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Exempt Action: Proposed Regulation Agency Background Document

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| Agency name | Board of Housing and Community Development |
| Virginia Administrative Code (VAC) Chapter citation(s) | 13 VAC5-63-210 |
| VAC Chapter title(s) | Uniform Statewide Building Code |
| Action title | Update the USBC |
| Date this document prepared | August 2020. |

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

Brief Summary

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

The Uniform Statewide Building Code (USBC) is a regulation governing the construction, maintenance and rehabilitation of new and existing building and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council (ICC) and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the BHCD initiates a regulatory action to incorporate the newest editions of the model codes into the regulation as well as accepting proposals for changes to the regulation from affected client groups and the public. The Department of Housing and Community Development staff maintains mailing lists for workgroups involving different subject areas of regulation and conducts workgroup meetings attended by clients group participants to develop consensus recommendations, when possible, concerning proposals which have been submitted. The Department uses an online program incorporating the provisions of the regulation and the model codes and standards to facilitate the submittal of proposals. A public hearing is held during the workgroup meeting stage of the process and a comment period established. Once workgroup meetings are completed, the BHCD has a series of meetings to consider each proposal and those proposals approved are incorporated into the proposed regulation. After the publishing of the proposed regulation, the BHCD establishes a comment

period for additional proposals to be submitted and to comment on the proposed regulation and an additional public hearing is held. The BHCD then meets to consider proposals and public comments to develop a final regulation to complete the regulatory process.

This proposed phase only includes Section 13VAC5-63-210. The text was published correctly in the Virginia Register on February 3, 2020; however, due to a technical error, certain information may not have been present on the Virginia Town Hall website, specifically, Section 13VAC5-63-210

The following are a summary of the substantive changes to the USBC:

13VAC5-63-210

Several changes to the Residential Code, including updating REScheck to the 2018 IECC, Eliminates the deletion of the energy certificate requirement. Revises section to allow the certificate to be kept at an offsite location for multifamily buildings.
Removes visual option and requires blower door testing for air leakage rate of buildings (5 air changes)
Removes prohibition against using building cavities as plenums.
Removes the requirement for residential exhaust hoods in kitchens for grease laden vapors as the requirements for this are specified in the IMC, and don't belong in the IECC.
Revises landing/floor height requirement for exterior doors from 7 3/4 to 8 1/4.
Allows the use of appendix Q for tiny houses (dwellings 400 square feet or less).
Revises foundation anchorage language to match International Building Code.
Clarifies that only one foundation vent is required within 3 feet of each corner.
Adds an option for relining existing building sewers and building draining piping.
Adds option to provide a notice by electronic means for the Local Board of Building Code Appeals hearing.
Changes minimum slope from 2 percent to 1 percent for drainage on impervious surfaces within 10 feet of the building foundation.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "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 promulgation of the USBC is required per section 36-98 of the Code of Virginia. Further, Section 36-99 indicates that modifications and provisions of the USBC should have due regard for, "generally accepted standards as recommended by nationally recognized organizations". The USBC uses nationally recognized model building codes and standards produced by the International Code Council (ICC) and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the BHCD initiates a regulatory action to incorporate the newest editions of the model codes into the regulation as well as accepting proposals for changes to the regulation from affected client groups and the public.

This supplementary proposed phase is being republished due to a previous technical error encountered during initial publication on February 3, 2020. The text was published correctly in the Virginia Register on February 3, 2020; however, certain information may not have been present on the Virginia Town Hall website, specifically, Section 13VAC5-63-210

Public Participation

Please include a statement that in addition to any other comments on the regulatory change, the agency is seeking comments on the costs and benefits of the regulatory change and the impacts of the regulated community. Also, indicate whether a public hearing will be held to receive comments.

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://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, 600 E Main St, St 300, Richmond, VA 23219, 804-786-6761 (o) 804-371-7090 (f) email 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. **Comments are only being accepted for Section 13VAC5-63-210 at this time.**

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.