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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>51</u>
Regulation title(s)	Statewide Fire Prevention Code (SFPC)
Action title	Update the SFPC.
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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 SFPC is a regulation governing the maintenance of the fire protection aspects of existing structures and operational functions relating to fire safety wherever located, including the regulation of the use of explosives and blasting and fireworks displays. The SFPC uses a nationally recognized model code produced by the International Code Council as the basis for the technical provisions of the regulation. Every three years, a new edition of the model code becomes available. At that time, the BHCD initiates a regulatory action to incorporate the newest edition of the model code 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 code 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 SFPC in this regulatory action are summarized as follows:

13VAC5-51-31 A: The 2015 edition of the International Fire Code (IFC) is incorporated by reference to replace the 2012 edition of the IFC.

13VAC5-51-51 K: The Virginia Certification Standards (13VAC5-21) (VCS), also a regulation under the authority of the BHCD, was amended and became effective in September of 2014, and set out periodic training and continuing education requirements for maintaining inspector certificates issued by the BHCD. Prior to the amendments to the VCS, the SFPC contained those requirements. Now that the VCS has the requirements, they may be deleted in the SFPC. A note has been added to reference the VCS.

13VAC5-51-81 K: Adds language from § 27-98 of the Code of Virginia which was amended in the 2012 Session of the General Assembly. The changes address local fees.

13VAC5-51-121 B: Amends the requirement for local government appeals boards to meet annually even if there are no appeals. The Virginia Uniform Statewide Building Code (13VAC5-63) (USBC) was amended by a proposal from the State Building Code Technical Review Board to permit the local appeals boards to meet only when necessary to conduct business. This amendment provides consistent language with the USBC.

13VAC5-51-130: New definitions are added which are necessary for substantive amendments to the technical requirements of the code addressing college research laboratories in § 145 F.

13VAC5-51-131 C, G and K: Deletes provisions addressing sky lanterns and unoccupied tenant spaces in mall since comparable provisions are in the 2015 edition of the IFC being incorporated into the code in § 31 A.

13VAC5-51-132 (all amendments): When the current SFPC was developed in 2013-2014, the 2015 edition of the IFC was already in process at the International Code Council (ICC) hearings and while the language was not finalized until 2015, many proposals had already been approved in the ICC process. The fire services community submitted a proposal to use the new language which it was believed would be contained in the 2015 IFC for the SFPC at that time. Now that the 2015 IFC is being incorporated into the SFPC in this action, the language in the SFPC is no longer necessary since it is already in the 2015 edition of the IFC. Therefore the language may be deleted from the SFPC. The subject matter of the language is emergency planning and preparedness and the requirements address the use of emergency evacuation plans and the use of crowd managers for large events. There are no substantive changes to address since all requirements that are being deleted are contained in the 2015 IFC; however, since much existing language is being stricken, this summary is necessary as readers of the proposed regulations not familiar with the 2015 IFC would see much stricken text and not necessarily know that the requirements are not actually changing.

13VAC5-51-133 through 140 (all amendments): As explained in the summary of changes to § 132 above, the changes in §§ 133-140 are not substantive, but are simply to delete amendments made in the last regulatory process which were adopting text which proponents of the proposals were confident would be in the 2015 edition of the IFC being developed through the ICC process. That if fact did happen and now the changes to the SFPC may be deleted since the language is already in the 2015 IFC and the 2015 IFC is being incorporated into the SFPC in § 31 A.

13VAC5-51-144.8: This amendment changes the IFC language for permits to reference the appropriate permit section in the SFPC. The permit sections in all other chapters of the IFC were addressed in the previous regulatory process for the SFPC, but this chapter (Chapter 37 – Combustible Fibers) was inadvertently omitted. This amendment corrects the omission and makes all the permit requirements in the IFC consistent.

13VAC5- 51-145 E: In the previous regulatory process for the SFPC where the 2012 edition of the IFC was incorporated, a proposal was approved to change the table in the IFC addressing the quantities of consumer fireworks that could be stored in a building based on whether the building had a sprinkler system. The 2012 IFC permitted a 100% increase in the amounts stored if there was a sprinkler system present and that allowance was permitted through the use of a footnote “d” in the table which was referenced in the consumer fireworks entry in the table. A proposal approved during that regulatory process deleted the reference to the footnote for consumer fireworks, but left the reference to the footnote for permissible fireworks (a subset of consumer fireworks which do not lift from the ground when used). The 2015 edition of the IFC does not have the reference to footnote d in the table; therefore it is no longer necessary to show consumer fireworks entry in the table changed in the SFPC. The reference to the footnote remains for permissible fireworks.

13VAC5-51-145 F: Comprehensive new requirements for the safe use of hazardous materials in college research laboratories are added. The Department of Housing and Community Development staffed a workgroup of affected parties to develop these requirements, which in conjunction with changes to the USBC, will address the safe use of materials in the constantly changing field of educational research laboratories. The requirements are consistent with a proposal developed in the ICC process for the 2018 IFC.

13VAC5-51-145 G: Adds a reference in the provisions of the SFPC addressing petroleum spills to the Virginia Petroleum Storage Tank Fund, a fund established under Virginia law.

13VAC5-51-155: Adds nationally recognized standards to the IFC which are used in the new provisions for college research laboratories in § 145 F.

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.