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## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	<u>13</u> VAC <u>5</u> - <u>91</u>
<b>Regulation title(s)</b>	Industrialized Building Safety Regulation (IBSR)
<b>Action title</b>	Update the IBSR
<b>Date this document prepared</b>	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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 IBSR governs 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 (13VAC5-63). Both regulations utilize nationally recognized model building codes and standards to provide the technical requirements for the actual construction of the regulated buildings. 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 IBSR in this regulatory action are summarized as follows:

13VAC5-91-160: Updating the referenced model codes and standards to the latest editions available.

13VAC5-91-180 B and C: Removing a re-approval provision for compliance assurance agencies that do the inspection and approval of the construction of industrialized buildings in the plants. This requirement was added in the last update of the regulation but has proven to be burdensome and unnecessary. The Department, which administers the regulation, already has the authority in other provisions of these subsections to review compliance assurance agencies for continued compliance with all requirements applicable to compliance assurance agencies and may revoke or suspend approvals if warranted.

13VAC5-91-200: Deletes language authorizing the Department's administrator to consider whether the services provided by compliance assurance agencies has been accepted by other jurisdictions. The phrase "and by other jurisdictions" is unclear since this is a state-administered program.

13VAC5-91-240: Language is added to permit a manufacturer to apply an approval label on an industrialized building when authorized to do so by a compliance assurance agency. The manufacturers and compliance assurance agencies may work together to assure whatever process works best for them may be used. The administrator has the authority to monitor the activities of both the manufacturers and compliance assurance agencies and audit records to assure that labels are not inappropriately handled.

13VAC5-91-260 E: Statutory language is added addressing the refunding of fees for unused registration seals for clarify concerning the process.

## 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.*

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