



Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13</u> VAC <u>5</u> - <u>91</u>
Regulation title	Virginia Industrialized Building Safety Regulations
Action title	Final Regulation
Document preparation date	August 5, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The amendments to this regulation from the proposed regulation to the final regulation are only to insert the effective date of the final regulation and to establish the date that new industrialized buildings will have to comply with the newer editions of the model codes used for the standards for construction of industrialized buildings. That date has historically been three months after the effective date.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On July 26, 2005, the Board of Housing and Community Development adopted final regulations entitled "Virginia Industrialized Building Safety Regulations" (2003 edition) (13 VAC 5-91).

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 numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The statutory authority for the Board of Housing and Community Development to promulgate this final regulation is contained in § 36-73 of the Code of Virginia. The Board is required under that law to keep this regulation updated to reflect the latest construction technologies consistent with nationally recognized standards.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

As the final action is only to approve the proposed regulation as the final regulation, only the effective date is being added and the date permitting a transition period between the existing regulations and the new regulations. That date has historically been three months and is three months in this final regulation.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

There are no substantive changes from the proposed regulation to the final regulation. Only the effective date is being added and the date for the transition period to the new regulations.

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 there are no disadvantages to the public or the Commonwealth, please indicate.

As there are no substantive changes to the proposed regulation in this action, there are no issues associated with the action. The agency is finalizing this regulation to assure that its statutory obligations are met and to provide the latest standards for the construction of industrialized buildings.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
13 VAC 5-91-160	Effective date and date for transition period were to be inserted.	Effective date and date for transition period have been inserted.	In the proposed stage, the effective date could not be determined as it is to correlate with other building and fire regulations of the department.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
	The Board did not receive any public comment on this regulation during its comment periods following the publishing of the proposed regulation.	

There was a code change by the modular building industry to exempt small construction trailers from permit requirements, however, the change was withdrawn by the proponent for further consideration in the next code change cycle.

All changes made in this regulatory action

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

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
13 VAC 5-91-160		Effective date and date for transition period were to be inserted.	In the proposed stage, the effective date could not be determined as it is to correlate with other building and fire regulations of the department.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

Since there are no substantive changes between the proposed regulation and the final regulation, the final regulation has no impact on the institution of the family and family stability.