



Proposed Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	13 VAC 5 -21
Regulation title	Virginia Certification Standards
Action title	Update and Amend the Virginia Certification Standards
Date this document prepared	April 3, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The Board of Housing and Community Development is not proposing any substantive changes to this regulation in this phase of this regulatory action. However, since this regulation is a companion regulation to the other building and fire regulations promulgated by the board and needs to be coordinated with those regulations, and since the other building and fire regulations of the board are concurrently undergoing regulatory actions to reference the newest available nationally recognized model codes and standards, the board is therefore accepting comment on all provisions of this regulation.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

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 which state law requires keeping up to date, the board updates this regulation whenever updating the building and fire regulations.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The reason this regulatory action is essential to protect the health, safety and welfare of the citizens of the Commonwealth is that without the building and fire regulations of the Board of Housing and Community Development being kept up-to-date by using the latest editions of the nationally recognized model codes and standards and without the correlation of this regulation with the other building and fire regulations of the board, the protection of the health, safety and welfare of Virginia's citizens is not assured since conditions which need to be regulated are not. In addition, where a condition which was previously determined in the nationally recognized codes and standards to need to be regulated is addressed less restrictively in the newest model codes and standards, there would be the risk of exposing Virginia's citizens to unnecessary regulations.

The goals of the regulatory action and problems the regulatory action will solve are the same as the reason the regulatory action is essential to protect the health, safety and welfare of the citizens of the Commonwealth. Without keeping the codes up-to-date, there is the potential for not regulating necessary conditions, or over-regulating conditions determined to be less necessary of regulation.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

There are no substantive changes between the existing regulation and the proposed regulation. However, since this regulation is a companion regulation to the other building and fire regulations promulgated by the Board of Housing and Community Development and needs to be coordinated with those regulations, and since the other building and fire regulations of the board are concurrently undergoing regulatory actions to reference the newest available nationally recognized model codes and standards, the board is therefore accepting comment on all provisions of this regulation.

Issues

Please identify the issues associated with the proposed regulatory action, 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 the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The primary advantage to the public of this action is that the regulation will provide the least possible necessary regulation of persons who are required to obtain, or who choose to obtain, certificates by the Board of Housing and Community Development for performing inspections under the building and fire regulations of the board.

There are no advantages to the Department of Housing and Community Development or to the Commonwealth resulting from this action.

There are no disadvantages to the public or to the Commonwealth resulting from this action.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements concerning this regulatory action.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

This proposed action does not create any disproportionate material impact upon any Virginia locality.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Board of Housing and Community Development is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is 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) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Steve Calhoun, 501 N. 2nd Street, Richmond, VA 23219 (804) 371-7018 (F) (804) 371-7090 (Email) Steve.Calhoun@dhcd.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	Not applicable.
Projected cost of the regulation on localities	Not applicable.
Description of the individuals, businesses or other entities likely to be affected by the regulation	Note applicable.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Not applicable.
All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.	Not applicable.

Alternatives

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

Not applicable, as there are no substantive changes proposed to the existing regulation in this phase of this action.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5)

the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

As there are no substantive changes to the regulation proposed at this time, no analysis of alternative regulatory methods has been performed.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
None	N/A	N/A

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The Department is not aware of any potential impact of this action on the institution of the family or on family stability.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
N/A	N/A	N/A	N/A

As previously stated, there are no substantive changes proposed to the existing regulation in this phase of this action.