



Virginia  
Regulatory  
Town Hall

Notice of Intended Regulatory Action  
Agency Background Document

<b>Agency Name:</b>	Board of Housing and Community Development
<b>VAC Chapter Number:</b>	13 VAC 5-21-10 et seq. and 13 VAC 5-80-10 et seq.
<b>Regulation Title:</b>	“Virginia Certification Standards” and “Standards Governing Operation of Individual and Regional Code Academies/1990”
<b>Action Title:</b>	General Revision
<b>Date:</b>	October 15,2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

To initiate a review and re-evaluation of the regulation to determine if it should be continued, amended, or terminated.

And to consider amending the regulation by adopting and incorporating selected changes as recommended by the “Training Advisory Group” and to put before the public proposed changes submitted to the BHCD.

(Background) The International Code Council (ICC) was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. The founders of the ICC are Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI). Since the early part of the last century, these nonprofit organizations developed the three separate sets of model codes used throughout the United States. Although regional code development has been effective and responsive to our country’s needs, the time came for a single set of codes. The nation’s three model code groups responded by creating the ICC and by developing codes without regional limitation.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

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Virginia Certification Standards:

§ 36-137 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-137>), requires the Board of Housing and Community Development (BHCD) to exercise, among others, the following power and duty; to issue a certificate of competence concerning the content, application, and intent of specified subject areas of the building and fire regulations promulgated by the Board to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to § 36-97 et seq. of the Code of Virginia and any regulations adopted thereunder, who have completed training programs or in other ways demonstrated adequate knowledge.

Standards Governing Operation of Individual and Regional Code Academies/1990:

§ 36-137 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-137>), requires the Board of Housing and Community Development (BHCD) to make such rules and regulations as may be necessary to carry out its responsibilities. The Code of Virginia further requires the Department of Housing and Community Development to accredit individual or regional, training academies maintained by localities that retain the building permit fee levy authorized pursuant to § 36-105 to support such training programs.

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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The specific reasons the BHCD has determined that this regulatory action would be essential to protect the health, safety and welfare of citizens is that with the development of the ICC model codes, internationally available uniform education and certification programs may now be used by the BHCD for certification of code enforcement officials in Virginia. And this will lead to more consistent code enforcement and higher level of safe, quality construction.

Virginia Certification Standards:

The potential issue that may need to be addressed as the regulation is developed could be to not amend the regulation to require the National Association of Amusement Ride Safety Officials (NAARSO) amusement device inspector certification examination and leave the currently required examination to stay in place.

Standards Governing Operation of Individual and Regional Code Academies/1990:

The BHCD is unaware of any potential issues that may need to be addressed as the regulation is developed.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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The specific alternative to the anticipated proposal that has been considered to meet the essential purpose of the action is to continue with the current outdated regulation for another three or more years.

During the entire regulatory adoption process for these amendments the BHCD will consider all less burdensome and less intrusive alternatives suggested or recommended which achieve the essential purpose as required by statute.

## Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed 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.*

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The agency's preliminary analysis of the potential impact of this proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will be, is to neither:

- 1 - strengthen nor erode the authority and rights of parents in the education, nurturing, and supervision of their children;
- 2 - encourage nor 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 nor erode the marital commitment; and
- 4 - increase nor decrease disposable family income.