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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation(s)</b>	13 VAC 5 - 63
<b>Regulation title(s)</b>	Uniform Statewide Building Code (USBC)
<b>Action title</b>	Technical Corrections
<b>Final agency action date</b>	September 7, 2018
<b>Date this document prepared</b>	September 10, 2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. 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 client 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.

Final regulations for the USBC were published in Volume 34, Issue 18 of the Virginia Register on April 30, 2018 with an effective date of September 4, 2018.

Upon publication of the final regulation certain technical errors were identified.

This action is necessary to correct the following technical errors:

**13VAC5-63-210. Chapter 3**

Add an exception to Section R303.910 to read.....

Add Section R303.910.1 to read:

R303.910.1 Nonowner occupied required heating. Every dwelling unit or portion thereof which is to be rented, leased or let on terms either expressed or implied to furnish heat to the occupants thereof shall be provided with facilities in accordance with Section R303.910 during the period from October 15 to May 1.

Add Section R303.101 to read:

R303.101 Insect screens....

Explanation: Incorrect reference numbers corrected.

**13VAC5-63-245. Chapter 10**

**Add New Language:**

**Change Exception 2 of Section 1007.1.1 of the IBC to read:**

2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

Explanation: This section was moved from section 1015.2.1 to 1007.1.1 in the 2015 model code. The existing language was appropriately deleted from the old section (1007.1.1) but inadvertently not pasted into the new section (1015.2.1).

**13VAC5-63-310. Chapter 28**

**9. Add Section 506.5.6 to the IMC to read:**

~~505.5.6~~ 506.5.6 Pollution control units. The installation of pollution control units shall be in accordance with the manufacturer's installation instructions and all of the following:

Explanation: Incorrect section number was entered.

**13VAC5-63-431. Chapter 3**

**New Language (in addition to existing language):**

Delete Sections 301.1.1 through 301.1.4.2 of the IEBC, including tables.

Explanation: These sections need to be deleted as part of the rewrite. They were either moved or unnecessary.

**307.3.1 Roof recover...**

Exception. \_:

Explanation: The period after the word Exception in this section needs to be colon.

**13VAC5-63-432.5. Chapter 4**

**Existing Language:**

N. Delete Sections 404.2.1, 404.3.1 and 404.5 of the IEBC.

**New Language:**

N. Delete Sections 404.2.1, 404.2.2, 404.2.3, 404.3.1 and 404.5 of the IEBC.

Explanation: Additional sections were deleted as part of the rewrite. They were inadvertently left out of the list when entered into RIS.

404.4.8 Type B dwelling or sleeping units. Where four or more Group I-1, I-2, R-1, R-2, R-3, or R-4 dwelling or sleeping units are being altered and where the work area is greater than 50% of the aggregate area of the building, the requirements of Section 1107 of the VCC for Type B units and Chapter 9 of the VCC for visible ~~Alarms~~ alarms apply only to the quantity of the spaces being altered.

Explanation: The letter “a” in alarm was mistakenly capitalized.

**13VAC5-63-433. Chapter 5**

501.2 Conformance. The work shall not make the building less conforming ~~that~~ than it was before the repair was undertaken. Repairs shall be done in a manner that maintains the following:

1. Level of fire protection that is existing.
2. Level of protection that is existing for the means of egress.
3. Level of accessibility that is existing.

Explanation: Grammatical correction, “that” should be “than”.

502.2.2.2 Extent of repair for ~~noncompliant~~ compliant buildings. If the evaluation establishes that the building in its predamage condition complies with the provisions of Section 502.2.2.1, then repairs shall be permitted that restore the building to its predamage state.

Explanation: Correct word in this section is compliant, not noncompliant. Noncompliant is the next section.

**13VAC5-63-433.3. Chapter 6**

**Existing Language:**

E. Change Sections 603.1 through 603.10, including subsections, of the IEBC to read:

**New Language:**

E. Change Section 603.1 and add Sections 603.2 through 603.10, including subsections, to the IEBC to read:

Explanation: 603.1 is the only existing section. All others are being added

**New Language (in addition to existing language):**

Change Section 604.1 and add Sections 604.2 through 604.7, including subsections, to the IEBC to read:

Explanation: Existing language says to “change” these sections but 604.1 is the only existing section so the other sections are actually being added, not changed.

**New Language:**

Change Sections 707.1 through 707.3, ~~including deleting~~ subsections, and add Section 707.4 to the IEBC to read:

Explanation: The existing language in RIS says “including”. The new code language does not include any subsections.

**Existing Language:**

710.1 Increased demand. Where the occupancy of a building undergoes a change of an existing building or part of an existing building is changed occupancy such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the International Plumbing Code, the new occupancy shall comply with the intent of the respective International Plumbing Code provisions.

Exception: In other than Group R or I occupancies or child care facilities classified as group E, where the occupant load is increased by 20 percent or less in the area where the change of occupancy occurs, additional plumbing fixtures required based on the increased occupant load in quantities specified in the International Plumbing Code.

**New Language:**

710.1 Increased demand. Where a building or portion thereof undergoes a change of occupancy such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the International Plumbing Code, the new occupancy shall comply with the respective International Plumbing Code provisions.

Exception: In other than Group R or I occupancies or child care facilities classified as group E, where the occupant load is increased by 20 percent or less in the area where the change of occupancy occurs, additional plumbing fixtures required based on the increased occupant load in quantities specified in the International Plumbing Code are not required.

Explanation: The approved code proposal by the Board of Housing during the proposed phase was inadvertently changed when reformatting of the section occurred in the final phase. The correct text is shown.

**Existing Language:**

**TABLE 706.2  
HEIGHTS AND AREAS HAZARD CATEGORIES**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A-1, A-2, A-3, A-4, I, R-1, R-2, R-4
4	E, F-1, S-1, M
5 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, R-5, U

**New Language:**

**TABLE 706.2**

**HEIGHTS AND AREAS HAZARD CATEGORIES**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	A-1, A-2, A-3, A-4, I, R-1, R-2, R-4
3	E, F-1, S-1, M
4 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, R-5, U

Explanation: The original proposal inadvertently added an extra row to the table (I-2, I-3, I-4) that created a conflict.

**13VAC5-63-433.3. Chapter 6**

604.5 Fire protection. Fire protection shall comply with the requirements of Section 603.65.2 except as specifically required in Sections 604.5.1 and 604.5.2.

Explanation: Incorrect reference numbers corrected.

**13VAC5-63-434. Chapter 8**

**New Language** (in addition to existing language)

Delete Sections 804.2, 804.3, 804.4, including subsections, of the IEBC.

Explanation: These sections need to be deleted as part of the reformatting. They were either moved or are unnecessary.

**13VAC5-63-434.5. Chapter 9**

**Existing Language:**

**904.10.1 Height.** Existing guards shall comply with the requirements of Section 604 501.2 .

Explanation: Fixes an incorrect reference.

**13VAC5-63-435.5. Chapter 11**

**New Language** (in addition to existing language)

Delete Sections 1102 through 1106 of the IEBC in their entirety.

Explanation: These sections need to be deleted as part of the rewrite. They were either moved or unnecessary.

**13VAC5-63-440. Chapter 14**

**Existing Language:**

C. Change Section 1401.2 of the IEBC to read:

**New Language:**

C. Change Section 1401.2 and delete Sections 1401.2.1 through 1401.2.5 of the IEBC.

Explanation: These sections need to be deleted as part of the rewrite. They were either moved or unnecessary.

**Existing Language:**

F. Change Section 1401.3.1 of the IEBC to read:

**New Language:**

F. Change Section 1401.3.1 and delete Sections 1401.3.2 and 1401.3.3 of the IEBC.

Explanation: These sections need to be deleted as part of the rewrite. They were either moved or unnecessary.

**Virginia Maintenance Code**

**13VAC5-63-450. Section 106 Unsafe structures or structures unfit for human occupancy.**

~~401.8~~ 101.7 Definitions. Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid

Explanation: Prior section was deleted so this needs to be renumbered.

**13VAC5-63-500. Section 107 Appeals.**

107.8 Appeals to the State Review Board. After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with § 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the code official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the code official's decision. For appeals from a LBBCA, a copy of the code official's decision and the ~~resolution~~ written decision of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state owned buildings or structures, the involved state agency shall submit a copy of the code official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

Explanation: Board approved language was inadvertently left out.

**13VAC5-63-510. Chapter 2 Definitions.**

D. Delete the following definitions from Section 202 of the ~~IEBC~~ IPMC

Explanation: Incorrect reference

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

On October 16, 2017, the Board of Housing and Community Development approved final regulations for the Uniform Statewide Building Code. Upon publication of the regulations certain technical errors were identified. This action is necessary to correct technical errors. The Board adopted the technical corrections on September 7, 2018.