>Date this document prepared</b>	March, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

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 nationally recognized model codes and standards referenced in the SFPC from the 2015 editions to the 2018 editions. This action will consider amendments to administrative and enforcement provisions of the SFPC as determined necessary for the enforcement of the regulation.

## Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document. .*

SFPC – Virginia Statewide Fire Prevention Code  
 ICC – International Code Council  
 USBC – Virginia Uniform Statewide Building Code

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

The 2018 edition of the national model codes were published in August 2017. As the basis for Virginia’s fire prevention code it is important to stay in sync with the national model codes. At its January 28, 2019 meeting, the Board of Housing and Community Development adopted a tentative regulatory schedule and directed staff to proceed with initiating the code development process.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity’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 this regulation 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 utilizes 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 2015 editions of the International Codes. The 2018 editions of the International Codes are now completed and available from ICC. The use of the newest available model codes and standards in the SFPC and assures that the statutory mandate is met to base the regulation on 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 2015 to the 2018 editions. In addition, any changes to the International Codes which were made in the current regulation which are no longer necessary 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 regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.*

As the use of nationally recognized model codes is based on statutory requirement, 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.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation 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 regulation.*

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The Board of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov). In order to be considered, comments must be received by 11:59 pm 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 (<https://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.



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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>13</u> VAC <u>5</u> - <u>91</u>
<b>Regulation title(s)</b>	Industrialized Building Safety Regulations (IBSR)
<b>Action title</b>	Update of the IBSR
<b>Date this document prepared</b>	March, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The subject matter is the regulation of industrialized buildings. Industrialized buildings are buildings constructed in a factory or plant for subsequent installation or erection on property in Virginia's cities, counties or towns. The intent and goal of this action is to update the model codes and standards referenced in the IBSR from the 2015 editions to the 2018 editions. This action will also consider amendments to administrative and enforcement provisions of the IBSR as determined necessary for the administration of the industrialized building program.

### Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document.*

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IBSR – Virginia Industrialized Building Safety Regulations  
USBC – Virginia Uniform Statewide Building Code

### Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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To ensure that industrialized buildings meet the same minimum standards as site-built structures, the IBSR must be updated each time the USBC is updated to reference the appropriate edition of the USBC. At its January 28, 2019 meeting, the Board of Housing and Community adopted a tentative regulatory schedule and directed staff to proceed with initiating the code development process.

### Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity’s overall regulatory authority.*

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The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is §§ 36-73 and 36-75 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 this regulation 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.*

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The IBSR 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 IBSR incorporates the 2015 editions of the International Codes. The 2018 editions of the International Codes are now completed and available from ICC. The use of the newest available model codes and standards in the IBSR assures that the statutory mandate is met to base the regulations on nationally-recognized model codes to assure the protection of the health, safety and welfare of the occupants and users of industrialized buildings 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 2015 to the 2018 editions. In addition, any changes to the International Codes which were made in the current regulation which are no longer necessary will be deleted. Administrative and enforcement provisions of the IBSR 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 regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.*

As the use of nationally recognized model codes is based on statutory requirement, 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.

### Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

### Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation 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 regulation.*

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The Board of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov). In order to be considered, comments must be received by 11:59 pm 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 (<https://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.



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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>13</u> VAC <u>5</u> - <u>31</u>
<b>Regulation title(s)</b>	Virginia Amusement Device Regulations (VADR)
<b>Action title</b>	Update of VADR to reference the newest available nationally-recognized standards
<b>Date this document prepared</b>	March, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The subject matter is the regulation of amusement devices, which are devices or structures open to the public by which persons are conveyed or moved in an unusual manner for diversion, including passenger tramways. The regulations are closely related to the Uniform Statewide Building Code (13VAC5-63) (USBC), which applies to amusement devices to the extent not superseded by the provisions of the VADR. Local building departments charged with enforcement of the USBC also enforce the VADR. The intent and goal of this action is to update the VADR to incorporate the latest editions of the ASTM standards for amusement devices and to amend any administrative and enforcement provisions of the VADR as determined necessary for the proper enforcement of the regulation and to coordinate the VADR with the USBC.

## Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document. .*

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VADR – Virginia Amusement Device Regulations  
ASTM – American Society for Testing and Materials  
USBC – Virginia Uniform Statewide Building Code

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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National model codes produced by ASTM are routinely updated; as the basis for Virginia’s Amusement Device Regulations it is important to stay in sync with the national model codes. At its January 28, 2019 meeting, the Board of Housing and Community Development adopted a tentative regulatory schedule and directed staff to proceed with initiating the code development process.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity’s overall regulatory authority.*

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The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is § 36-98.3 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 this regulation 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.*

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Updating the VADR to use the newest available ASTM standards for amusement devices at the same time the USBC is being amended assures coordination between the regulations. This coordination assures the protection of the health, safety and welfare of the users of amusement devices.

## 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.*

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The action will update the VADR with the latest available ASTM standards for amusement devices which address new designs and arrangements of amusement devices. In addition, administrative and enforcement provisions of the VADR will be updated as determined necessary by the Board in conjunction with the updating of the USBC and in response to proposals or comments received from interested or affected parties.

## Alternatives

*Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.*

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As the use of national recognized model codes and standards for amusement devices and the coordination of the VADR with the USBC is a statutory directive, 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.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation 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 regulation.*

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The Board of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6767; fax number: (804) 371-7090; email address: [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov). In order to be considered, comments must be received by 11:59 pm 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 (<https://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.



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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>13</u> VAC <u>5</u> - <u>95</u>
<b>Regulation title(s)</b>	Manufactured Housing Safety Regulations (MHSR)
<b>Action title</b>	Review and Update of the MHSR
<b>Date this document prepared</b>	March, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The regulatory action is to update the Manufactured Housing Safety Regulations (MHSR) to incorporate by reference, recent changes and additions to the Federal Construction Standards of the US Department of Housing and Urban Development (HUD). The Federal Construction Standards are enforcement provisions for the design, construction, distribution and the installation of manufactured homes. The Federal Construction Standards are enforced in the Commonwealth of Virginia through a Cooperative Agreement between HUD and the Department of Housing and Community Development (DHCD). The changes proposed in the MHSR allow the Commonwealth of Virginia to adopt Installation Standards of HUD Part 3285 as the most current installation standard available. The intent and goal of this action is to update the MHSR based on the current HUD construction standards and to amend any administrative and enforcement provisions of the MHSR as determined necessary for the administration of Virginia's Manufactured Home Installation Program, required as a State Administrative Agency for HUD.

## Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document. .*

DHCD – Department of Housing and Community Development  
 MHSR – Manufactured Housing Safety Regulations  
 HUD – United States Department of Housing and Urban Development  
 SAA - State Administrative Agency; responsible for administering Federal Construction Standards for Manufactured Housing

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

As a State Administrative Agency, it is important for the MHSR to be updated in tandem with Virginia’s other safety regulations. At its January 28, 2019 meeting, the Board of Housing and Community Development adopted a tentative regulatory schedule and directed staff to proceed with initiating the code development process.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity’s overall regulatory authority.*

The statutory authority to update the regulation is contained in §36-85.7 of the Code of Virginia. The promulgating agency is the Board of Housing and Community Development.

## Purpose

*Please describe the specific reasons why the agency has determined that this regulation 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 intent and goal of this action is to update the MHSR based on current HUD construction standards. This action will also consider amendments to administrative and enforcement provisions of the MHSR as determined necessary for the administration of Virginia’s Manufactured Home Installation Program. This action will ensure that manufactured homes are installed in a safe manner to protect the health, safety and welfare of the citizens of the Commonwealth.

## 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 proposed MHSR will be updated to include all references to the Federal Installation Standards (24 CFR Part 3285). The proposed regulation will contain minor changes to the provisions of the regulations which have been vetted through the client groups affected by the MHSR and have met no opposition. There is anticipation and request for assistance regarding manufactured housing installation that a more up to date enforcement standard is necessary. A more up to date standard is required to provide assistance to Building Officials and local Building Inspections Departments, installers and home owners regarding installation and inspections procedures and all processes related to the installation of manufactured homes within the Commonwealth.

## Alternatives

*Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.*

Although no viable alternatives have been identified at this time, the Board may make changes to the regulatory action under consideration if alternative proposals are identified during the regulatory review process.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation 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 regulation.*

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The Board of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held 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 (<https://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.



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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>13</u> VAC <u>5</u> - <u>21</u>
<b>Regulation title(s)</b>	Virginia Certification Standards (VCS)
<b>Action title</b>	Update of the Virginia Certification Standards
<b>Date this document prepared</b>	March, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The regulatory action is to update the regulation to coordinate with the building and fire regulations of the Department which are being updated to reference the newest available nationally recognized model codes and standards. As the national codes are comprehensive in scope, the agency will accept comments on all provisions of the regulation to ensure its compatibility with the latest codes.

## Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document. .*

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VCS – Virginia Certification Standards  
Department – Department of Housing and Community Development

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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As this regulation addresses the certifications required by the Department’s building and fire regulations for persons performing enforcement activities under those regulations, this regulation needs to be coordinated with the other building and fire regulations of the Department. At its January 28, 2019 meeting, the Board of Housing and Community Development adopted a tentative regulatory schedule and directed staff to proceed with initiating the update process for the regulations.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity’s overall regulatory authority.*

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The statutory authority to update the regulation is contained in § 36-137 of the Code of Virginia. The promulgating agency is the Board of Housing and Community Development. As the regulation is a companion to the building and fire regulations of the Department, the VCS must be periodically updated to correlate with those regulations.

## Purpose

*Please describe the specific reasons why the agency has determined that this regulation 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.*

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The regulatory action is to update the regulation to coordinate with the building and fire regulations of the Department which are being updated to reference the newest available nationally recognized model codes and standards. Since the national codes are comprehensive in scope, the agency will accept comment on all provisions of the regulation to insure its compatibility with the latest codes.

## 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 Virginia Certification Standards (the "VCS") are coordinated with the building and fire regulations of the Department and set the standards for the certification of local building and fire officials. The action is essential to protect the health, safety and welfare of Virginia's citizens. When new nationally recognized standards become available and are considered for incorporation into the Department's building and fire regulations, revisions to the VCS are considered at the same time as the VCS are companion regulations. Potential issues to be addressed during the update of the VCS are generally determined by the client groups who review the current VCS in conjunction with the new building and fire regulations and submit comments where appropriate.

## Alternatives

*Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.*

Although no viable alternatives have been identified at this time, the Board may make changes to the regulatory action under consideration if alternative proposals are identified during the regulatory review process.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency.*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation 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 regulation.*

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The Department of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held 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 (<https://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.

## 2018 Regulatory Cycle Tentative Schedule

January 28, 2019	Board of Housing and Community Development (BHCD) approves tentative 2018 code update schedule. Communicate proposed schedule to Virginia Fire Services Board (VFSB)
February 18, 2019	cdpVA (online proposal platform) opens for proposals
March 18, 2019	BHCD to review the Notices of Intended Regulatory Action (NOIRAs) for 2018 Uniform Statewide Building Code (USBC), Statewide Fire Prevention Code (SFPC), Virginia Amusement Device Regulations (VADR), Industrialized Building Safety Regulation (IBSR), Virginia Certification Standards, and the Manufactured Home Safety Regulations (MHSR). Provide notice of intent to publish NOIRA to VFSB after approval by the BHCD.
March 27, 2019	Deadline for submittal of NOIRAs to Code Commission.
April 15, 2019	Publishing of NOIRAs in Virginia Register.
May 15, 2019	End of 30-day NOIRA comment period.
March – August 2019	Workgroup meetings on issues and proposals. Workgroups to include discussion of administrative, residential, and technical trade provisions of codes. Topic specific workgroups and subworkgroups may also be convened as needed.
May 22, 2019	Submit public hearing notice to VA Register
June 10, 2019	Public hearing notice published in VA Register
June 22, 2019	Provide 30-day notice to VFSB of Public Hearing date
July 22, 2019	BHCD public hearing prior to publishing proposed regulations. (Virginia Fire Services Board (VFSB) members to sit with BHCD for public hearing on SFPC.)
September 16, 2019	BHCD's Statewide Fire Prevention Code Development Committee (SFPCDC) meets to consider base document for SFPC and any proposals for the proposed regulations. BHCD's Codes and Standards Committee (CSC) meets to consider base documents for USBC, VADR and IBSR and any proposals for proposed regulations and to review the recommendations of the SFPCDC.
November 16, 2019	Provide notice to VFSB and SFPCDC of December meeting.

December 16, 2019	BHCD’s SFPCDC meets to review proposed regulation for SFPC. BHCD’s CSC meets to review proposed regulation for SFPC as recommended by SFPCDC and to review proposed regulations for USBC, VADR and IBSR. Immediately following committee meetings, BHCD meets to consider approval of proposed regulation for SFPC, USBC, VADR and IBSR.
December 2019	Obtain statutory authority letter from Office of Attorney General for proposed regulations.
Jan. – Feb. 2020	Proposed regulations for SFPC, USBC, VADR and IBSR published in Virginia Register. Public hearing date published with the regulations.
Feb. – May 2020	Public comment period on proposed regulations for SFPC, USBC, VADR and IBSR.
April 2020	Provide notice to the VFSB of the public hearing date.
May 2020	Public hearing for SFPC, USBC, VADR and IBSR. (VFSB members to sit with BHCD for public hearing on SFPC.)
May 29, 2020	Deadline for submittal of proposals for 2015 SFPC, USBC, VADR and IBSR. Deadline date to coincide with end of comment period.
April – Aug. 2020	Workgroup meetings on proposals and issues.
Sept. 2020	BHCD’s SFPCDC meets to consider proposals for final regulation for the SFPC. BHCD’s CSC meets to consider proposals for final regulations for the USBC, VADR and IBSR. Notification to VFSB of October joint meeting.
Oct. 2020	BHCD’s SFPCDC meets to review final regulation for SFPC. BHCD’s CSC meets to review final regulation for SFPC as recommended by SFPCDC and to review final regulations for USBC, VADR and IBSR. Immediately following Committee meetings, the joint meeting of VFSB and BHCD to consider approval of final regulations for SFPC followed by BHCD to consider approval of final regulations for USBC, VADR and IBSR.

October 2020	Obtain statutory authority letter from Office of Attorney General for final regulations and obtain permission from Secretary of Commerce and Trade and Governor’s Office to publish final regulations.
Dec. 2020 - Jan. 2021	Final regulations for SFPC, USBC, VADR and IBSR published in Virginia Register.
Feb. - March 2021	2015 SFPC, USBC, VADR and IBSR become effective (pending any petitions received during the 30-day comment period following the publishing of the final regulations).