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Exempt Action: Final Regulation Agency Background Document

Agency name	Board of Housing and Community Development
Virginia Administrative Code (VAC) Chapter citation(s)	13VAC5 – 51 (only referenced sections)
VAC Chapter title(s)	Statewide Fire Prevention Code
Action title	Update the Statewide Fire Prevention Code
Final agency action date	May 10, 2021
Date this document prepared	May 2021

Although 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 (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 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 Statewide Fire Prevention Code (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 stakeholder 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 stakeholder 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.

This stage includes two sections that were omitted from the Board’s final approval package in December 2020. The sections included are Energy systems and Aviation facilities. All other sections of the Statewide Fire Prevention Code will become effective as previously published March 1, 2021.

13VAC5-138.1 (International Fire Code Chapter 12 – Energy Systems)

Updates scoping and text of chapter to operation and maintenance language and removes construction requirements for energy systems used for generating or storing energy not associated with the generation, control, transformation, transmission, or distribution of energy installations controlled by an electric utility.

13VAC5-138.4 (International Fire Code Chapter 20 – Aviation facilities)

Updates the section for foam protection for rooftop heliports

Clarifies that helistops and heliports shall be maintained in accordance with the applicable building code

Adds the reference to Chapter 10 for the maintenance of exits and stairways

Clarifies that all standpipe systems providing service to helistops and heliports shall be maintained in accordance with the applicable 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, internal staff review, petition for rulemaking, periodic review, or board decision). “Mandate” is defined as “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.”

Section 27-97 of the Code of Virginia empowers the Board to promulgate the SFPC. In adopting the SFPC the Code states that the, “Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.” The SFPC and USBC use 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 stakeholder groups and the public.

Statement of Final Agency Action

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 Board of Housing and Community Development adopted final regulations for two referenced sections of the Statewide Fire Prevention Code, **Energy Systems and Aviation facilities** on May 10, 2021. No other sections are being considered in this final stage.