



Virginia
Regulatory
Town Hall
townhall.virginia.gov

Final Regulation Agency Background Document

Agency name	Department of Housing and Community Development
Virginia Administrative Code (VAC) citation	13 VAC 5-80
Regulation title	Virginia Standards for Individual and Regional Code Academies
Action title	Accreditation initial and renewal application process
Date this document prepared	January 9, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

This regulatory action amends the existing regulation to clarify the existing mandatory requirements for local and regional code academies (IRCA) formed to provide training to enforcement personnel of the state building and fire regulations. This regulatory action further defines the requirements for initial accreditation and renewal accreditation as a code academy established in accordance with 36-137 of the Code of Virginia for the purposes of conducting classes to prepare an individual to pursue an occupation in the inspection profession relating to the enforcement of the USBC, VADR, and SFPC, or to upgrade an individual in the technical phases of the same codes.

Statement of final agency action

Please 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 or board taking the action, and (3) the title of the regulation.

The Board of Housing and Community Development approved final regulations for the Individual and Regional Code Academies standard on December 16, 2013.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

The statutory authority of the state to promulgate this regulation is pursuant to Title 36 of the Code of Virginia §36-137, mandating the Board of Housing and Community Development (BHCD) to issue a certificate of accreditation to those seeking to establish a local or regional building code academy.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

As recognized in §36-99 of the Code of Virginia, the purpose of the USBC protects the health, safety, and welfare of the citizens of the Commonwealth, while permitting buildings to be constructed in the most economical manner consistent with such pertinent recognized standards relative to construction, health, and safety. Therefore, the accreditation and operation of the individual and regional code academies supports the achievement of this purpose and ensures the technical and professional level of those personnel attending individual and regional code academies, including the knowledge and skill gained resultant from the initial training and continuing education approved by DHCD as IRCA offerings.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

Not being substantive in nature, this regulatory action primarily serves to clarify and make current the existing regulatory requirements.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 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 indicate.

This regulatory action poses no foreseen disadvantages to the public or the Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change

No changes made since the proposed stage.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response

No public comments received.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
13 VAC5-80-10		Definitions	Deletion of definitions no longer used in regulation.
13 VAC5-80-60.C		The current regulation delineates the required information to be part of the accreditation application.	The proposed change expands the required information to now include proposed expenditures, and training schedule as part of the accreditation application. This proposed change brings current the existing regulation with the current practice in the accreditation process.
13 VAC5-80-60.D		The current regulation delineates the required commitments on the part of the individual or regional code academy to be part of the accreditation application.	The proposed change expands the required commitments to now include the manner in which state courses will be offered through the IRCA and the addition of quarterly and end of year reporting requirements and time frames. The purpose of this proposed change is to bring current the existing regulation with the current practice in the accreditation process.
13 VAC5-80-80.A		The current regulation requires a renewal application be submitted annually however did not delineate the contents of the accreditation renewal application.	The proposed change expands the language to clarify the required information to proposed expenditures and revenues for the purposes of academy operations, training schedule, instructor lists, and commitments to be required in accreditation renewal application. The proposed change brings current the existing regulation with the current practice in the accreditation process.
13 VAC5-80-90		The current regulation delineates instructor qualifications for those approved to instruct at the IRCA level.	The proposed change correlates the instructor requirements with that of the state building code academy to now require all instructors to hold an active certification in the discipline in which they will be instructing. The proposed change brings current the existing regulation with the current practice in the accreditation process. There is no likely impact related to this proposed change.
13 VAC5-80-120		Language clarification	The proposed change adds language that will allow DHCD to not approve an initial application for the reasons previously included in the regulation.
13VAC5-80-140		Language clarification	The proposed change adds language for the agency required records management to

			include all records concerning the initial application. This proposed change brings current the existing regulation with the current practice in the accreditation process.
--	--	--	--