



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13 VAC 5-91</u>
Regulation title	Virginia Industrialized Building Safety Regulations
Action title	Amend and Update Virginia Industrialized Building Safety Regulations
Final agency action date	July 26, 2010
Document preparation date	August 11, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Industrialized Building Safety Regulations (IBSR) are regulations governing the in-factory construction of industrialized buildings, which are also known as modular buildings. The regulations provide the same standards for construction as those buildings constructed on-site and regulated by the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the "USBC"). Both regulations utilize nationally recognized model building codes and standards to provide the technical requirements for the actual construction of the regulated buildings. The model codes are produced by the International Code Council and every three years new editions of the model codes become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer editions of the model codes into the regulations through the publishing of a proposed regulation. Those affected by the regulations then review the proposed regulations to assure that the newest model codes and standards reflect the minimum standards necessary for the safe construction of such buildings and structures. After the publishing of the proposed regulations, the board establishes a comment period for the acceptance of code change proposals to modify the model codes and standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a

second comment period and additional comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

The changes comprising the final regulation are divided into two categories: (a) those changes necessary to match changes in state law where no agency discretion is involved under the exemption in the Virginia Administrative Process Act (VAPA) at § 2.2-4006(A)(4)(a) of the Code of Virginia, and (b) those changes based upon proposals or public comment received by the Board during the public comment period after the publishing of the proposed regulation under the exemption in the VAPA at § 2.2-4006(A)(12) of the Code of Virginia. The changes comprising the final regulation are described below:

Changes Under the Exemption in the VAPA at § 2.2-4006(A)(4)(a) of the Code of Virginia to match changes in state law where no agency discretion is involved.

13 VAC 5-91-70: State law was amended by Chapter 77 of the 2010 Acts of Assembly to permit any person aggrieved by the Department’s application of the IBSR to appeal to the State Building Code Technical Review Board. Changes to this section in the final regulation are to implement the legislation.

Changes Under the Exemption in the VAPA at § 2.2-4006(A)(12) of the Code of Virginia based on proposals or public comment received by the Board of Housing and Community Development.

13 VAC 5-91-260: The final regulation amends the fee charged by the Department for registration seals placed on the modules of approved industrialized buildings from \$50 per seal to \$75 per seal to more accurately reflect the cost of monitoring the approval of industrialized buildings. Industry representatives voiced support for the action.

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, 2010, the Board of Housing and Community Development approved final regulations for the Virginia Industrialized Building Safety Regulations.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The final regulations do not have an impact on the institution of the family and family stability.