



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	<u>13</u> VAC <u>5</u> - <u>80</u>
Regulation title	Virginia Standards for Individual and Regional Code Academies
Action title	Amend requirements for local code academies to reflect current practices of the Virginia Code Academy
Date this document prepared	August 29, 2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

This regulatory action is to update the requirements for local code academies to reflect current practices of the Jack A. Proctor Virginia Building Code Academy for consistency in the operation of the state and local academies and to clarify reporting and assurance requirements for the local academies to ensure compatible courses and practices.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

The statutory authority for the establishment of the regulations for individual and regional code academies is § 36-137(7) of the Code of Virginia as a power of the Board of Housing and Community Development where individual and regional code academies may be accredited by the Department to retain a 2% levy on building permit fees which would otherwise be used by the Jack A. Proctor Virginia Building Code Academy.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

As the nature of the construction industry changes, new technologies are present and the building and fire codes affecting the construction and use of buildings and structures evolve, there is a need for code academies to address the changing environment and be consistent with the instruction methods and course material used by the Jack A. Proctor Virginia Building Code Academy. As local academies are accredited by the Department of Housing and Community Development, the regulations for accreditation of the local academies must reflect the most current methodologies and instructional practices for consistency with the state code academy.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

Requirements in the regulation for information to be provided in the application for accreditation or for renewal of accreditation, for qualifications of personnel of the local academies, for instructional programs and courses and record-keeping will be updated to reflect current practices of the state code academy.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

As accreditation of local academies is required by statute to enable the 2% fee levy on building permit fees collected by local building departments to be retained in those localities which chose to have a local or regional code academy, the Department believes that updating the accreditation standards to reflect current practices of the state code academy is the best alternative available for assuring consistency in the delivery of training and instruction for Virginia code enforcement personnel.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the

alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Please also indicate, to the extent known, if standing or ad hoc advisory panels (also known as regulatory advisory panels) will be involved in the development of the proposed regulation. Indicate whether 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The agency is seeking comments on this regulatory action, including but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also 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) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Steve Calhoun, 600 East Main Street, Suite 300, Richmond, VA 23219, (804) 371-7150, fax number: (804) 371-7092, email address: 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 midnight on the last day of the public comment period.

A public hearing will be held prior to and following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Family impact

Assess the potential 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.