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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	Review and Update of the USBC
Date this document prepared	March 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 referenced in the USBC from the 2021 editions to the 2024 editions, and to update the edition of standards referenced in the USBC as determined necessary by the Board of Housing and Community Development. This action will consider amendments to the referenced codes and standards as well as amendments to the administrative and enforcement provisions of the USBC as determined necessary by the Board of Housing and Community Development.

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 the ORM procedures, “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.”

Code of Virginia § 36-98 directs the Board of Housing and Community Development to adopt and promulgate a Uniform Statewide Building Code. According to Code of Virginia § 36-99, in formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association.

The 2024 edition of the model codes from the International Code Council (ICC) and updated editions of standards referenced by the model codes and the USBC are now available. As the basis for Virginia’s building code, it is important to regularly update the USBC by incorporating updated editions of the model codes and standards.

At its March 10, 2025, 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 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 incorporates model codes and standards developed by nationally recognized codes and standards organizations. The model codes and standards (International Codes) are updated regularly and new editions are made available each time they are updated. The current USBC incorporates the 2021 editions of the International Codes. The 2024 editions of the International Codes and updated editions of other referenced standards are now available. Updating the regulations and the referenced standards and giving due regard to updated nationally recognized model standards in the development of the regulations ensures continued protection of public health, welfare and safety.

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 2021 to the 2024 editions and references to other standards to the updated editions as determined necessary by the Board of Housing and Community Development. Provisions of the incorporated model codes and standards and administrative and enforcement provisions of the regulation will be updated as determined necessary by the Board of Housing and Community Development and in response to proposals or comments received from stakeholders. In addition, any amendments to earlier editions of the referenced codes and standards in the current regulation, which are no longer appropriate or applicable, will be deleted.

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 national codes and standards is a statutory directive, the agency believes this action to be the least burdensome and intrusive method of ensuring the provisions of the regulations and modifications thereof allow buildings and structures to be constructed, rehabilitated and at the least possible cost consistent with recognized standards of safety, while ensuring the continued health, safety and welfare of the residents and visitors of the Commonwealth.

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 the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

This NOIRA is not being used to announce periodic review or a small business impact review.

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 Board of Housing and Community Development is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts 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://townhall.virginia.gov>. Comments may also be submitted by mail or email to Chase Sawyer; address: 600 East Main Street, Suite 300, Richmond, VA 23219; telephone number: 804-310-5872; email address: chase.sawyer@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 following the publication of the proposed stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.