



townhall.virginia.gov

Exempt Action Proposed Regulation Agency Background Document

Agency name	Board of Housing and Community Development (BHCD)
Virginia Administrative Code (VAC) citation(s)	<u>13</u> VAC <u>5</u> - <u>63</u>
Regulation title(s)	Uniform Statewide Building Code (USBC)
Action title	Update the USBC
Date this document prepared	January 6, 2017

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 USBC is a regulation governing the construction, maintenance and rehabilitation of new and existing building and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council (ICC) and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the BHCD initiates a regulatory action to incorporate the newest editions of the model codes into the regulation as well as accepting proposals for changes to the regulation from affected client groups and the public. The Department of Housing and Community Development staff maintains mailing lists for workgroups involving different subject areas of regulation and conducts workgroup meetings attended by clients group participants to develop consensus recommendations, when possible, concerning proposals which have been submitted. The Department uses an online program incorporating the provisions of the regulation and the model codes and standards to facilitate the

submittal of proposals. A public hearing is held during the workgroup meeting stage of the process and a comment period established. Once workgroup meetings are completed, the BHCD has a series of meetings to consider each proposal and those proposals approved are incorporated into the proposed regulation. After the publishing of the proposed regulation, the BHCD establishes a comment period for additional proposals to be submitted and to comment on the proposed regulation and an additional public hearing is held. The BHCD then meets to consider proposals and public comments to develop a final regulation to complete the regulatory process.

The substantive changes to the USBC in this regulatory action are summarized as follows:

13VAC5-63-10 A and B: Updates the incorporation by reference to the latest ICC International Codes and standards.

13VAC5-63-20: Clarification of the exemption in the USBC for public utilities to include wiring and equipment of telecommunication (cellular telephone) companies. In addition, a new exemption for conveyor systems is added in subdivision D 3, as such equipment is not part of a building and therefore not within the scope of the USBC. In subdivision D 6, language is added to clarify that the demolition of manufactured homes or industrialized buildings is subject to the USBC. The prior edition of the code did not have explicit language addressing this, but demolition is a form of construction, so it did fall within the scope of the code.

13VAC5-63-30 D: Establishes a new provision for existing college research laboratories to permit compliance with special provisions in Part II of the USBC (the Virginia Existing Building Code; formerly the Virginia Rehabilitation Code) when utilizing new or differing amount of certain hazardous materials. The new provision is part of comprehensive changes to the USBC and the Statewide Fire Prevention Code (13VAC5-51) (SFPC) developed by an ad hoc committee of affected parties and representatives of educational research laboratories. The language is based on actions approved at the ICC hearings for the 2018 editions of the International Codes with conditions specific to Virginia institutions considered in the final language.

13VAC5-63-50 E and I: The Virginia Certification Standards (13VAC5-21) (VCS), also under the authority of the BHCD, were amended in September of 2014 to include requirements for continuing education and periodic training for all inspector certificates issued by the BHCD. Formerly the requirements were in the USBC, SFPC and Virginia Amusement Device Regulations. Now that the VCS contains those requirements, duplicate requirements in the USBC are no longer necessary and are therefore being deleted.

13VAC5-63-80 B 16: A new permit exemption is added for work on billboards necessary to comply with federal (OSHA) guidelines. This is necessary so sign companies are not subject to varying requirements from jurisdiction to jurisdiction and safeguards are in place through the federal requirements to assure safe installations without the necessity for a USBC permit.

13VAC5-63-210 C: A new provision is added to address day treatment facilities licensed by the Virginia Department of Behavioral Health and Developmental Services to clarify that buildings used for such purposes must have sprinkler systems if located above the second story. This is necessary due to the inability of the occupants of the treatment facilities to be able to exit quickly if an emergency exists. Many occupants would need assistance in evacuating due to physical or mental limitations; therefore, in sprinklered buildings, the occupants could be moved to protected areas on the floor they are on without the spread of fire to those areas since the fire would be suppressed by the sprinkler system.

13VAC5-63-210 D: An allowance is added for alcohol to be stored in wooden barrels or casks without complying with the hazardous material provisions of the code. The language was in the International Fire Code, but not in the International Building Code, as those codes are developed independently in the ICC code development process. The language is necessary to assure all breweries and producers of distilled spirits and wines are subject to consistent requirements and is based on the fact that there is no evidence

that storage in wooden barrels or casks is a potential fire hazard necessitating the requirements of the code used for explosives, fireworks, flammable gases such as liquefied petroleum gas, and gasoline and diesel fuels to be applicable.

13VAC5-63-210 T 4: Add a new exception (7) to the requirements of the International Residential Code (IRC) for separation of dwellings from lot lines to recognize zoning ordinances that require setbacks to prevent houses on adjacent lots from being within 10 feet of each other. This allows flexibility in the clustering of homes for zoning purposes and accomplishes the building code objective of maintaining fire separation distances between dwellings. The IRC requires any building wall within five feet of a property line to be of fire-rated construction without this exception.

13VAC5-63-210 T 37 and 38: Relocates the interior passageway requirements for new homes (former subdivision T 14) and clarifies the text. Removes difficult to apply language involving doors at the end of a hallway. The overall goal of the provision is to provide doors for wheelchair users on the main level of new dwellings.

13VAC5-63-210 T 45 and 46: Adds tables permitting the use of No. 2 (quality) southern yellow pine (wood) of appropriate spans to be used in the framing of homes. The tables in the existing regulation (2012 edition) inadvertently omitted spans for No. 2 pine and only permitted No. 1 quality, which is not readily available by wood distributors.

13VAV5-63-210 T 61: Deletes former subsection T 94 which required only 50 percent of new lamps (light bulbs) to be high efficacy (efficiency) bulbs. This deletion will allow the provisions of the IRC to be applicable, which require 75 percent of new bulbs to be high efficiency.

13VAC5-63-210 T 69: Adds new sections to permit the use of a corrugated gas tubing with coatings to prevent lightning arcs from causing holes in the tubing. The product has undergone the approval process through the National Fuel Gas Code and the American National Standards Institute standard writing process.

13VAC5-63-210 T 74: From a proposal submitted by the Virginia State Corporation Commission, a new provision is added to require a tracer wire to be installed in the ditch with nonmetallic water service piping to new homes. This will enable other utilities to locate the water service line when installing additional underground lines and prevent the possible inadvertent rupturing of the water service line. There was a case where a gas line crossed a water service line that was not pressurized yet and gas travelled up the water service line and caused an explosion in the house it served. Tracer wire is already required by the USBC for nonmetallic sewer lines.

13VAC5-63-220 X and Y: Establishes a new provision for new college research laboratories to utilize certain hazardous materials inherent in operations without having to fully comply with the hazardous material provisions of the code as the use of such materials is in limited quantity. The new provision is part of comprehensive changes to the USBC and the Statewide Fire Prevention Code (13VAC5-51) (SFPC) developed by an ad hoc committee of affected parties and representatives of educational research laboratories. The language is based on actions approved at the ICC hearings for the 2018 editions of the International Codes with conditions specific to Virginia institutions considered in the final language.

13VAC5-63-230 E: Reestablishes exceptions for when smoke and fire dampers are required in shaft enclosures for heating, ventilating and air-conditioning duct systems. The exceptions were in the 2009 edition of the USBC and were deleted in the 2012 edition based on wording in the 2012 International Building Code (IBC); however, since the wording in the 2012 IBC differed slightly from the 2009 USBC language, the 2009 exceptions are being reinserted.

13VAC5-63-245 L and Q: Adds language in the IBC which is consistent with the IRC stairway landing requirements when dwelling units are being designed under the IBC, such as four story townhomes which

are outside of the scope of the IRC. The same hazards exist for dwellings, whether constructed under the IBC or the IRC.

13VAV5-63-264 (A) 13: Deletes former subsection (A) 21 which required only 50 percent of new lamps (light bulbs) to be high efficacy (efficiency) bulbs in buildings subject to the International Energy Conservation Code (IECC). This deletion will allow the provisions of the 2015 IECC to be applicable, which require 75 percent of new bulbs to be high efficiency.

13VAC5-63-295 B and C: Adds tables permitting the use of No. 2 (quality) southern yellow pine (wood) of appropriate spans to be used in the framing of dwellings constructed under the IBC. The tables in the existing regulation (2012 edition) inadvertently omitted spans for No. 2 pine and only permitted No. 1 quality, which is not readily available by wood distributors.

13VAC5-63-310 D 1, 7 and 8: Add requirements for pollution control units where such systems are voluntarily installed. The use of these systems to control pollutants in grease ducts in restaurants and other facilities having grease ducts has become more prevalent and this language was approved for the 2018 International Mechanical Code (IMC) at the ICC process in time for implementing in it Virginia for the 2015 USBC.

13VAC5-63-310 D 9: Reestablishes exceptions for when smoke and fire dampers are required in shaft enclosures for heating, ventilating and air-conditioning duct systems. The exceptions were in the 2009 edition of the USBC (in both the IBC and the IMC) and were deleted in the 2012 edition based on wording in the 2012 IMC; however, since the wording in the 2012 IMC differed slightly from the 2009 USBC language, the 2009 exceptions are being reinserted.

13VAC5-63-310 E 2 and 5: Adds new sections to permit the use of a corrugated gas tubing with coatings to prevent lightning arcs from causing holes in the tubing in buildings subject to the IBC. The product has undergone the approval process through the National Fuel Gas Code and the American National Standards Institute standard writing process.

13VAC5-63-431 A, B and C: Modifies the wording of the 2005 edition of the ICC International Existing Building Code (IEBC) for use in Part II of the USBC, which governs alterations, additions and change of occupancy of existing buildings. The new wording permits an additional compliance method for alterations and repairs based on the code in effect when the building was originally constructed.

13VAC5-63-431 D: Establishes the technical requirements for a new provision for existing college research laboratories when utilizing new or differing amount of certain hazardous materials. The requirements are part of comprehensive changes to the USBC and the Statewide Fire Prevention Code (13VAC5-51) (SFPC) developed by an ad hoc committee of affected parties and representatives of educational research laboratories. The language is based on actions approved at the ICC hearings for the 2018 editions of the International Codes with conditions specific to Virginia institutions considered in the final language.

13VAC5-63-422 A, B and C: Minor changes to the 2015 IEBC to clarify the classifications of work which are covered under the Level Method of compliance in the IEBC and how the work area concept is to be applied. Clarifying language is also added for addressing buildings which have horizontal fire separation as only vertical fire separation was addressed.

13VAC5-63-433.5, 434, 434.5, 435, 439 and 440. Minor changes to the 2015 IEBC developed by an ad hoc group preparing a training module for the Department's Jack A. Proctor Building Code Academy for Part II of the USBC. These changes just clarify the requirements of the different compliance methods set out in the IEBC based on questions raised during the development of the training module.

13VAC5-63-450 through 545: Part III of the USBC (13VAC5-63-450 et seq.) is known as the Virginia Maintenance Code (VMC) and sets out provisions requiring existing buildings and structures to be

maintained in accordance with the codes in effect when such buildings and structures were constructed. The VMC incorporates the ICC International Property Maintenance Code (IPMC). Since its inception, the VMC has contained administrative language limiting the use of the provisions of the IPMC to only those provisions requiring maintenance and disallowing the use of any provisions of the IPMC which would require existing buildings or structures to be upgraded or retrofitted to meet newer code requirements. This arrangement has caused confusion among code enforcing agencies and those affected by the code. The department, under direction from the BHCD, convened an ad hoc committee of all affected parties/organizations to develop a draft of the VMC which removes any provisions of the IPMC which would require existing buildings or structures to be upgraded or retrofitted; thus eliminating the need to depend upon the administrative provisions for the proper application of the VMC. The changes to the provisions of the VMC in this action are therefore editorial in nature, but fairly extensive. The ad hoc committee evaluated every provision in the IPMC and where any provision required the upgrading or retrofitting of existing buildings, the wording of that section was changed to just require maintenance of the aspect of construction being addressed by the section, since the administrative provisions of the VMC would have prevented any such provision from being enforceable. The end result is a code in which all the provisions left intact or modified are fully enforceable without a comparison to the administrative provisions to determine whether they may be enforced.

Family impact

Please assess the impact of this 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.