



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	13 VAC5-80
<b>Regulation title</b>	Virginia Standards for Individual and Regional Code Academies
<b>Action title</b>	Accreditation initial and renewal application process
<b>Date this document prepared</b>	May 31, 2013

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*.

### Brief summary

*In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.*

This regulatory action amends the existing regulation to clarify the existing mandatory requirements for local and regional code academies formed to provide training to enforcement personnel of the state building and fire regulations. This regulatory action further defines the requirements for initial accreditation and renewal accreditation as a code academy established in accordance with 36-137 of the Code of Virginia for the purposes of conducting classes to prepare an individual to pursue an occupation in the inspection profession relating to the enforcement of the USBC, VADR, and SFPC, or to upgrade an individual in the technical phases of the same codes.

### Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

DHCD – Department of Housing and Community Development  
BHCD – Board of Housing and Community Development  
USBC – Uniform Statewide Building Code

SFPC – Statewide Fire Prevention Code  
VADR – Virginia Amusement Device Regulation  
IRCA - Individual and Regional Code Academy Standards  
VCS – Virginia Certification Standards

**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 of the state to promulgate this regulation is pursuant to Title 36 of the Code of Virginia §36-137, mandating the Board of Housing and Community Development (BHCD) to issue a certificate of accreditation to those seeking to establish a local or regional building code academy.

**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.*

---

As recognized in §36-99 of the Code of Virginia, the purpose of the USBC protects the health, safety, and welfare of the citizens of the Commonwealth, while permitting buildings to be constructed in the most economical manner consistent with such pertinent recognized standards relative to construction, health, and safety. Therefore, the accreditation and operation of the individual and regional code academies supports the achievement of this purpose and ensures the technical and professional level of those personnel attending individual and regional code academies, including the knowledge and skill gained resultant from the initial training and continuing education approved by DHCD as IRCA offerings.

**Substance**

*Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the “Detail of changes” section.)*

---

Not being substantive in nature, this regulatory action primarily serves to clarify and make current the existing regulatory requirements.

**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 indicate.

---

This regulatory action poses no foreseen disadvantages to the public or the Commonwealth.

**Requirements more restrictive than federal**

*Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale 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.*

---

No federal requirements would be applicable regarding 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.*

---

No locality would be particularly affected by this regulatory action.

**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/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/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 via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email or fax to Sandi Morris, Training Supervisor, Virginia Department of Housing and Community Development, 600 East Main St., Richmond, VA 23219, (804) 371-7180, [sandi.morris@dhcd.virginia.gov](mailto:sandi.morris@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 date of the public comment period.

A public hearing will be held after this regulatory stage is published in the *Virginia Register of Regulations* 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.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements creates the anticipated economic impact.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.</b>	No anticipated economic impact.
<b>Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.</b>	No anticipated economic impact.
<b>Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.</b>	Not applicable
<b>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.</b> 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
<b>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</b>	No anticipated economic impact.
<b>Beneficial impact the regulation is designed to produce.</b>	This regulatory action promotes the uniform interpretation and application of the existing regulation and requirements and ensures consistent and current application in the accreditation process.

**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.*

No viable alternatives are presently available as this regulatory action is only a clarification to the interpretation and application of an existing regulation. As this regulatory action has no impact upon or will not affect small businesses as defined in §2.2-4007.1, less burdensome or intrusive alternatives or measures are not available or applicable.

**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.*

No alternative regulatory methods are available as this regulatory action is only a clarification of the interpretation and application of an existing regulation.

**Public comment**

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

Commenter	Comment	Agency response

No public comments at this time.

**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 proposed regulations do not have an impact on the institution of family and family stability.

**Detail of changes**

*Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.*

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

For changes to existing regulation(s), use this chart:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change, intent, rationale, and likely impact of proposed requirements</b>
13 VAC5-80-10		Definitions	Deletion of definitions no longer used in regulation.
13 VAC5-80-60.C		The current regulation delineates the required information to be part of the accreditation application.	The proposed change expands the required information to now include proposed expenditures, and training schedule as part of the accreditation application. The intent of this proposed change is to bring current the existing regulation with the current practice in the accreditation process. There is no likely impact related to this proposed change.
13 VAC5-80-60.D		The current regulation delineates the required commitments on the part of the individual or regional code academy to be part of the accreditation application.	The proposed change expands the required commitments to now include manner in which state courses will be offered through the IRCA and the addition of quarterly and end of year reporting requirements and time frames. The intent of this proposed change is to bring current the existing regulation with the current practice in the accreditation process. There is no likely impact related to this proposed change.
13 VAC5-80-80.A		The current regulation requires a renewal application be submitted annually however did not delineate the contents of the accreditation renewal application.	The proposed change expands the language to clarify the required information to proposed expenditures and revenues for the purposes of academy operations, training schedule, instructor lists, and commitments to be required in accreditation renewal application. The intent of this proposed change is to bring current the existing regulation with the current practice in the accreditation process. There is no likely impact related to this proposed change.
13 VAC5-		The current regulation	The proposed change correlates the

80-90		delineates instructor qualifications for those approved to instruct at the IRCA level.	instructor requirements with that of the state building code academy to now require all instructors to hold an active certification in the discipline in which they will be instructing. The intent of this proposed change is to bring current the existing regulation with the current practice in the accreditation process. There is no likely impact related to this proposed change.
13 VAC5-80-120		Language clarification	The proposed change adds language that will allow DHCD to not approve an initial application for the reasons previously included in the regulation. There is no likely impact related to this proposed change.
13VAC5-80-140		Language clarification	The proposed change adds language expands the agency required records management to include all records concerning the initial application. The intent of this proposed change is to bring current the existing regulation with the current practice in the accreditation process. There is no likely impact related to this proposed change.