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Periodic Review Report of Findings

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) citation	13 VAC5 – 80
Regulation title	Standards Governing Operation of Individual and Regional Code Academies
Date this document prepared	6/10/2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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*.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The Board of Housing and Community Development is the promulgating entity. The statutory authority for the establishment of the regulations for individual and regional code academies is §36-137(7) of the Code of Virginia. Individual and regional code academies may be accredited by the Department. Localities, if accredited, may then retain a 2% levy on building permit fees for the purpose of operating the accredited academy. The levy would otherwise be used by the Jack A. Proctor Virginia Building Code Academy.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no viable alternatives that the Board is aware of which will accomplish the purpose of the regulation. This regulation appears to be the least burdensome method to ensure compliance and uniformity of training standards for all code officials in Virginia.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

None.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is necessary to ensure that individual and regional code academies are providing the same level of training as the Jack A. Proctor Building Code Academy. This ensures the uniformity of the enforcement of the building and fire codes in Virginia. It also ensures that code officials receive the proper training to ensure buildings are constructed and maintained properly.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

Based upon review and that no comments were provided, the Board has taken action to retain the regulation without amendment.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic

conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

No comments were received and the regulation is currently only applicable to two localities. The regulation does not appear to be overly complex, duplicate, or conflict with other federal or state law. The regulation underwent a regulatory review and update that became effective September 10, 2014. The regulation does not appear to have an impact on small businesses.