

**Unified Regulatory Plan of the Department of Housing and Community Development for State Fiscal  
Year 2023**

Prepared on October 3, 2022

Amended January 4, 2023

## Description of Agency or Boards

The Department of Housing and Community Development is the state housing agency. The agency oversees a number of statewide housing and community development programs and supports multiple boards that promulgate regulations related to housing and community development and building safety and construction standards. Boards with regulatory authority supported by DHCD are as follows: the Commission on Local Government, the Manufactured Housing Board, and the Board of Housing and Community Development. The Board of Housing and Community Development is expected to continue the process of updating the Uniform Statewide Building (USBC), Statewide Fire Prevention Code (SFPC), Industrialized Building Safety Regulations (IBSR), and Virginia Amusement Device Regulations (VADR). The Board is directed to promulgate such regulations through Sections 36-98, 27-97, 36-73 and 36-98.3 of the Code of Virginia. The Board of Housing and Community Development is a state policy board, and promulgates regulations related to housing, community development, building safety, and fire prevention.

DHCD also prepares certain guidance documents related to provisions in state statute and the appropriations act.

<b>Title of Proposed Regulatory Action or Guidance Document</b> Update the Uniform Statewide Building Code (USBC)	
<b>Brief Overview</b> An action that is already underway (Action 5875) is expected to be approved by the Board for submission to the Attorney General in the 3 <sup>rd</sup> quarter of the fiscal year, which will result in proposed regulations for the Uniform Statewide Building Code 13 VAC 5-63. The update will incorporate by reference the newest available nationally recognized model building codes and standards produced by the International Code Council (ICC). Chapter 36-98 of the Code directs the Board to promulgate the Uniform Statewide Building Code.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Consider state amendments to the model codes, as determined by Virginia stakeholders, and continue to provide maximum flexibility in construction methods.
<b>Expected Date</b>	February 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b> Update the Statewide Fire Prevention Code (SFPC)
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<b>Brief Overview</b>	
An action that is already underway (Action 5874) is expected to be approved by the Board for submission to the Attorney General in the 3 <sup>rd</sup> quarter of the fiscal year, which will result in proposed regulations for the Statewide Fire Prevention Code 13 VAC 5-51. The update will incorporate by reference the newest available nationally recognize model building codes and standards produced by the International Code Council (ICC). Chapter 27-97 of the Code directs the Board to promulgate the Statewide Fire Prevention Code.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Consider state amendments to the model codes, as determined by Virginia stakeholders, and continue to provide maximum flexibility in fire safety and maintenance standards.
<b>Expected Date</b>	February 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Update the Industrialized Building Safety Regulations (IBSR)	
<b>Brief Overview</b>	
An action that is already underway (Action 5873) is expected to be approved by the Board for submission to the Attorney General in the 3 <sup>rd</sup> quarter of the fiscal year, which will result in proposed regulations for the Industrialized Building Safety Regulations 13 VAC 5-91. The update will incorporate by reference the newest available nationally recognize model building codes and standards produced by the International Code Council (ICC). Chapter 36-73 of the Code directs the Board to promulgate the Industrialized Building Safety Regulations.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Consider state amendments to the model codes, as determined by Virginia stakeholders, and continue to provide maximum flexibility for industrialized building construction.
<b>Expected Date</b>	February 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b> Update the Virginia Amusement Device Regulations	
<b>Brief Overview</b> An action that is already underway (Action 5872) is expected to be approved by the Board for submission to the Attorney General in the 3 <sup>rd</sup> quarter of the fiscal year, which will result in proposed regulations for the Industrialized Building Safety Regulations 13 VAC 5-31. The update will incorporate by reference the newest available nationally recognize model codes and standards produced by relevant amusement device standard writing entities. Chapter 36-98.3 of the Code directs the Board to promulgate the Virginia Amusement Device Regulations.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Consider state amendments to the model codes, as determined by Virginia stakeholders, and continue to provide maximum flexibility for amusement device operators.
<b>Expected Date</b>	February 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b> Virginia Telecommunication Initiative (VATI) Program Guidelines.	
<b>Brief Overview</b> The Budget Language enabling the VATI program (Item 115 L 2, 2022 Special Session I Budget) requires the Department to create program guidelines. Through a significant public engagement process, the Department updates program guidelines on a yearly basis to ensure efficient use of state resources and to ensure all new legislative objectives are being achieved.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Update to include stakeholder input and comply with most recent legislation.
<b>Expected Date</b>	April 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Virginia Broadband Availability Map Internet Service Provider Service Territory Data Submission Guidelines.	
<b>Brief Overview</b>	
Section P of Item 115 (2022) of the Budget Bill, directs the Department of Housing and Community Development (DHCD) to develop a statewide broadband availability map indicating broadband coverage, including maximum broadband speeds available in service territories in the Commonwealth. As directed in the Budget Bill, all broadband service providers shall be required to submit updated service territory data to the Department annually, containing the locations to which they provide broadband service. This guidance document specifies internet service provider service territory data submission guidelines in order to create the statewide availability map.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Update to include stakeholder input and comply with most recent legislation.
<b>Expected Date</b>	October 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b>	
Utility Leverage Program – Unserved Certification Guidelines.	
<b>Brief Overview</b>	
Pursuant to "§ 56-585.1:9" of the Code of Virginia, petitioners may submit proposed project areas to the Department of Housing and Community Development (DHCD) to be designated as unserved by broadband.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Update to align the definition of Broadband in the Unserved Certification Guidelines with the definition utilized in the Virginia Telecommunications Initiative (VATI) program.
<b>Expected Date</b>	January 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b> Virginia Enterprise Zone – Job Creation Grant Instruction Manual		
<b>Brief Overview</b> - This manual provides instructions for qualifying for the Enterprise Zones (EZ) Job Creation Grant (JCG), which is part of the Enterprise Zone Grant Program (13VAC5-112). It has been compiled for the applicant (the business firm) and addresses the applicant’s responsibilities in completing the application materials. The Board of Housing and Community Development adopts regulations regarding the Enterprise Zone Grant Program.		
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Yearly update to improve program administration.	
<b>Expected Date</b>	January 2023	

<b>Title of Proposed Regulatory Action or Guidance Document</b> Virginia Enterprise Zone – Real Property Improvement Grant Instruction Manual		
<b>Brief Overview</b> - This manual provides instructions for qualifying for the Enterprise Zone (EZ) Real Property Improvement Grant (JCG) which is part of the Enterprise Zone Grant Program (13VAC5-112). It has been compiled for the applicant (the business firm) and addresses the applicant’s responsibilities in completing the application materials. The Board of Housing and Community Development adopts regulations regarding the Enterprise Zone Grant Program.		
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule	<input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule	<input checked="" type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute	<input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Yearly update to improve program administration.	
<b>Expected Date</b>	January 2023	

<b>Title of Proposed Regulatory Action or Guidance Document</b> Virginia Enterprise Zone – CPA Agreed Upon Procedures Manual	
<b>Brief Overview</b> - This document provides instructions for CPAs performing the Agreed-Upon Procedures outlined by the Department of Housing and Community Development. These procedures test and report on the assertion of a business or qualified zone investor as to their qualification to receive Job Creation Grants (JCGs) or Real Property Investment Grants (RPIGs) related to the Enterprise Zone Grant Program (13VAC5-112). The findings from these procedures are reported in the CPA Attestation Report. This report is a required application component for both the Job Creation Grant and Real Property Investment Grant.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
<b>Additional Description</b>	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Yearly update to improve program administration.
<b>Expected Date</b>	January 2023

<b>Title of Proposed Regulatory Action or Guidance Document</b> Virginia Enterprise Zone – Local Zone Administrators Manual	
<b>Brief Overview</b> - While the Department of Housing and Community Development (DHCD) administers the statewide Enterprise Zone program, the day-to-day administration of a designated zone is the responsibility of the participating jurisdiction. Each locality is required to designate a Local Zone Administrator who is responsible for administering, managing, and marketing the locality's Enterprise Zone. This document is a program manual for local zone administrators.	
<b>Regulatory Stage (check one box)</b>	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
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<b>Legal Authority</b>	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
<b>Deregulatory Component</b>	Yearly update to improve program administration.
<b>Expected Date</b>	January 2023