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Governor

R. Brian Ball
Secretary of
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COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

October 15, 2021

MEMORANDUM

TO: Board of Housing and Community Development Members

FROM: Kyle Flanders

SUBJECT: October 25, 2021 Board of Housing and Community Development Meeting

Enclosed is the agenda and information package for the Board of Housing and Community Development meeting to be held on Monday, October 25. The Codes and Standards Committee will meet at 10:00 a.m. followed by the regular meeting of the Board.

The Board meeting will be held **in person** at the Virginia Housing Headquarters in Richmond. There will be online listening and public comment options for the public.

The Virginia Housing Headquarters building is located at the following address:

[601 S. Belvidere St.](#)
[Richmond, VA 23220](#)

(Parking is available in front of the building)

Due to the COVID-19 pandemic all in-person guests are asked to wear a mask while in the building. We will have masks available should anyone need one. We will provide lunch after the meeting.

If you will not be able to attend the Board meeting, please contact me as soon as possible. I can be reached by e-mail at kyle.flanders@dhcd.virginia.gov or by telephone at 804-786-6761. Please let me know if you have any questions or if I can be of assistance.

Enclosure

AGENDA

BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Codes and Standards Committee

Monday October 25, 2021

Virginia Housing Headquarters

601 S. Belvidere St, Richmond, VA

10:00 a.m.

Meeting ID meet.google.com/ksm-nphu-gue

Phone Numbers (US)+1 504-941-9470

PIN: 257 826 840#

Online meeting information is for public listening – the Board will meet fully in-person, the meeting location is open to the public.

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|-----|---|---------------|
| I. | OPENING | |
| | a. Call to Order | Chairman |
| | b. Roll Call | Kyle Flanders |
| II. | CONSENT AGENDA | Chairman |
| | o <i>Approval of Minutes</i> : May 10, 2021 | |
| III | NOTICE of INTENDED REGULATORY ACTION | DHCD Staff |
| | <i>Actions Items</i> | |
| | o <i>Uniform Statewide Building Code (USBC)</i> | |
| | o <i>Statewide Fire Prevention Code (SFPC)</i> | |
| | o <i>Industrialized Building Safety Regulation (IBSR)</i> | |
| | o <i>Virginia Amusement Device Regulations (VADR)</i> | |
| IV. | UNFINISHED BUSINESS | Board members |
| V. | NEW BUSINESS | Board members |
| VI. | ADJOURNMENT | Chairman |

AGENDA

BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Monday October 25, 2021

Virginia Housing Headquarters

601 S. Belvidere St, Richmond, VA

To begin at the conclusion of the Codes and Standards Committee

Meeting ID meet.google.com/ksm-nphu-gue

Phone Numbers (US)+1 504-941-9470

PIN: 257 826 840#

Online meeting information is for public listening/public comment – the Board will meet fully in-person, the meeting location is open to the public. Registration to speak is not required though it is requested that you contact kyle.flanders@dhcd.virginia.gov if you wish to speak during the public comment period.

- | | | |
|-------|---|-----------------|
| I. | OPENING | |
| | a. Call to Order | Chairman |
| | b. Roll Call | Kyle Flanders |
| | c. Public Comment | Chairman |
| II. | CONSENT AGENDA | Chairman |
| | o <i>Approval of Minutes</i> : September 2, 2021 | |
| III. | REPORT OF THE CODES AND STANDARDS COMMITTEE | Committee Chair |
| | <i>Action Items:</i> | |
| | o <i>Notice of Intended Regulatory Action (NOIRA)</i> | |
| | o <i>Uniform Statewide Building Code (USBC)</i> | |
| | o <i>Statewide Fire Prevention Code (SFPC)</i> | |
| | o <i>Industrialized Building Safety Regulation (IBSR)</i> | |
| | o <i>Virginia Amusement Device Regulations (VADR)</i> | |
| IV. | CODE CYCLE POLICY | Cindy Davis |
| | <i>Action Item</i> | |
| V. | CODE CYCLE UPDATE | Cindy Davis |
| VI. | REPORTS AND INFORMATION | |
| | a. Virginia Housing Report | Susan Dewey |
| | b. Report of the Virginia Fire Services Board | Richard Gregory |
| | c. Report of the Director | Erik Johnston |
| VII. | UNFINISHED BUSINESS | Board members |
| VIII. | NEW BUSINESS | Board members |

- IX. BOARD MATTERS Board members
- X. FUTURE BOARD MEETING DATES Erik Johnston
 - o December 13-14, 2021 (Board retreat)
- XI. ADJOURNMENT Chairman

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Codes and Standards Committee

May 10, 2021

10:17 A.M.

Digital Meeting Only

Due to the COVID-19 pandemic and public health emergency and the need to provide social distancing and prohibit large gatherings, the meeting was held electronically in accordance with the State of Emergency Declared by the Governor and the 2020 amendments to the 2019 Appropriations Act. The meeting was held via Google Meets.

Members Present

Sonny Abbasi
Claudia Cotton
Susan Dewey
Sean Farrell
Andrew Friedman
Richard Gregory
Sylvia Hallock
Mark Jackson
Abby Johnson
Keith Johnson
Monique Johnson
Brett Meringoff
Patricia “Patty” Shields

Members Absent

Call to Order

Mr. Brett Meringoff, Chair of the Codes and Standards Committee, called the meeting to order at 10:17 a.m.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development’s (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Approval of Minutes

A motion was made by Mr. Abbasi and properly seconded by Mr. Farrell to approve the minutes of the December 14, 2020, meeting of the Committee; the motion passed (Yeas: Abbasi, Cotton, Dewey, Farrell, Friedman, Gregory, Hallock, Jackson, A. Johnson, K. Johnson, M. Johnson, Meringoff, Shields; Nays: None).

Review of Final Regulations for the Statewide Fire Prevention Code

Mr. Meringoff presented the recommendation of the Statewide Fire Prevention Code Development Committee to recommend approval of Chapter 12 and Chapter 20 [Energy systems and Aviation facilities] as presented, as a standing motion. The motion was

seconded by Mr. Abbasi. The motion passed (Yeas: Abbasi, Cotton, Dewey, Farrell, Friedman, Gregory, Hallock, Jackson, A. Johnson, K. Johnson, M. Johnson, Meringoff, Shields; Nays: None).

Other Business

There was no other business to be discussed.

Adjournment

Upon a motion duly made and seconded, the meeting was adjourned.

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
MEETING
10:17 A.M., September 2, 2021
Tuckahoe Area Library
Henrico, VA**

Members Present

Sonny Abbasi
Claudia Cotton
Susan Dewey
Andrew Friedman
Richard Gregory
Sylvia Hallock
Abigail Johnson
Keith Johnson
Monique Johnson
Brett Meringoff

Members Absent

Sean Farrell
Mark Jackson
Paykon Sarmadi
Patty Shields

Call to Order

Mr. Sonny Abbasi, Chair of the Board of Housing and Community Development, called the meeting of the Board to order at 10:17 a.m.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development's (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Public Comment

Mr. Abbasi opened the floor for public comment.

Mr. William Penniman, representing the Sierra Club, spoke regarding implementation of House Bill 2227. He indicated the importance of the legislation in specifying additional actions the Board can take to ensure consideration of energy efficiency in the building code. He also expressed concern regarding transparency and the proposed change to the Board Workgroup Policy.

Mr. Bob Shippee, representing the Sierra Club, spoke of the importance of implementing House Bill 2227 and encouraged the full adoption of the International Energy Conservation Code.

Consent Agenda

A motion was made by Mr. Abbasi and properly seconded by Mr. Brett Meringoff to approve the minutes of the May 10, 2021 Board of Housing and Community Development meeting. The motion passed.

Election of Officers

Mr. Erik Johnston, Director of DHCD, opened the floor for nominations for Chair of the Board. Mr. Meringoff nominated Mr. Abbasi for the position of Chair. Hearing no further nominations, the floor was closed. Mr. Abbasi was elected as Chair.

Mr. Abbasi opened the floor for nominations for Vice Chair of the Board. Mr. Abbasi nominated Mr. Meringoff for the position of Vice Chair. Hearing no further nominations, the floor was closed. Mr. Meringoff was elected as Vice Chair.

Mr. Abbasi noted that Board members who were interested in committee leadership roles should contact staff for more information.

Report of the Housing and
Community Development
Committee

Mr. Andrew Friedman, Committee Chair, presented the committee recommendation of approval of the Enterprise Zone Regulations. Ms. Claudia Cotton seconded the standing motion of the committee to approve the regulations. The motion passed.

Amusement Device
Technical Advisory
Committee

Ms. Cindy Davis, Deputy Director of Building and Fire Regulation at DHCD presented the recommendation of Michael Dellinger for appointment to the Amusement Device Technical Advisory Committee (ADTAC). Ms. Davis noted Mr. Dellinger would represent code officials and was a recommendation of the Virginia Building and Code Officials Association (VBCOA). Ms. Sylvia Hallock motioned to appoint Mr. Dellinger as a member of the ADTAC. Mr. Meringoff seconded the motion. The motion passed.

Code Change Cycle
Update

Ms. Davis presented a brief overview of the code change cycle over the past few years, indicating an increase in volume and complexity of code change proposals. Ms. Davis indicated staff had solicited input regarding process improvements via an open discussion session and by receiving written comments regarding changes to the process. Mr. Abbasi noted there had been significant input during this process. Ms. Davis noted three recommendations resulting from the input 1) Code change proposals would only be accepted during the proposed phase 2) There would not be a new technical advisory committee; staff will summarize non-consensus proposals 3) There will be a mechanism

through cdpVA for stakeholders and the board to comply with the provisions of HB 2227.

Board members discussed the potential changes for the 2021 Code update cycle. Board members noted interest in additional data and the availability of subject matter experts. Board members expressed interest in a meeting prior to voting on code proposals that would be a question and answer session only. Staff indicated they would work with counsel to discuss different options for this type of meeting.

Staff indicated they would bring forward formal policy recommendations for consideration by the Board at their October meeting.

Board Member
Workgroup Policy

Mr. Flanders presented the Board Member Workgroup Policy indicating staff recommended rescinding the policy in order to best serve stakeholders and allow for virtual meetings. After discussion, it was emphasized that stakeholders would still be aware of meeting details and that Board members would still have access to meeting summaries. Ms. Susan Dewey motioned to rescind the Board Workgroup Policy. Ms. Abby Johnson seconded the motion. The motion passed.

Fire Inspector
Certification

Ms. Sandi Morris, Director of the Jack Proctor Virginia Building Code Academy and Mr. Jared Goff of the Virginia Fire Marshal Academy presented updates regarding recent work to clarify and streamline certification and continuing education requirements for Fire Inspector Certifications. After discussion amongst Board members, Fire Programs and DHCD staff were commended for their hard work to provide clarity on this important topic.

Reports and Information

Ms. Susan Dewey, Chief Executive Officer of Virginia Housing, updated the Board on funding scheduled to be received by Virginia Housing from the American Rescue Plan Act. Funding from the Act will be utilized to prevent foreclosure and displacement of homeowners and Virginia's Plan has been submitted for review to the US Treasury. Ms. Dewey also noted the first 3D printed home has been sited in Virginia.

Ms. Dewey provided an update on the Housing Opportunity Tax Credit noting that pricing was uncertain at this point and that the Virginia Housing Board of Commissioner’s would consider rules and regulations for the program at their October meeting.

Mr. Rick Gregory and Mr. Keith Johnson presented an update from the Virginia Fire Service Board (VFSB). The Board has elected Scott Garber as its chair and will be meeting during the First Responders Conference in September. The VFSB has approved a draft version of a new Memorandum of Understanding between the VFSB and the BHCD.

Mr. Johnston noted that Cindy Davis would likely become the next president of the International Code Council (ICC) effective at their upcoming September conference. Mr. Johnston and the Board commended Ms. Davis. Mr. Johnston noted that the Insurance Institute for Building and Home Safety (IBHS) has rated Virginia as number two in their ranking of building codes and related training and enforcement in hurricane prone states.

Mr. Johnston presented information on the Rent Relief Program (RRP) noting work done with Outreach and Engagement Grants and utilizing Treasury Guidance to most effectively serve the Commonwealth. Mr. Johnston also noted significant funding allocated through the American Rescue Plan Act during the special session of the General Assembly that would be directed towards the following DHCD program areas: Broadband, the Industrial Revitalization Fund, and Virginia Main Street.

Unfinished Business	There was no unfinished business.
New Business	There was no new business.
Board Matters	There were no further board matters.
Future Board Meeting Dates	Mr. Johnston noted that the next Board meeting will take place on October 25 and that the Board retreat will take place December 13 and 14.
Adjournment	Upon a motion duly made and seconded, the meeting was adjourned.



Ralph S. Northam
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COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

October 15, 2021

To: Board of Housing and Community Development Members

From: Erik C. Johnston, Director

RE: Notices of Intended Regulatory Action (NOIRA)

At the September 2, 2021 meeting, the Board received an update regarding the process to initiate the 2021 Code Update Cycle, including consideration of Notices of Intended Regulatory Action (NOIRAs). The NOIRAs indicate that the Board intends to start a regulatory/rulemaking process. The 2021 Code Update process will incorporate by reference the 2021 editions of the national model codes as promulgated by the International Code Council (ICC). The process will include relevant updates involving other national standards.

Staff would request the Board approve publication of NOIRAs for the following regulations:

- Uniform Statewide Building Code (USBC)
- Statewide Fire Prevention Code (SFPC)
- Industrialized Building Safety Regulation (IBSR)
- Virginia Amusement Device Regulations (VADR)

Enclosures

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13 VAC 5 - 63
VAC Chapter title(s)	Uniform Statewide Building Code (USBC)
Action title	Update of USBC to reference the 2021 editions of the International Code Council's model codes and standards
Date this document prepared	

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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The subject matter is the regulation of the construction, reconstruction, alteration, repair and conversion of use and maintenance of buildings and structures through minimum standards for the health, safety and welfare of the citizens of Virginia and based on nationally-recognized codes and standards. The intent and goal of this action is to update the model codes and standards referenced in the USBC from the 2018 editions to the 2021 editions. This action will consider amendments to administrative and enforcement provisions of the USBC as determined necessary for the administration and enforcement of the USBC by local government building departments.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

USBC – Virginia Uniform Statewide Building Code
ICC – International Code Council

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The 2021 edition of the national model codes were released in October 2020. As the basis for Virginia's building code it is important to stay in sync with the national model codes. At its October 25, 2021 meeting, the Board of Housing and Community reviewed a tentative regulatory schedule and directed staff to proceed with initiating the code development process, approving publication of a NOIRA.

Legal Basis

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

The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is §§ 36-98 and 36-102 of the Code of Virginia.

This action is exempt from Article 2 of the Administrative Process Act in accordance with subdivision A 12 of § 2.2-4006 of the Code of Virginia.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The USBC utilizes model codes and standards developed by the International Code Council (ICC). New editions of those model codes are available every three years. The current USBC incorporates the 2018 editions of the International Codes. The 2021 editions of the International Codes are now completed and available from ICC. The use of the newest available model codes and standards in the USBC assures that the statutory mandate is met to base the regulation on the latest editions of nationally-recognized model codes to assure the protection of the health, safety and welfare of the residents of Virginia and that buildings and structures are constructed and maintained at the least possible cost.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The action will update references in the regulation to the International Codes from the 2018 to the 2021 editions. In addition, any changes to the International Codes which were made in the current regulation which are no longer necessary will be deleted. Administrative and enforcement provisions of the USBC will be updated as determined necessary by the Board in conjunction with the use of the newest editions of the International Codes and in response to proposals or comments received from interested or affected parties.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

As the use of the latest International Codes to encompass the bulk of the regulation is based on statutory requirements, the agency believes this action to be the least burdensome or intrusive method of meeting the essential purpose of the action as well as assuring the least intrusive or costly impact on small businesses.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text.

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Department of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: kyle.flanders@dhcd.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held prior to and following the publication of the proposed stage of this regulatory action, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov>). Both oral and written comments may be submitted at that time.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13 VAC 5 - 51
VAC Chapter title(s)	Statewide Fire Prevention Code (SFPC)
Action title	Update of SFPC to reference 2021 edition of the International Code Council's International Fire Code
Date this document prepared	

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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The subject matter is the regulation of operations and processes relating to fire safety and explosion hazards and the maintenance of the fire protection features in buildings by the State Fire Marshal's Office and by local fire prevention agencies. The intent and goal of this action is to update the model codes and standards referenced in the SFPC from the 2018 editions to the 2021 editions. This action will consider amendments to administrative and enforcement provisions of the SFPC as determined necessary for the enforcement of the regulation.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

SFPC – Virginia Statewide Fire Prevention Code
ICC – International Code Council
USBC – Virginia Uniform Statewide Building Code

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The 2021 edition of the national model codes were released in October 2020. As the basis for Virginia's fire prevention code it is important to stay in sync with the national model codes. At its October 25, 2021 meeting, the Board of Housing and Community reviewed a tentative regulatory schedule and directed staff to proceed with initiating the code development process, approving publication of a NOIRA.

Legal Basis

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

The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is § 27-97 of the Code of Virginia.

This action is exempt from Article 2 of the Administrative Process Act in accordance with subdivision A 12 of § 2.2-4006 of the Code of Virginia.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The SFPC utilizes model codes and standards developed by the International Code Council (ICC). New editions of those model codes are available every three years. The current SFPC incorporates the 2018 editions of the International Codes. The 2021 editions of the International Codes are now completed and available from ICC. The use of the newest available model codes and standards in the SFPC and assures that the statutory mandate is met to base the regulation on the latest editions of nationally-recognized model codes to assure protection of life and property from the hazards of fire or explosion and the protection of the health, safety and welfare of the occupants and users of buildings and structures at the least possible cost.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The action will update references in the regulation to the International Codes from the 2018 to the 2021 editions. In addition, any changes to the International Codes which were made in the current regulation which are no longer necessary will be deleted. Administrative and enforcement provisions of the SFPC will be updated as determined necessary by the Board in conjunction with the use of the newest editions of the International Codes and in response to proposals or comments received from interested or affected parties.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

As the use of the latest International Codes is based on statutory requirements, the agency believes this action to be the least burdensome or intrusive method of meeting the essential purpose of the action as well as assuring the least intrusive or costly impact on small businesses.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text.

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Department of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: kyle.flanders@dhcd.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held prior to and following the publication of the proposed stage of this regulatory action, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov>). Both oral and written comments may be submitted at that time.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13 VAC 5 - 91
VAC Chapter title(s)	Industrialized Building Safety Regulations (IBSR)
Action title	Update of the IBSR to reference the newest available nationally recognized standards
Date this document prepared	

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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The subject matter is the regulation of industrialized buildings by the Department of Housing and Community Development's State Building Codes Office, which serves as the administrator for the industrialized building program. Industrialized buildings are buildings constructed in a factory or plant for subsequent installation or erection on property in Virginia's cities, counties or towns. The intent and goal of this action is to update the model codes and standards referenced in the IBSR from the 2018 editions to the 2021 editions. This action will also consider amendments to administrative and enforcement provisions of the IBSR as determined necessary for the administration of the industrialized building program.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

IBSR – Virginia Industrialized Building Safety Regulations
USBC – Virginia Uniform Statewide Building Code

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

To ensure that industrialized buildings meet the same minimum standards as site-built structures, the IBSR must be updated each time the USBC is updated to reference the appropriate edition of the USBC.

At its October 25, 2021 meeting, the Board of Housing and Community reviewed a tentative regulatory schedule and directed staff to proceed with initiating the code development process, approving publication of a NOIRA.

Legal Basis

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

The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is §§ 36-73 and 36-75 of the Code of Virginia.

This action is exempt from Article 2 of the Administrative Process Act in accordance with subdivision A 12 of § 2.2-4006 of the Code of Virginia.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The IBSR utilizes the model codes and standards developed by the International Code Council (ICC). New editions of those model codes are available every three years. The current IBSR incorporates the 2018 editions of the International Codes. The 2021 editions of the International Codes are now completed and available from ICC. The use of the newest available model codes and standards in the IBSR assures that the statutory mandate is met to base the regulations on the latest editions of nationally-recognized model codes to assure the protection of the health, safety and welfare of the occupants and users of industrialized buildings at the least possible cost.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The action will update references in the regulation to the International Codes from the 2018 to the 2021 editions. In addition, any changes to the International Codes which were made in the current regulation which are no longer necessary will be deleted. Administrative and enforcement provisions of the IBSR will be updated as determined necessary by the Board in conjunction with the use of the newest editions of the International Codes and in response to proposals or comments received from interested or affected parties.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

As the use of the latest International Codes is based on statutory requirements, the agency believes this action to be the least burdensome or intrusive method of meeting the essential purpose of the action as well as assuring the least intrusive or costly impact on small businesses.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text.

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Department of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: kyle.flanders@dhcd.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held prior to and following the publication of the proposed stage of this regulatory action, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov>). Both oral and written comments may be submitted at that time.



townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13 VAC 5 - 31
VAC Chapter title(s)	Virginia Amusement Device Regulations (VADR)
Action title	Update of VADR to reference the newest available nationally-recognized standards
Date this document prepared	

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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The subject matter is the regulation of amusement devices, which are devices or structures open to the public by which persons are conveyed or moved in an unusual manner for diversion, including passenger tramways. The regulations are closely related to the Uniform Statewide Building Code (13VAC5-63) (USBC), which applies to amusement devices to the extent not superseded by the provisions of the VADR. Local building departments charged with enforcement of the USBC also enforce the VADR. The intent and goal of this action is to update the VADR to incorporate the latest editions of the ASTM standards for amusement devices and to amend any administrative and enforcement provisions of the VADR as determined necessary for the proper enforcement of the regulation and to coordinate the VADR with the USBC.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

VADR – Virginia Amusement Device Regulations
ASTM – American Society for Testing and Materials
USBC – Virginia Uniform Statewide Building Code

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The 2021 edition of the national model codes were released in October 2020, as the basis for Virginia’s Amusement Device Regulations it is important to stay in sync with the national model codes. At its October 25, 2021 meeting, the Board of Housing and Community Development reviewed a tentative regulatory schedule and directed staff to proceed with initiating the code development process, approving publication of a NOIRA.

Legal Basis

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

The agency is the Board of Housing and Community Development. The legal authority for amendments to the regulation is § 36-98.3 of the Code of Virginia.

This action is exempt from Article 2 of the Administrative Process Act in accordance with subdivision A 12 of § 2.2-4006 of the Code of Virginia.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

Updating the VADR to use the newest available ASTM standards for amusement devices at the same time the USBC is being amended assures coordination between the regulations. This coordination assures the protection of the health, safety and welfare of the users of amusement devices.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The action will update the VADR with the latest available ASTM standards for amusement devices which address new designs and arrangements of amusement devices. In addition, administrative and enforcement provisions of the VADR will be updated as determined necessary by the Board in conjunction with the updating of the USBC and in response to proposals or comments received from interested or affected parties.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

As the use of the latest ASTM standards for amusement devices and the coordination of the VADR with the USBC is a statutory directive, the agency believes this action to be the least burdensome or intrusive method of meeting the essential purpose of the action as well as assuring the least intrusive or costly impact on small businesses.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text.

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the Board of Housing and Community Development is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Department of Housing and Community Development is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Kyle Flanders; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: (804) 786-6761; fax number: (804) 371-7090; email address: kyle.flanders@dhcd.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held prior to and following the publication of the proposed stage of this regulatory action, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov>). Both oral and written comments may be submitted at that time.



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

October 15, 2021

Memorandum

To: Board of Housing and Community Development Members

From: Erik C. Johnston, Director

RE: Stakeholder Code Change Proposal Submission Policy

At the September 2, 2021 Board meeting staff presented the Board with recommended policy and procedural changes to incorporate into the Code Update Cycle. One such change, which was widely supported by stakeholders, is a requirement that stakeholder code change proposals be submitted only in the *Proposed Phase* of the Code Update Cycle. This change will result in a lengthened proposed phase to allow adequate time for stakeholder proposals to be submitted and discussed by stakeholder workgroups.

Attached for Board consideration is the draft *Code Development Cycle Stakeholder Code Change Proposal Submission Policy*.

Enclosure

Partners for Better Communities



www.dhcd.virginia.gov



Board Policy #2

Title:

Code Development Cycle
Stakeholder Code Change Proposal Submission Policy

Authority:

Section 36-137 (5) of the Code of Virginia

Policy Statement:

- Stakeholder code change proposals will be accepted and processed by staff during the proposed regulations phase and in accordance with the following:
 - Staff will begin accepting stakeholder code change proposals at the start of each code development cycle and may begin accepting proposals for any given code development cycle prior to publishing of a NOIRA, if the Board has given staff approval to commence a code development cycle.
 - Each cycle, prior to the Board’s consideration of individual proposals for the proposed regulations, staff will determine an appropriate deadline for proposal submission and will announce the deadline at least 30 days prior to the deadline. The proposal submission deadline shall allow time for review and processing of all submitted proposals by staff, as well as the applicable workgroups and sub-workgroups, prior to the Board’s consideration of individual proposals.
- Any proposals submitted after the proposal submission deadline shall be continued to the next code change process. The Board may consider continuing an individual proposal to the final regulations phase in accordance with the following:
 - The Board determines that allowing stakeholder discussions to continue is likely to result in consensus on the proposal.
 - The Board must take formal action to continue a proposal into the final phase

Approval and Review:

This Board policy was reviewed and approved on October 25, 2021

Board Chair

at Last Review: Sonny Abbasi

DHCD Director: Erik Johnston

2021 Regulatory Cycle Schedule (Tentative)

October 1, 2021	cdpVA (online proposal platform) opens for proposals
Oct - Dec 2021	First meetings of stakeholder Study Groups (Active Shooter Barricades in Public Buildings, Townhouse Sprinklers, In-Building Emergency Communications)
October 25, 2021	BHCD to review the Notices of Intended Regulatory Action (NOIRAs) for 2021 USBC, SFPC, VADR and IBSR. Provide notice of intent to publish NOIRA to VFSB after approval by the BHCD. BHCD to consider approval of new process policy for 2021 code update cycle.
November 3, 2021	Deadline for submittal of NOIRAs to Code Commission
November 22, 2021	Publishing of NOIRAs in Virginia Register
December 22, 2022	End of 30-day NOIRA comment period
Jan – June 2022	Sub-Workgroup (Resiliency, Energy and SFPC) and Workgroup meetings on issues and proposals. Study Groups continue meeting as needed.
Feb 2022	Submit public hearing notice to VA Register
Feb 2022	Public hearing notice published in VA Register (Provide 30-day notice to VFSB of Public Hearing date)
March 2022	Public hearing prior to publishing proposed regulations. (Virginia Fire Services Board (VFSB) members to sit with BHCD for public hearing on SFPC)
April 1, 2022	cdpVA proposal cut-off
September 2022	BHCD's Statewide Fire Prevention Code Development Committee (SFPCDC) meets to consider base document for SFPC and any proposals for the proposed regulations. BHCD's Codes and Standards Committee (CSC) meets to consider base documents for USBC, VADR and IBSR and any proposals for proposed regulations and to review the recommendations of the SFPCDC
October 2022	Provide notice to VFSB and SFPCDC of November meeting

December 2022	BHCD's SFPCDC meets to review proposed regulation for SFPC. BHCD's CSC meets to review proposed regulation for SFPC as recommended by SFPCDC and to review proposed regulations for USBC, VADR and IBSR. Immediately following committee meetings, BHCD meets to consider approval of proposed regulation for SFPC, USBC, VADR and IBSR
January 2022	Obtain statutory authority letter from Office of Attorney General for proposed regulations
Jan - Feb 2023	Proposed regulations for SFPC, USBC, VADR and IBSR published in Virginia Register. Public hearing date published with the regulations
Feb – Apr 2023	60-day public comment period on proposed regulations for SFPC, USBC, VADR and IBSR
February 2023	Provide notice to the VFSB of the public hearing date
March 2023	Public hearing for SFPC, USBC, VADR and IBSR (VFSB members to sit with BHCD for public hearing on SFPC)
April 2023	End proposed phase public comment period
May 2023	BHCD's SFPCDC meets to consider changes from proposed to final regulations for the SFPC. BHCD's CSC meets to consider changes from proposed to final regulations for the SFPC, USBC, VADR and IBSR. Notification to VFSB of July joint meeting
July 2023	BHCD's SFPCDC meets to review final regulation for SFPC. BHCD's CSC meets to review final regulation for SFPC as recommended by SFPCDC and to review final regulations for USBC, VADR and IBSR. Immediately following Committee meetings, the joint meeting of VFSB and BHCD to consider approval of final regulations for SFPC followed by BHCD to consider approval of final regulations for the SFPC, USBC, VADR and IBS
July 2023	Obtain statutory authority letter from Office of Attorney General for final regulations and obtain permission from Secretary of Commerce and Trade and Governor's Office to publish final regulations

August 2023

Final regulations for SFPC, USBC, VADR and IBSR published in Virginia Register

Dec 2023/Jan 2024

2021 SFPC, USBC, VADR and IBSR become effective (pending any petitions received during the 30-day final adoption period following the publishing of the final regulations)