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Exempt Action Final 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
Final agency action date	October 16, 2017
Date this document prepared	October 23, 2017

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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:

The SFPC was edited to switch from a scheme of using administrative and scoping provisions in the state regulation to delete conflicting provisions in the International Fire Code (IFC) to a scheme where all provisions of the IFC were modified to align with the statutory authority and intent of the SFPC or deleted if outside of the scope of the SFPC. Workgroups of interested and affected parties spent two years working on drafts and recommending final changes.

13VAC5-51-81, C, L: Subsection C added restricted explosives manufacturing and unrestricted explosives manufacturing, related to reactive (exploding) targets, to the operational permit requirements table. Mobile food preparation vehicles were also added to the operational permit requirements table. Subsection L included updates to the State Fire Marshal's Office permit fees.

13VAC5-51-130, A: Added new definitions for: applicable building code, maintained, explosives manufacturing, reactive (exploding) targets, restricted explosives manufacture, and unrestricted explosives manufacture.

13VAC5-51-131, A, N: Subsection A provides opportunity for an owner to request a certificate of occupancy from the Building Official where one is not available for a building. Subsection N creates a new section based on national I-code language for mobile food preparation vehicles.

13VAC5-51-133, C.2: Provides exceptions from requiring fire hydrant system installations for in-fill developments of fewer than five detached single-family dwellings in existing residential developments and reconstruction or rehabilitation of detached single-family dwellings.

13VAC5-51-133.8, A.2 and B.3: Subsection A.2 allows the building owner to request a modified time period, greater than annually, for inspections of required fire-resistance rated construction elements. Subsection B.3 clarifies testing requirements for opening protectives.

13VAC5-51-144.2, B.2 and B.3: Clarifies permit requirements for installations involving multiple tents.

13VAC5-51-151, E.1: Added language to provide limitations on mobile fueling operations.

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.

The BHCD approved final regulations for the SFPC on October 16, 2017.

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