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## Exempt Action: Final Regulation Agency Background Document

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|---------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Agency name</b>                                            | Board of Housing and Community Development                               |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 13 VAC5-52                                                               |
| <b>VAC Chapter title(s)</b>                                   | Virginia Statewide Fire Prevention Code                                  |
| <b>Action title</b>                                           | Amend the Statewide Fire Prevention Code to Comply with 2025 Legislation |
| <b>Final agency action date</b>                               | September 22, 2025                                                       |
| <b>Date this document prepared</b>                            | September 2025                                                           |

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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 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.*

During the 2025 General Assembly Session, HB2642 was approved by the General Assembly and signed by the Governor (Chapter 97, 2025 Acts of Assembly). The bill amended the Statewide Fire Prevention Code (SFPC) to prohibit the sale of unsafe or counterfeit lighters. The bill defines both terms and clarifies that the SFPC does not prohibit the interstate transportation or private warehouse storage of unsafe or counterfeit lighters.

The Board of Housing and Community Development is authorized by State Code (§ 27-97.) to adopt and promulgate a Statewide Fire Prevention Code. The regulations promulgated by the Board must be in compliance with the applicable provisions of State Code. With the passage of the 2025 legislation, the Statewide Fire Prevention Code (13VAC5-52) must be amended to reflect the changes related to unsafe

and counterfeit lighters. This regulatory action amends 13VAC5-52-140 and 13VAC5-52-150 to comply with the new provisions of State 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). 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."*

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This regulatory action is required pursuant to Chapter 97 of the 2025 Acts of Assembly (HB2642).

### **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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."*

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On September 22, 2025, the Board of Housing and Community Development adopted final amendments to the Statewide Fire Prevention Code (13VAC5-52) to comply with State Code's prohibition on the sale of unsafe or counterfeit lighters.