



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	Board of Housing and Community Development
<b>VAC Chapter Number:</b>	13 VAC 5-91-10 et seq.
<b>Regulation Title:</b>	Virginia Industrialized Building Safety Regulations
<b>Action Title:</b>	Proposed
<b>Date:</b>	9/25/02

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The substantive changes to the Virginia Industrialized Building Safety Regulations (IBR) (13 VAC 5-91-10 et seq.) being proposed by the Board of Housing and Community Development (Board) are as follows:

To update the construction model codes and standards to the same editions of the International Code Council (ICC) and National Fire Protection Association (NFPA) codes and standards as are being proposed for the Uniform Statewide Building Code (USBC).

To increase the registration seal fee for an industrialized building from \$50 to \$75 per seal.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

---

There is no federal source of legal authority to promulgate the regulation.

The statutory authority for the Board of Housing and Community Development to promulgate the regulations is found in the General Assembly's mandate to the Board in § 36-73 of the Code of Virginia, which directs the Board to promulgate rules and regulations prescribing standards to be complied with in industrialized buildings.

### § 36-73 Authority of Board to promulgate rules and regulations

The Board shall from time to time promulgate rules and regulations prescribing standards to be complied with in industrialized buildings for protection against the hazards thereof to safety of life, health and property and prescribing procedures for the administration, enforcement and maintenance of such rules and regulations. The standards shall be reasonable and appropriate to the objectives of this law and within the guiding principles prescribed by the General Assembly in this law and in any other law in pari materia. The standards shall not be applied to manufactured homes defined in § 36-85.3.

In making rules and regulations, the Board shall have due regard for generally accepted safety standards as recommended by nationally recognized organizations, such as the Building Officials and Code Administrators International, Inc., the Southern Building Codes Congress, the International Conference of Building Officials, the National Fire Protection Association and the Council of American Building Officials.

Where practical, the rules and regulations shall be stated in terms of required levels of performance, so as to facilitate the prompt acceptance of new building materials and methods. Where generally recognized standards of performance are not available, the rules and regulations of the Board shall provide for acceptance of materials and methods whose performance has been found by the Department, on the basis of reliable test and evaluation data presented by the proponent, to be substantially equal in safety to those specified.

(Code 1950, § 12-71; 1970, c. 305; 1971, Ex. Sess., c. 103; 1977, c. 613; 1986, c. 37.)

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+36-73>

The Office of the Attorney General has certified that the Board of Housing and Community Development has the statutory authority to promulgate the proposed amendments.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

---

The rationale for the substantive changes to the IBR being proposed by the Board is as follows:

To bring the editions of referenced model codes and standards up to the same editions as those proposed for the USBC.

The fee for an industrialized building registration seal is being proposed to be increased from \$50 to \$75 per seal.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

---

The key provisions of the regulation that changes the current status of law is the updating the editions of referenced model codes and standards up to the same editions as those proposed for the USBC and the fee increase from \$50 to \$75 per seal for an industrialized building registration seal.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

---

The primary advantage for the public of implementing the new regulation will be the updating of referenced model codes and standards up to the latest editions, which should be less burdensome and intrusive. The agency sees no disadvantages for the public or the Commonwealth for the fee increase from \$50 to \$75 per seal for an industrialized building registration seal.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

The minimum included identity of anticipated fiscal impacts for the proposed regulation as are being proposed are as follows:

- (a) The projected cost increase to the state to implement and enforce the proposed regulation is zero.
- (i) The fund source / fund detail is not applicable.
  - (ii) The budget activity with a cross-reference to program and subprogram is not applicable.
  - (iii) The delineation of one-time versus on-going expenditures is not applicable.
- (b) The projected cost of the regulation on localities may be zero.
- (c) A description of the individuals, businesses or other entities that are likely to be affected by the regulation is unknown.
- (d) The agency's best estimate of the number of such entities that will be affected is unknown.

### Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

All of the substantive changes to the IBR being proposed by the Board are the following:

To update the construction model codes and standards to the same editions of the ICC and NFPA codes and standards as are being proposed for the USBC.

To increase the registration seal fee for an industrialized building from \$50 to \$75 per seal.

### Alternatives

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

During the proposed adoption phase of this regulatory action the Board of Housing and Community Development (Board) asks various groups to review the provisions of this regulation and offer comments and suggestions for specific alternatives.

The Board decided to adopt as proposed regulations, most of the suggestions submitted to the Board for improvement, in order to provide a public review of the format, arrangement and the amendments. The rationale of this procedure forms the basis of the process used by the Board to select the least burdensome and intrusive alternatives that meets the essential purpose of this regulatory action.

### Public Comment

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

---

The agency received no public comment during the NOIRA comment period.

### Clarity of the Regulation

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

---

Based on the Board's thorough examination of this regulation and relevant public comments received on the draft proposed regulation, the Board has determined that the proposed regulation is clearly written and easily understandable by the individuals and entities affected.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

---

The Board will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. Such a review will take place no later than three years after the final regulation becomes effective. And the specific and measurable regulatory goals will be:

1. A regulation that represents the least burdensome or intrusive alternative that meets the essential purpose required of that regulation, and
2. A regulation that is clearly written and easily understandable by the individuals and entities affected.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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.*

---

N/A