

**AGENDA**  
**DHCD COMBINED WORKGROUP (WG 1 AND 2) MEETING**  
**2018 Code Change Cycle**

April 10, 2019 at 9:30 a.m.  
Chesterfield Community Development Building

**1. Submitted Proposals**

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## 2. Additional Discussion

# A103.2--18

: 103.2

**Proponent:** Kenney Payne, AIA Virginia, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Construction Code

**103.2 When applicable to new construction.** *Construction for which a permit application is submitted to the local building department on or after the effective date of the 2015-2018 edition of the code shall comply with the provisions of this code, except for permit applications submitted during a 1-year period beginning on the effective date of the 2015-2018 edition of the code. The applicant for a permit during such 1-year period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the edition of the code in effect immediately prior to the 2015-2018 edition. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.*

**Reason Statement:** Some people have been confused as to whether Section 103.2 applies to EXISTING construction or only NEW construction. By deleting the word 'new' it should eliminate the confusion - thus applying to all construction. As an option, "new" could remain in the VCC and duplicate the same language in the VEBC, but change "new" to "existing." However, duplication should not be necessary because of VEBC 103.1.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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## Workgroup Recommendation

**Workgroup 1 Workgroup Recommendation:** None

**Workgroup 1 Reason:**

Proposal # 16

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A103.2--18

## A108.4--18

: 108.4

**Proponent:** DHCD Staff (sbc0@dhcd.virginia.gov)

### 2015 Virginia Construction Code

**108.4 Prerequisites to obtaining permit.** In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms of Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same; or (ii) file a written statement, ~~supported by an affidavit~~, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

**Reason Statement:** To match the current DPOR regulation

**Resiliency Impact Statement:** None

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** None

Proposal # 51

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A108.4--18

## A110.8--18

: 110.8

**Proponent:** Richard Witt, chesterfield County, representing Chesterfield County (wittr@chesterfield.gov)

### 2015 Virginia Construction Code

**110.8 Revocation of a permit.** The building official may revoke a permit or approval issued under this code in the case of any false statement, misrepresentation of fact, abandonment of work, failure to complete *construction* as required by Section 110.7, non-compliance with provisions of this code and pertinent laws and ordinances, or incorrect information supplied by the applicant in the application or *construction* documents on which the permit or approval was based.

**Reason Statement:** This change clarifies that an issued permit can be revoked should it have been issued in non-compliance with pertinent laws and ordinances

**Resiliency Impact Statement:** no impact

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** This change does not impact cost

Proposal # 2

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A110.8--18

## A115.2 (1)--18

: 115.2, 115.3

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**115.2 Notice of violation.** ~~The Other than a notice of unsafe buildings or structures which shall comply with Section 118, the~~ building official shall issue a written notice of violation to the responsible party if any violations of this code or any directives or orders of the building official have not been corrected or complied within a reasonable time. The notice shall reference the code section or sections upon which the notice is based and direct the correction of the violation or the compliance with such directive or order and specify a reasonable time period within which the corrections or compliance must occur. The notice shall be issued by ~~either~~ any of the following methods:

1. delivering a copy to the responsible party by registered or certified mail to the last known address

~~or~~

1. delivering the notice in person

~~or~~

1. by leaving it in the possession of any person in charge of the premises

~~, or~~

1. by posting the notice in a conspicuous place if the person in charge of the premises cannot be

~~found. The notice of violation shall indicate the right of appeal by referencing the appeals section.~~

1. found

When the owner of the *building or structure*, or the permit holder for the *construction* in question, or the tenants of such *building or structure*, are not the responsible party to whom the notice of violation is issued, then a copy of the notice shall also be delivered to such owner, permit holder or tenants.

The notice of violation shall indicate the right of appeal by referencing Section 119.5.

**Note:** A notice of *unsafe building or structure* for *structures* that become unsafe during the *construction process* ~~are shall be issued~~ in accordance with Section 118.

**115.3 Further action when violation not corrected.** If the responsible party has not complied with the notice of violation ~~within the reasonable time period indicated on the notice~~, the building official may initiate legal proceedings by requesting the legal counsel of the *locality* to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the *building or structure* involved. In cases where the *locality* so authorizes, the building official may issue or obtain a summons or warrant. Compliance with a notice of violation notwithstanding, the building official may request legal proceedings be instituted for prosecution when a person, firm or corporation is served with three or more notices of violation within one calendar year for failure to obtain a required *construction* permit prior to commencement of work subject to this code.

**Note:** See Section 19.2-8 of the Code of Virginia concerning the statute of limitations for *building code* prosecutions.

**Reason Statement: Regarding 115.2:** Notices of violation should not be used as the first means of notifying individuals that their building or structure is unsafe. Clearly, the intent of the VCC is that a "different" means must be used when declaring something to be unsafe - thus the purpose of Section 118 and 118.4 specifically - where you issue a REPORT in lieu of just a NOTICE.

The methods of issuing such notice have been reformatted for easier reading (lists should be considered when multiple methods and commas are used). The portion concerning "not the responsible party" has been relocated to follow immediately behind the notice issuance without being "separated" by the right to appeal. Thus, the entire provision flows better now.

Disregard the numbering - that is a cdpVA thing - it should be:

1. delivering . . .
2. delivering . . .
3. by leaving . . .
4. by posting . . .

**Regarding 115.3:** The added language allows compliance with 115.2 before one can initiate legal proceedings. This

avoids using a NOV as the notification of legal proceedings, or filing legal proceedings *during* the time period allowed under 115.2.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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## **Workgroup Recommendation**

**Workgroup 1 Workgroup Recommendation:** None

**Workgroup 1 Reason:**

Proposal # 59

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A115.2-18

## B115.2(2)-18

: 115.2, 115.3

**Proponent:** Michael Redifer (redifermd@nnva.gov)

## 2015 Virginia Construction Code

**115.2 Notice of violation.** The building official shall issue a written notice of violation to the ~~responsible party if permit holder~~ if any violations of this code or any directives or orders of the building official have not been corrected or complied ~~within within~~ a reasonable time. ~~If the violations, directives or orders involve work without a permit, the notice of violation shall be issued to the responsible party.~~ The notice shall reference the code section or sections upon which the notice is based and direct the correction of the violation or the compliance with such directive or order and specify a reasonable time period within which the corrections or compliance must occur. The notice shall be issued by either delivering a copy ~~to the responsible party~~ by mail to the last known address ~~of the permit holder or responsible party~~, delivering the notice in person ~~or by~~ leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place if the person in charge of the premises cannot be found. The notice of violation shall indicate the right of appeal by referencing the appeals section. When the ~~owner of the building or structure, or the permit holder for the construction in question, or the tenants of such building or structure, are not the responsible party~~ to whom the notice of violation is issued, then a copy of the notice shall also be delivered to such ~~owner, permit holder or tenants~~.

**Note:** A notice of *unsafe building or structure* for structures that become unsafe during the *construction* process are issued in accordance with Section 118.

**115.3 Further action when violation not corrected.** ~~If the responsible party has not complied~~ Upon failure to comply with the notice of violation, the building official may initiate legal proceedings by requesting the legal counsel of the *locality* to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the *building or structure* involved. In cases where the *locality* so authorizes, the building official may issue or obtain a summons or warrant. Compliance with a notice of violation notwithstanding, the building official may request legal proceedings be instituted for prosecution when a person, firm or corporation is served with three or more notices of violation within one calendar year for failure to obtain a required *construction* permit prior to commencement of work subject to this code.

**Note:** See Section 19.2-8 of the Code of Virginia concerning the statute of limitations for *building* code prosecutions.

**Reason Statement:** The revisions establish responsibility for work as being that of the permit holder in cases where permits are obtained. It relieves local building departments of the requirement to spend ever-decreasing resources on investigations which in some cases find the individuals who actually performed the work are well out of reach prior to any violations being discovered. It supports long-standing public information efforts by the Department of Professional and Occupational Regulation which discourages the general public from obtaining permits on the advice of the contractors they hire. It also follows the General Assembly's assumption that the permit applicant is responsible for the work by requiring building officials, under threat of criminal conviction, to either verify the applicant is licensed to be responsible for the work or claim exemption for licensing while remaining responsible for the work.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** Permit fees are not determined by the role of the applicant.

Proposal # 74

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B115.2-18

## A116.4--18

: 116.4

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**116.4 Issuance of certificate for pre-USBC buildings or structures. When no certificate exists.** When a ~~building or structure~~ was constructed prior to being subject to the initial edition of the USBC and the local building department does not have a certificate of occupancy for ~~the a~~ building or structure, the owner or owner's agent may submit a written request for a certificate to be created. The building official, after receipt of the request, shall issue a certificate provided a determination is made that there are no current violations of the VMC or the Virginia Statewide Fire Prevention Code (13VAC5-51) and the occupancy classification of the ~~building or structure~~ has not changed. Such buildings and structures shall not be prevented from continued use. **Exception:**

When

~~no certificate exists, but~~  
the local building department has records indicating that a certificate did exist,

~~then the~~  
~~but does not have a copy of the certificate itself, then the~~ building official may either verify in writing that a certificate did exist or issue a certificate based upon the records.

**Reason Statement:** There are many buildings and structures out there today that were **post-USBC** that do not have certificates. Why limit 116.4 to **pre-USBC** buildings? As proposed, this provision would still apply to pre-USBC, but would also capture those post-USBC buildings that do not have COs, or had them but they cannot be found. With the heading and new language, the exception would not longer be an exception.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:**

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### Workgroup Recommendation

**Workgroup 1 Workgroup Recommendation:** None

**Workgroup 1 Reason:**

Proposal # 57

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A116.4--18

## A119.5--18

: 119.5, 119.8

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**119.5 Right of appeal; filing of appeal application.** Any person aggrieved by decisions arising under the local building department's application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the *LBCA*. The applicant shall submit a written request an approved application for appeal to the *LBCA* within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the *building or structure* and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official's decision said decisions shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the *LBCA* to indicate the date received. Failure to submit an approved application for appeal within the time limit established by this section shall constitute acceptance ~~of a building official's decision of such decisions.~~

**Note:** To the extent that a decision of a building official pertains to such decisions pertain to amusement devices there may be a right of appeal under the VADR.

**119.8 Appeals to the State Review Board.** After final determination by the *LBCA* in an appeal, any person who was a party to the appeal may further appeal to the *State Review Board*. In accordance with Section 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the building official for state-owned buildings or structures shall be made directly to the *State Review Board*. The approved application for appeal shall be made to the *State Review Board* within 21 calendar days of the receipt by certified mail of the decision determination to be appealed. Failure to submit an approved application within that time limit shall constitute an acceptance of the building official LBCA's decision determination. For appeals from a *LBCA*, a copy of the the local building department's decision official application of the USBC and the written decision determination of the *LBCA* shall be submitted with the application for appeal to the *State Review Board*. Upon request by the office of the *State Review Board*, the *LBCA* shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned state-owned buildings or structures, the involved state agency shall submit a copy of the building official's decision and other relevant information with the application for appeal to the *State Review Board*. Procedures of the *State Review Board* are in accordance with Article 2 (Section 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the *State Review Board* shall be final if no further appeal is made.

**Reason Statement: Regarding 119.5:** Adding "decisions arising under" is the same language used in Section 36-114 of the Code of Virginia (refer below - emphasis added). Also, by adding the term "decisions" in the first sentence, every reference to the word "decisions" when used throughout the rest of 119.5 would apply to decisions arising under the application of the USBC. Otherwise, without context, what does "building official's decision" mean when it is NOT referenced in the first sentence? Finally, not everything that is appealed may be made by the building official, but may come from the "local building department."

- "The Review Board shall have the power and duty to hear all appeals from **decisions arising under** application of the Building Code . . ."

"Approved application" is what is really required - not just "written request" which could be crayon on a napkin. The word "approved" is a defined word and avoids someone from submitting just any "application" that would not have been approved by the locality or LBCA.

**Regarding 119.8:** "Approved" application is what is really required - not just any "application" which may not be in the form approved by the TRB. The word "approved" is a defined word. "Certified mail" is added because that is the method of notice identified in 119.7. "Determination" is substituted because that is the term used in the first sentence. The appeal is actually of the LBCA's determination (which arises from the local building department's application of the USBC - and not just the building official's decision).

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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### Workgroup Recommendation

**Workgroup 1 Workgroup Recommendation:** None

**Workgroup 1 Reason:**

Proposal # 58

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A119.5--18

## B202--18

: [BS]

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**[BS] WALL(for Chapter 21).** A vertical element with a horizontal length-to-thickness ratio greater than three, used to enclose space.

**Reason Statement:** We revised the definition of “work area” to basically involve “walls” because “wall” was/is a defined term. However, for 2015, ICC added “(for Chapter 21)” in the definition header (it did not exist prior to 2015). The concern is that some might say that particular definition is for Chapter 21 only and does NOT apply to the VEBC. Thus, they might say system’s furniture is a “wall” even though they do not “enclose space.” If the proposed language was deleted and we went back to the definition as it was for many years prior, it can still serve its purpose regarding Chapter 21, while also serving its intended purpose for the VEBC’s definition for “work area.”

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 26

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B202--18

## B401.1.1-18

: [F] 501.2, 301.3 (New)

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Construction Code

**[F] 501.2-401.1.1 Address identification.** ~~New and existing~~ buildings shall be provided with *approved address identification*. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of  $1/2$  inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the *building* address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the *structure*. ~~Address identification shall be maintained.~~

## 2015 Virginia Existing Building Code

**Add new text as follows:**

**301.3 Address identification.** ~~Existing buildings undergoing a Level 3 alteration, complete change of occupancy, an addition, or are being moved, shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of  $1/2$  inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.~~

**Reason Statement: VCC:** As currently written, requiring such signage for existing buildings is a *retrofit* requirement that is not triggered by any work. If this is the case, then the reference to existing buildings should be in VEBC Chapter 11. If it is not intended to be a retrofit requirement, then the existing building reference should be deleted. While I admit I am not excited about where I am proposing to relocate the provision, I do believe that locating this requirement in VCC Chapter 6 is not a good location - which deals with heights and area - not a place for applicants to look for building address requirements. This proposes to locate it in Chapter 4 - still not the best but better than Chapter 6 - since the address requirement could be classified as a "special use." The last sentence was deleted because the VCC is not a maintenance code and such requirements should be in the VMC and/or SFPC.

**VEBC:** If there is a desire to provide such address signage for existing buildings, it belongs in the VEBC. It also should not be triggered by a repair, Level 1 alteration (which might mean just replacing carpet and ceiling tile, or a partial change of occupancy (might be just one or two rooms in a larger building. However, those classifications of work listed appear reasonable to require such signage. It is proposed to be located in Chapter 3 as it is the chapter that is home to "special details" and "general provisions" and for "where can I put this" type of provisions.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will decrease the cost of construction

**Cost Impact Statement:** If it was not intended as a retrofit, deleting it from the VCC would decrease the cost. However, if it was intended to be for existing buildings, by making the "trigger" relative to the proposed amount of work (e.g., Level 3 alterations, complete change of occupancy, addition, moved buildings) seems reasonable and would save costs by not requiring for simple repairs and lower alterations.

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## Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:**

**Workgroup 2 Reason:**

Proposal # 27

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B401.1.1-18

## B703.3--18

: 703.3

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**703.3 Methods for determining fire resistance.** The application of any of the methods listed in this section shall be based on the fire exposure and acceptance criteria specified in ASTM E119 or UL 263. The required *fire resistance* of a *building* element, component or assembly shall be permitted to be established by any of the following methods or procedures:

1. Fire-resistance designs documented in approved sources.
2. Prescriptive designs of fire-resistance-rated *building* elements, components or assemblies as prescribed in Section 721.
3. Calculations in accordance with Section 722.
4. Engineering analysis based on a comparison of *building* element, component or assemblies designs having *fire-resistance ratings* as determined by the test procedures set forth in ASTM E119 or UL 263.
5. Alternative protection methods as allowed by Section ~~104.1~~ 112.2.
6. Fire-resistance designs certified by an approved agency.

**Reason Statement:** Existing reference was to Chapter 1 of the *IBC*. Since Virginia deleted Chapter 1 of the *IBC*, the section number should be updated to the equivalent reference in Chapter 1 of the *VCC*.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 18

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B703.3--18

## B907.5.2.3-18

: [F] 907.5.2.3

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**[F] 907.5.2.3 Visible alarms.** Visible alarm notification appliances shall be provided in accordance with Sections 907.5.2.3.1 through 907.5.2.3.3.

#### Exceptions:

1. ~~Visible alarm notification appliances are not required in alterations, except where an existing fire alarm system is upgraded or replaced, or a new fire alarm system is installed.~~  
~~2.1. Visible alarm notification appliances shall not be required in exits as defined in Chapter 2.~~  
~~3.2. Visible alarm notification appliances shall not be required in elevator cars.~~  
~~4.3. Visual alarm notification appliances are not required in critical care areas of Group I-2 Condition 2 occupancies that are in compliance with Section 907.2.6, Exception 2.~~

**Reason Statement:** Existing building requirements belong in the VEBC, not the VCC. Also, alterations come in three flavors (Level 1, 2, and 3) and such alarms would not necessarily be required in a Level 1 alteration. If left in the VCC, it could produce a potential conflict with the requirements of the VEBC - which are supposed to govern all construction in existing buildings (per VCC 103.1.1). Alarms in alterations are addressed in VEBC 603.5.4.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** Will not increase or decrease cost of construction.

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

#### Workgroup 2 Reason:

**Workgroup 2 Workgroup Recommendation:** None

#### Workgroup 2 Reason:

Proposal # 28

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B907.5.2.3-18

## **B912.2.2-18**

**: [F] 912.2.2**

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### **2015 Virginia Construction Code**

**[F] 912.2.2 Existing buildings:** On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an ~~approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.~~

**Reason Statement:** The provision is in SFPC Section 912.2.2, where it belongs. It does not belong in the "new" construction code since it deals with "existing" buildings.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will decrease the cost of construction

**Cost Impact Statement:** Will not increase or decrease cost of construction.

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### **Workgroup Recommendation**

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 29

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B912.2.2-18

## B1010.1.9.3-18

: 1010.1.9.3, 1010.1.9.2

**Proponent:** Natalia Larrimer (nlarrimer@outlook.com)

## 2015 Virginia Construction Code

**1010.1.9.3 Locks and latches.** Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

1. Places of detention or restraint.
2. In buildings in occupancy Groups B, F, M and S, the main exterior door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
  - 2.1. The locking device is readily distinguishable as locked.
  - 2.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
  - 2.3. The use of the key-operated locking device is revokable by the building official for due cause.
3. Where egress doors are used in pairs, *approved* automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts does not have a doorknob or surface-mounted hardware.
4. Doors from individual *dwelling* or *sleeping units* of Group R occupancies having an *occupant load* of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
5. *Fire doors* after the minimum elevated temperature has disabled the unlatching mechanism in accordance with *listed fire door* test procedures.
6. In buildings in occupancy Groups E and I-4, child day care facilities are required to be equipped with devices to prevent accidental exit by children.

**1010.1.9.2 Hardware height.** Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.

### **Exception Exceptions:**

1. Access doors or gates in barrier walls and fences protecting pools, spas and hot tubs shall be permitted to have operable parts of the release of latch on self-latching devices at 54 inches (1370 mm) maximum above the finished floor or ground, provided the self-latching devices are not also self-locking devices operated by means of a key, electronic opener or integral combination lock.

2. Doors in Groups E and I-4, child care facilities are required to have door handles, pulls, latches, locks and other operating devices installed at 54 inches (1370 mm) maximum above the finished floor or ground.

**Reason Statement:** Many child care facilities are located in urban areas in close proximity to parking lots, roads and other hazards. Although, many facilities undertake these types of preventative measures not all do.

**Resiliency Impact Statement:** This will not have an impact on resiliency from environmental stand point, however will provide a greater assurance to the public that their children are safe when in the facility. There seems to be a general assumption that this type of preventions are already mandatory.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** An editorial change.

## Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

# B1011.5.2--18

: 1011.5.2

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Construction Code

**1011.5.2 Riser height and tread depth.** *Stair* riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the *nosings* of adjacent treads. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's *nosing*. Winder treads shall have a minimum tread depth of 11 inches (279 mm) between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the *stair*.

### Exceptions:

1. *Spiral stairways* in accordance with Section 1011.10.
2. *Stairways* connecting stepped *aisles* to cross *aisles* or concourses shall be permitted to use the riser/tread dimension in Section 1029.13.2.
3. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height shall be 8.25 inches (210 mm); the minimum tread depth shall be 9 inches (229 mm); the minimum *winder* tread depth at the walk line shall be 10 inches (254 mm); and the minimum *winder* tread depth shall be 6 inches (152 mm). A *nosing* not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).
4. See Section ~~403.1~~ 601.1 of the ~~International Existing Building Code~~ VEBC for the replacement of existing *stairways*.
5. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m<sup>2</sup>) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).

**Reason Statement:** When the VEBC was reformatted for 2015, this code section reference should have been revised as well - as it currently points you to "Additions" under "Accessibility" (which is currently VEBC 403.1). This code proposal provides the equivalent reference in the VEBC. Also, if we did not change IEBC to VEBC, one would be looking at repairs of fire protection in the IEBC.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** An editorial change.

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## Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 30

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B1011.5.2--18

## **B1030.4--18**

**: 1030.4, 304.3.1 (New)**

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## **2015 Virginia Construction Code**

**1030.4 Operational constraints.** *Emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings* provided the minimum net clear opening size complies with Section 1030.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the *emergency escape and rescue opening*. ~~Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.11 regardless of the valuation of the alteration.~~

## **2015 Virginia Existing Building Code**

**Add new text as follows:**

**304.3.1 Operational constraints.** Where bars, grilles, grates or similar devices are installed over emergency escape and rescue openings as permitted by Section 1030.4 of the VCC, smoke alarms shall also be provided in accordance with Section 907.2.11 of the VCC.

**Reason Statement:** Existing building requirements belong in the VEBC, not the VCC (per VCC 103.1.1). VEBC 304.3 provides requirements for EERO. While the entire IBC Section 1030.4 was included in the 2018 IEBC (Section 505.4), only the last portion of this provision is required for existing buildings - since any "new" elements must already comply with the VCC/IBC. We need to know how to treat existing and/or replacement EERO windows and what we would need to do if we add anything (e.g., bars, grates, etc.) over them.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** The code provision is just moving from the VCC to the VEBC.

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## **Workgroup Recommendation**

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 31

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B1030.4--18

## B3302.1-18

: 3302.1

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**3302.1 Alterations, repairs and additions.** Comply with the requirements of Section 1201.3 of the VEBC. Required exits, existing structural elements, fire protection devices and sanitary safeguards shall be maintained at all times during alterations, repairs or additions to any building or structure.

#### **Exceptions:**

1. ~~Where such required elements or devices are being altered or repaired, adequate substitute provisions shall be made.~~
2. ~~Maintenance of such elements and devices is not required when the existing building is not occupied.~~

**Reason Statement:** Existing building requirements belong in the VEBC, not the VCC (per VCC 103.1.1). VEBC 1201.3 already has the exact same language; so, rather than delete this provision in its entirety without substitution, a reference to the VEBC has been provided.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** Provision already exists in VEBC 1201.3.

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 33

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B3302.1-18

## B3303.1-18

~~: 3303.1, 3303.2, 3303.3, 3303.4, 3303.5, 3303.6, 3303.7, SECTION 1210 (New), 1210.1 (New), 1210.2 (New), 1210.3 (New), 1210.4 (New), 1210.5 (New), 1210.6 (New), 1210.7 (New)~~

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Construction Code

**3303.1 Construction documents. Requirements.** ~~Construction documents and a schedule for demolition shall be submitted where required by the building official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.~~  
Comply with Section 1210 of the VEBC.

**3303.2 Pedestrian protection.** ~~The work of demolishing any building shall not be commenced until pedestrian protection is in place as required by this chapter.~~

**3303.3 Means of egress.** ~~A horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.~~

**3303.4 Vacant lot.** ~~Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the ordinances of the jurisdiction having authority.~~

**3303.5 Water accumulation.** ~~Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.~~

**3303.6 Utility connections.** ~~Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the applicable governing authority.~~

**3303.7 Fire safety during demolition.** ~~Fire safety during demolition shall comply with the applicable requirements of this code and the applicable provisions of Chapter 33 of the International Fire Code.~~

## 2015 Virginia Existing Building Code

**Add new text as follows:**

### **SECTION 1210** **DEMOLITION**

**1210.1 Construction documents.** Construction documents and a schedule for demolition shall be submitted where required by the building official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.

**1210.2 Pedestrian protection.** The work of demolishing any building shall not be commenced until pedestrian protection is in place as required by Chapter 33 of the VCC.

**1210.3 Means of egress.** A horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.

**1210.4 Vacant lot.** Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the ordinances of the jurisdiction having authority.

**1210.5 Water accumulation.** Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

**1210.6 Utility connections.** Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the applicable governing authority.

**1210.7 Fire safety during demolition.** Fire safety during demolition shall comply with the applicable requirements of the VCC and the applicable provisions of Chapter 33 of the International Fire Code.

**Reason Statement:** Existing building requirements belong in the VEBC, not the VCC (per VCC 103.1.1. So, the entire section is proposed to be relocated to VEBC Chapter 12 leaving only a reference to the VEBC in the VCC.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** Will not increase or decrease cost of construction. Just moving requirements from one code to another.

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## **Workgroup Recommendation**

**Workgroup 2 Workgroup Recommendation:**

**Workgroup 2 Reason:**

Proposal # 34

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EB3303.1-18

## B3310.1-18

: 3310.1, [F] 3310.2

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Construction Code

**3310.1 Stairways required.** Where a *building* has been constructed to a *building height* of 50 feet (15 240 mm) or four stories, ~~or where an existing building exceeding 50 feet (15 240 mm) in building height is altered~~, no fewer than one temporary lighted *stairway* shall be provided unless one or more of the permanent stairways are erected as the *construction* progresses.

**[F] 3310.2 Maintenance of means of egress.** Required *means of egress* shall be maintained at all times during ~~construction, demolition, remodeling or alterations and additions to any building~~.

**Exception:** Existing *means of egress* need not be maintained where ~~approved temporary means of egress systems and facilities are provided~~.

**Reason Statement:** The deleted provisions are already covered in VEBC 1205.1 and 1205.2 and the VCC does not govern existing buildings per VCC 103.1.1.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** Provision is already covered in the VEBC.

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 35

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B3310.1-18

## **EB103.5--18**

**: 103.5**

**Proponent:** Ronald Clements Jr, Chesterfield County (clementsro@chesterfield.gov)

### **2015 Virginia Existing Building Code**

**103.5 Equipment changes.** Upon the replacement or new installation of any fuel-burning appliances or equipment in existing buildings, an inspection or inspections shall be conducted in accordance with Section 113.3.1 of the VCC.

**Reason Statement:** VEBC section 103.5 is not necessary and misleading. VEBC 103.5 as written applies to all occupancy classifications but the section referenced, VCC 113.3.1, is only applicable to group R-5. All inspection requirements of the VCC, including VCC 113.3.1 as applicable to group R-5, are applicable to VEBC enforcement per VEBC 103.1 (first sentence); therefore, VEBC 103.5 is not necessary.

This proposal will neither increase nor decrease Resiliency

**Resiliency Impact Statement:** No impact on resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** This code change does not impact cost.

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### **Workgroup Recommendation**

**Workgroup 1 Workgroup Recommendation:** None

**Workgroup 1 Reason:**

Proposal # 65

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EB103.5--18

# EB103.10--18

: 103.10

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Existing Building Code

**103.10 Construction documents.** Construction documents shall be submitted with the application for a permit. The work proposed to be performed on an *existing building or structure*, shall be classified on the construction documents as *repairs, alterations, change of occupancy, addition, historic building, and/or moved building*. All *work areas* shall be identified on the construction documents. *Alterations* shall further be ~~identified~~classified as Level 1, Level 2, and/or Level 3.

**Exception:** Construction documents or classification of the work does not need to be submitted when the building official determines the proposed work does not require such documents, classification or identification.

**Reason Statement:** Per the first sentence of this section, the work is to be *classified*, not *identified*. Since 'alterations' is considered 'work' the alterations should also be *classified*. Just trying to be consistent with the terms within this section and exception.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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## Workgroup Recommendation

**Workgroup 1 Workgroup Recommendation:** None

**Workgroup 1 Reason:**

Proposal # 17

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EB103.10--18

# EB304.3--18

: 304.3

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Existing Building Code

**304.3 Replacement window emergency escape and rescue openings.** Where windows are required to provide emergency escape and rescue openings in Group R-2 and R-3 occupancies, replacement windows shall be exempt from the requirements of Sections 1030.2, 1030.3 and 1030.5 of the VCC provided the replacement window meets the following conditions:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.
2. The replacement of the window is not part of a *change of occupancy*.

**Reason Statement:** If there is no reference to another code, said reference(s) are to the code in which the language is written. Therefore, it would mean those sections are referencing the VEBC. If so, those VEBC sections have nothing to do with said windows, because the sections are actually in the VCC. So, this references the proper code which is the VCC.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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## Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 22

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EB304.3--18

## **EB305.1--18**

**: 305.1**

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### **2015 Virginia Existing Building Code**

**305.1 General.** Where this code requires consideration of the seismic force-resisting system of an *existing building* subject to repair, *alteration, change of occupancy, addition or relocation* ~~the moving of existing buildings~~, the seismic evaluation and design shall be based on Section 305.2 ~~regardless of which compliance method is used~~.

**Reason Statement:** Virginia uses the term "moved" buildings in lieu of "relocated" buildings, which are governed by the Industrialized Building Code. Also, since we deleted the compliance methods in the 2015 VEBC the last portion of the last sentence should have been deleted also.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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### **Workgroup Recommendation**

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 21

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EB305.1--18

# EB307.8(1)-18

## : SECTION 307, 307 (New)

**Proponent:** Justin Koscher, Polyisocyanurate Insulation Manufacturers Association (jkoscher@pima.org); Jeff mang (jeff.mang@hoganlovells.com); Eric Lacey (eric@reca-codes.com)

## 2015 Virginia Existing Building Code

### SECTION 307 REROOFING AND ROOF REPAIR

**Revise as follows:**

**307 New Code Section 307.8 Energy conservation.** *Roof replacements shall comply with Section C402.1.3, C402.1.4, C402.1.5 or C407 of the International Energy Conservation Code where the existing roof assembly is part of the building thermal envelope and contains insulation entirely above the roof deck.*

**Reason Statement:** This proposal clarifies that roof replacements must comply with the energy conservation requirements of the International Energy Conservation Code (IECC). This proposal incorporates the language of Section C503.3.1 of the IECC in order to provide users and code officials with specific information on the requirements for roof replacements. Chapter 5 of the IECC was developed to place the energy code requirements for existing buildings in one convenient location. Virginia adopted this IECC language as part of the 2015 code update process.

This proposal is necessary because the Virginia Existing Building Code (VEBC) regulates reroofing and roof repair under Section 307. The International Existing Building Code (IEBC) requirements for energy conservation were inadvertently lost when the requirements for reroofing and roof repair were moved to a separate section. This proposal corrects this oversight and clarifies the intent of the VEBC that roof replacements comply with the requirements of the IECC. Additionally, this proposal matches the format used for describing other energy conservation requirements in the VEBC. This familiar format will make the code easy to use and understand for both users and code officials. Importantly, this proposal does not create any new requirements for reroofing, including roof covers or roof repairs.

This clarification is important because roof replacements provide a cost-effective means for increasing the energy efficiency of existing buildings. Replacing a typical existing roof with an energy code-compliant roof reduces whole building energy use by an average of 5.7% ([https://www.polyiso.org/resource/resmgr/report/bayer\\_report.pdf](https://www.polyiso.org/resource/resmgr/report/bayer_report.pdf)). The energy efficiency requirements for roof replacements have been part of the IECC and IEBC for many cycles. This proposal will clarify existing VEBC requirements for roof replacements and help promote a greater level of compliance.

This proposal will increase Resiliency

**Resiliency Impact Statement:** This proposal clarifies existing requirements of the Virginia Existing Building Code. Therefore, the proposal will increase resiliency through improved compliance. The practice of energy code-compliant roof replacements increases the resiliency of existing buildings and also responds to the Governor's interest in "identifying and suggesting resilience-specific improvements to the Uniform Statewide Building Code (USBC) for inclusion in the 2018 code update" (Executive Order 24, November 2018:

<https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/ED-24-Increasing-Virginias-Resilience-To-Sea-Level-Rise-And-Natural-Hazards.pdf>). Following a power outage or fuel interruption, thermal envelopes that are in compliance with, or superior to, the latest building energy codes are better able to maintain survivable temperatures for longer periods of time or with less demand on back-up power generation. This thermal resiliency attribute is recognized under the LEED pilot credits for resilient design (Credit #100) for maintaining functionality in a building that loses power (<https://www.usgbc.org/sites/default/files/LEED-Resilient-Design-Pilot-Credits-Brief-FINAL.pdf>).

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** This proposal is a clarification of existing requirements and will not increase or decrease the cost of construction.

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## Workgroup Recommendation

### Workgroup 2 Workgroup Recommendation:

**Workgroup 2 Reason:**

Proposal # 92

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EB(1)307.8-18

## **EB307.8(2)-18**

**: SECTION 307, 307 (New)**

**Proponent:** Justin Koscher, Polyisocyanurate Insulation Manufacturers Association (jkoscher@pima.org); Jeff mang (jeff.mang@hoganlovells.com); Eric Lacey (eric@reca-codes.com)

## **2015 Virginia Existing Building Code**

### **SECTION 307 REROOFING AND ROOF REPAIR**

**Revise as follows:**

**307 New Code Section 307.8 Energy conservation.** *Roof replacements shall comply with Section C503 of the International Energy Conservation Code.*

**Reason Statement:** This proposal clarifies that roof replacements must comply with the energy conservation requirements of Chapter 5 of the International Energy Conservation Code (IECC). This proposal cites Section C503 of the IECC, which Virginia adopted as part of the 2015 code development process.

This proposal is similar to another proposal submitted by the proponents in terms of intent and impact. However, this proposal includes a more general reference to the roof replacement requirements in Chapter 5 of the IECC. The proponents want to offer two options for the workgroup's consideration.

This proposal is necessary because the Virginia Existing Building Code (VEBC) regulates reroofing and roof repair under Section 307. The International Existing Building Code (IEBC) requirements for energy conservation were inadvertently lost when the requirements for reroofing and roof repair were moved to a separate section. This proposal corrects this oversight and clarifies the intent of the VEBC that roof replacements comply with the requirements of the IECC. Additionally, this proposal matches the format used for describing other energy conservation requirements in the VEBC. This familiar format will make the code easy to use and understand for both users and code officials. Importantly, this proposal does not create any new requirements for reroofing, including roof recoveries or roof repairs.

This clarification is important because roof replacements provide a cost-effective means for increasing the energy efficiency of existing buildings. Replacing a typical existing roof with an energy code-compliant roof reduces whole building energy use by an average of 5.7% ([https://www.polyiso.org/resource/resmgr/report/bayer\\_report.pdf](https://www.polyiso.org/resource/resmgr/report/bayer_report.pdf)). The energy efficiency requirements for roof replacements have been part of the IECC and IEBC for many cycles. This proposal will clarify existing VEBC requirements for roof replacements and help promote a greater level of compliance.

This proposal will increase Resiliency

**Resiliency Impact Statement:** This proposal clarifies existing requirements of the Virginia Existing Building Code. Therefore, the proposal will increase resiliency through improved compliance. The practice of energy code-compliant roof replacements increases the resiliency of existing buildings and also responds to the Governor's interest in "identifying and suggesting resilience-specific improvements to the Uniform Statewide Building Code (USBC) for inclusion in the 2018 code update" (Executive Order 24, November 2018: <https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/ED-24-Increasing-Virginias-Resilience-To-Sea-Level-Rise-And-Natural-Hazards.pdf>). Following a power outage or fuel interruption, thermal envelopes that are in compliance with, or superior to, the latest building energy codes are better able to maintain survivable temperatures for longer periods of time or with less demand on back-up power generation. This thermal resiliency attribute is recognized under the LEED pilot credits for resilient design (Credit #100) for maintaining functionality in a building that loses power (<https://www.usgbc.org/sites/default/files/LEED-Resilient-Design-Pilot-Credits-Brief-FINAL.pdf>).

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** This proposal is a clarification of existing requirements and will not increase or decrease the cost of construction.

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## **Workgroup Recommendation**



# EB501.1-18

: 501.1

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Existing Building Code

**501.1 Scope.** Repairs, including the patching or restoration or replacement of damaged materials, elements, equipment or fixtures ~~for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements~~, shall comply with the requirements of this chapter. Repairs to historic *buildings* need only comply with Chapter 9. Portions of the *existing building or structure* not being repaired shall not be required to comply with the requirements of this code applicable to newly constructed *buildings or structures*. Work on nondamaged components that is necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the provisions of Chapter 6, 7 or 8. Routine maintenance required by Section 302, ordinary repairs exempt from permit in accordance with Section 108.2 of the VCC, and abatement of wear due to normal service conditions shall not be subject to the requirements for repairs in this section.

**Exception:** Repairs complying with the requirements of the building code under which the *building or structure* or the affected portions thereof was built, or as previously approved by the building official, shall be considered in compliance with the provisions of this code, ~~unless the building or structure or the affected portions thereof is undergoing a substantial structural alteration as described in Section 604.7.1~~. New structural members added as part of the ~~alteration or~~ repairs shall comply with the VCC. Repairs of *existing buildings* in flood hazard areas shall comply with Section 503.

**Reason Statement: Scope:** The language in the first sentence reflected the 2012 definition of "repair." When the definition of "repair" changed in 2015, this language should have been deleted. Chapters 7 (change of occupancy) and 8 (addition) have no bearing on repairs and should have only referenced Chapter 6 (alterations) which would have been consistent with the old 2012 VRC language that referenced just alterations - and not a change of occupancy or addition.

**Exception:** This chapter deals with "repairs" not "alterations;" so the alteration language is being proposed to be deleted. The deleted language remains for alterations under VEBC 601.1, Exception 4.

**Resiliency Impact Statement:** Will increase resiliency, by allowing the repairs of existing facilities without the potential of having to forego the repairs or demolishing the building.

The code change proposal will decrease the cost of construction

**Cost Impact Statement:** By allowing repairs to be made in accordance with the laws that existed at the time of construction in lieu of having to meet the current code (except for structural repairs), this most likely would result in reduced costs.

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## Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 24

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EB501.1-18

# EB601.1--18

: 601.1, 602.1

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## 2015 Virginia Existing Building Code

**601.1 General.** Except as provided by Section 905.1 modified in Chapter 9 or this chapter, *alterations* to any building or structure shall comply with the requirements of the VCC for new construction. *Alterations* shall be such that the *existing building or structure* is no less conforming to the provisions of the VCC than the *existing building or structure* was prior to the *alteration*.

### Exceptions:

1. Any stairway replacing an existing stairway shall not be required to comply with the requirements of Section 1011 of the VCC where the existing space and construction does not allow a reduction in pitch or slope.
2. Handrails otherwise required to comply with Section 1011.11 of the VCC shall not be required to comply with the requirements of Section 1014.6 of the VCC regarding full extension of the handrails where such extensions would be hazardous due to plan configuration.
3. Where the current level of safety or sanitation is proposed to be reduced, the portion altered shall conform to the requirements of the VCC.
4. *Alterations* complying with the requirements of the building code under which the *building or structure* or the affected portions thereof was built, or as previously approved by the building official, shall be considered in compliance with the provisions of this code, unless the *building or structure* or the affected portions thereof is undergoing a substantial structural *alteration* as described in Section 604.7.1. New structural members added as part of the *alteration or repairs* shall comply with the VCC. *Alterations of existing buildings* in flood hazard areas shall comply with of Section 601.3.

**602.1 Scope.** Level 1 *alterations* as described in Section 601.2.1 shall comply with the requirements of this section. ~~Level 1 *alterations to historic buildings* shall comply with this chapter, except as modified in Chapter 9.~~

**Reason Statement:** Under **General**: The proposed language mimics the same language that was used in the 2012 VRC and should have been used for the 2015 VEBC as well. Also, *all* of Chapter 9 (historic buildings) applies, not just one section in Chapter 9. Under **Exception 4**: Chapter 6 and the exception deals with alterations - not repairs. VEBC Section 501.1, Exception already deals with repairs. Thus, "repairs" should be deleted here. Under **602.1**: The proposed revision to 601.1 above would already address alterations to historic buildings, thus making the need to repeat that information unnecessary under 602.1.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** .

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## Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 25

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EB601.1--18

# EB601.4-18

: 601.4

**Proponent:** Eric Lacey, Responsible Energy Codes Alliance (eric@reca-codes.com)

## 2015 Virginia Existing Building Code

**601.4 Energy conservation.** ~~Level 1, 2, and 3 alterations to existing buildings, or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the International Energy Conservation Code or International Residential Code. The alterations shall conform to the energy requirements of the International Energy Conservation Code or International Residential Code as they relate to new construction only. building systems, or portions thereof shall conform to Section C503 or R503 of the International Energy Conservation Code, without requiring the unaltered portions of the existing building or building systems to comply with this code.~~

**Exception:** ~~Except for window and door openings, like materials, assemblies or thicknesses shall be permitted for alterations involving the exterior building thermal envelope, provided no hazard to life, health or property is created. Hazardous materials shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.~~

**Reason Statement:** The purpose of this proposal is to clarify the applicability of the energy code requirements to existing buildings in the context of an alteration. This will eliminate a conflict between the Virginia Existing Building Code (VEBC) and the Virginia Uniform Code, simplifying compliance and enforcement. It will also reduce energy costs for building owners and improve energy efficiency and resiliency in existing buildings.

This proposal makes two key changes. First, it eliminates a Virginia-specific exception to the energy conservation requirements of Chapter 13 of the Virginia Construction Code (VCC) for certain building envelope alterations. This exception can be misinterpreted to cover a broad range of alterations, and conflicts with the energy code's specific efficiency requirements for existing building alterations. Second, the proposal adds references to the IECC's provisions for existing residential (R503) and commercial (C503) building efficiency. It also clarifies that unaltered portions of the building need not comply with the current energy code requirements.

The importance of minimum energy efficiency requirements for alterations is widely acknowledged and is critical to maintaining and improving Virginia's large population of existing buildings. Addressing alterations through the IECC is cost-effective because the IECC takes advantage of the natural cycle of building renovations and component replacement. Under the IECC, certain alterations provide an opportunity for energy-efficiency improvements specific to existing buildings, but Sections R503 and C503 clarify when the energy code applies and when it does not. These sections include very detailed lists of requirements and exceptions that the VEBC currently lacks.

For example, the IECC requires that wall cavities exposed during alterations be filled with insulation (see IECC Section 503.1 Exception 3). Importantly, the IECC does not require that the existing wall framing be altered in order to accommodate R-values specified for new construction. The IECC also does not require any upgrades to unaltered portions of the existing building. Additionally, while separately regulated under Section 307 of the VEBC, reroofing is subject to specific provisions that require additional insulation only for roof replacements where insulation is installed entirely above deck. The IECC contemplates the unique circumstances of existing buildings and provides a detailed set of requirements and exceptions for code users.

This proposal provides users of the VEBC with clear requirements for building alterations, eliminates confusion around how the IECC requirements apply to existing buildings, and addresses concerns raised in the previous code update cycle. The current exception under VEBC Section 601.4 creates an overly broad exception that could be interpreted to cover nearly any alteration to an existing building thermal envelope. We do not think that is consistent with Virginia's energy conservation or resiliency goals.

During the previous code update cycle, it was suggested that the energy code requirements related to envelope alterations are overly expensive or not cost-effective. In fact, the opposite is true. As discussed above, the IECC tailors the requirements for existing buildings to avoid undue costs and unnecessary burdens. Additionally, code officials have the authority to grant variances on a case-by-case basis where there are genuine difficulties and no cost-effective solutions. It was also argued that these energy efficiency requirements would "discourage rehabilitation of many older structures" would be "contrary to the intent set forward by the Virginia Legislative body." This argument ignores the fact

that both the IEBC and IECC have been developed with the express principle of balancing the costs involved with maintaining existing building and other public policies. These other public policies include reducing the amount of energy consumed by existing buildings in order to lower operating costs for owners and stabilize the cost of energy overall for consumers by addressing demand.

Moreover, the proposal above aligns with recommendations in the "Virginia Energy Efficiency Roadmap" published by the Department of Mines, Minerals, and Energy in December 2017, which highlighted the general problem of Virginia adopting weakening amendments to the model energy code and recommended that the state strive to avoid this in the future (see page 23, [https://www.dmme.virginia.gov/de/LinkDocuments/VAEERM%20FinalRoadmap\\_20180327.pdf](https://www.dmme.virginia.gov/de/LinkDocuments/VAEERM%20FinalRoadmap_20180327.pdf)). This proposal would align the VEBC with the IECC's requirements as they apply to existing buildings.

The energy conservation requirements in the IEBC and IECC for alterations are designed to balance the interests involved in renovating an existing building or replacing an existing component with the economic impacts on the building owners. The natural replacement cycle of components provides for cost-effective opportunities to improve building energy efficiency. It is critical that these requirements be internally consistent and easy to understand, so that Building Code Officials and homebuilders understand them. The proposal above removes an overly broad, confusing, and unnecessary exemption in the current code that creates a conflict among Virginia's code requirements and leaves significant energy and cost savings on the table.

This proposal will increase Resiliency

**Resiliency Impact Statement:** This code change proposal is also responsive to the Governor's interest in "identifying and suggesting resilience-specific improvements to the Uniform Statewide Building Code (USBC) for inclusion in the 2018 code update," as stated in Executive Order 24 from November 2018

(<https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/ED-24-Increasing-Virginias-Resilience-To-Sea-Level-Rise-And-Natural-Hazards.pdf>). Following a power outage or fuel interruption, thermal envelopes that are in compliance with or superior to the latest building energy codes are better able to maintain survivable temperatures for a longer period or with less demand on potential back-up power generation. This thermal resiliency attribute is recognized under the LEED pilot credits for resilient design, credit #100, for maintaining functionality in a building that loses power (<https://www.usgbc.org/sites/default/files/LEED-Resilient-Design-Pilot-Credits-Brief-FINAL.pdf>).

**Cost Impact Statement:** This proposal would increase the cost of certain alterations to the building envelope. However, the additional efficiency measures would result in improved thermal envelopes and lower building operating costs (e.g., saving an average of 5.7% in energy cost for roof replacements alone), thus recouping the original cost and pay dividends over a very long period of time. Also, these envelope improvements will have additional future economic benefits for the building owner as a result of the reduced heating and cooling loads and the opportunity to use smaller, less expensive HVAC equipment when such equipment is due to be replaced.

Proposal # 71

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EB601.4-18

## EB603.4.5--18

: 603.4.5

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Existing Building Code

**603.4.5 Fire-resistance ratings.** ~~Where approved by the code official, buildings~~ *Buildings* where an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the VCC has been added, and the *building* is now sprinklered throughout, the required fire-resistance ratings of *building* elements and materials shall be permitted to meet the requirements of the current building code.

**Reason Statement:** When we purged provisions that read "where approved by the \_\_\_\_\_ official" from the 2012 VRC to create the 2015 VEBC, we missed this one. In Virginia, because of our "Uniform Statewide" building code, everyone is allowed to utilize all exceptions and exemptions unless specifically granted such authority to the LAHJ by Chapter 1 of the VCC/VEBC or by state amendment.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** Administrative and editorial change.

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 36

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EB603.4.5--18

## EB904.10.1-18

: 904.10.1

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

### 2015 Virginia Existing Building Code

**904.10.1 Height.** Existing guards ~~shall comply with the requirements of Section 501.2 heights shall be deemed acceptable.~~

**Reason Statement:** In historic structures, unless the guard(s) itself is being altered, the existing guard(s) should be deemed acceptable. This approach is consistent with allowing other existing elements to remain as is and still be deemed acceptable: 904.3, 904.5, 904.9, and 904.10.2. As currently written, it may be interpreted that one can leave the guards "as is" as long as it involves a *repair*. How would this be interpreted if *alterations* were involved? Since there was no reference to 602.2, we must have meant to remove the existing guards and provide new guards that fully comply with the VCC. I do not believe this is the intent - especially given all of the other components that are allowed to remain - including means of egress, stairway railings, and guard openings.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will decrease the cost of construction

**Cost Impact Statement:** As currently written, it may be interpreted that one must replace the existing guards unless they are undergoing a repair. This proposal just classifies them as acceptable. Therefore, this proposal would save costs that otherwise would be required if the guards had to be replaced.

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 37

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EB904.10.1-18

# **EB1401.6.1--18**

**: 1401.6.1**

**Proponent:** Kenney Payne, representing AIA Virginia (kpayne@moseleyarchitects.com)

## **2015 Virginia Existing Building Code**

**1401.6.1 Building height and number of stories.** The value for *building* height and number of stories shall be the lesser value determined by the formula in Section 1401.6.1.1. Section 504 of the *International Building Code* VCC shall be used to determine the allowable height and number of stories of the *building*. Subtract the actual *building* height from the allowable height and divide by 12 $\frac{1}{2}$  feet (3810 mm). Enter the height value and its sign (positive or negative) in Table 1401.7 under Safety Parameter 1401.6.1, Building Height, for fire safety, means of egress, and general safety. The maximum score for a *building* shall be 10.

**Reason Statement:** When we do a state amendment, we consistently try to change references to the "iCodes" to the "Virginia" codes; otherwise, it may be interpreted that we meant to send them to the IBC and not the VCC (that might include state amendments). This proposal simply tries to maintain that consistency.

**Resiliency Impact Statement:** Will not increase or decrease resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** An editorial change.

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## **Workgroup Recommendation**

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 38

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EB1401.6.1--18

## PM302.5-18

: 302.5, 309.1

**Proponent:** Gregory Revels, representing Henrico County Building Inspections (Greg.Revels@henrico.us)

### 2015 Virginia Maintenance Code

**302.5 Rodent harborage.** All structures and adjacent premises shall be kept free from rodent harborage and infestation where such harborage or infestation adversely affects the structures. Structures in which rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

#### **309.1 Infestation.**

~~This section shall apply to the extent that insect and rodent infestation adversely affects a structure. All~~ All structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**Reason Statement:** The proposed changes are recommended to bring the Virginia Maintenance Code in agreement with the Code of Virginia, Federal Housing standards and Virginia Department of Health regulations. Section 36-99(A) of the Code of Virginia specifically requires that the Virginia Uniform Statewide Building include provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation. Federal housing standards administered by the Department of Housing and Urban Development prohibit insect and rodent infestations in low- and moderate-income housing that is federally subsidized. The Virginia Department of Health further prohibits infestations in hotel and motel properties as a condition of issuing annual lodging permits. The proposed language extends protection from infestations to non-subsidized and short term rental properties on all other rental and long term housing occupancies. The last 2 sentences added at 302.5 are proposed to be consistent with 309.1.

This proposal will neither increase nor decrease Resiliency

**Resiliency Impact Statement:** This proposal does not increase the potential for natural disasters or climate change.

**Cost Impact Statement:** The proposal will neither increase nor decrease construction costs. Provisions already exist in the Virginia Construction Code and the Virginia Residential Code

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### Workgroup Recommendation

**Workgroup 2 Workgroup Recommendation:** None

**Workgroup 2 Reason:**

Proposal # 79

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PM302.5-18

# PM304.1-18

: 304.1

**Proponent:** Teresa Gerber, Chesterfield County (gerbert@chesterfield.gov); Ronald Clements Jr (clementsro@chesterfield.gov)

## 2015 Virginia Maintenance Code

Revise as follows:

**304.1 General.** The exterior of a structure shall be *maintained* in good repair, ~~structurally sound, and sanitary so as not to pose a threat to the health, safety, or welfare, and structurally sound.~~

**Reason Statement:** This proposal deletes "health, safety, or welfare" as this is addressed in Section 102.1. It also deletes "sanitary" based on the commentaries of the IPMC, which use sanitary as a reference to rubbish and garbage on the exterior of a structure.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** This will not increase or decrease the cost of construction.

Proposal # 103

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PM304.1-18

# PM603.7-18

: 603.7 (New)

**Proponent:** Teresa Gerber, Chesterfield County (gerbert@chesterfield.gov); Ronald Clements Jr (clementsro@chesterfield.gov)

## 2015 Virginia Maintenance Code

**Add new text as follows:**

**603.7 Fuel Tanks and Systems** Fuel gas or combustible or flammable liquid containers, tanks, and piping systems shall be maintained in compliance with the code under which they were installed, kept in safe working condition, and capable of performing the intended function; or, removed or abandoned in accordance with the Virginia Statewide Fire Prevention Code.

**Reason Statement:** This adds the ability to address fuel oil and propane tanks, including the delivery system from the tank to the equipment or appliance.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** This does not affect the cost of construction, only the ability to enforce the maintenance of the entire system.

Proposal # 99

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PM603.7-18

## FP1031.2.1-18

: 1031.2.1

**Proponent:** Richard Witt, representing Chesterfield County (wittr@chesterfield.gov)

### 2015 Virginia Statewide Prevention Fire Code

Revise as follows:

**1031.2.1 Security devices and egress locks.** ~~Security devices affecting means of egress shall be subject to approval of the fire code official.~~ Security devices and locking arrangements in the *means of egress* that restrict, control, or delay egress shall be ~~installed and maintained~~ as required by this chapter.

**Reason Statement:** Security devices that affect the means of egress require a building permit per VUSBC Section 108.1 and approval by the Building Official, not the Fire Official. The Fire Official is required to notify the Building Official if such devices are discovered upon inspection.

**Resiliency Impact Statement:** no impact

**Cost Impact Statement:** no cost impact

Proposal # 102

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FP1031.2.1-18

# IB20-18

: 13VAC5-91-20, 13VAC5-91-150

**Proponent:** DHCD Staff (sbcu@dhcd.virginia.gov)

## 2015 Virginia Building and Fire Code Related Regulations

Revise as follows:

**13VAC5-91-20 Application and compliance.**

**A.** In accordance with 36-81 of the Code of Virginia, registered industrialized buildings shall be acceptable in all localities as meeting the requirements of the Industrialized Building Safety Law [Chapter 4 ( 36-70 et seq.) of Title 36 of the Code of Virginia], which shall supersede the building codes and regulations of the counties, municipalities and state agencies. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site and maintenance of the unit shall remain in full force and effect. All building officials are authorized to and shall enforce the provisions of the Industrialized Building Safety Law [Chapter 4 ( 36-70 et seq.) of Title 36 of the Code of Virginia] and this chapter.

**B.** In accordance with 36-78 of the Code of Virginia, no person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building subject to any provisions of this chapter unless it conforms with the applicable provisions of this chapter.

Further, any industrialized building constructed before January 1, 1972, shall remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed. Additionally, as a requirement of this chapter, any industrialized building bearing the label of a compliance assurance agency shall remain subject to the provisions of this chapter that were effective when such building was constructed, regardless of whether the building has been relocated.

**C.** In accordance with 36-99 of the Code of Virginia and in accordance with the USBC, the installation or erection of industrialized buildings and alterations, additions, or repairs to industrialized buildings are regulated by the USBC and not this chapter. The USBC provides for administrative requirements for permits, inspections, and certificates of occupancy for such work.

**D.** The use of off-site manufactured intermodal freight containers, moving containers or storage containers as building modules or components of an industrialized building must be approved by the administrator in accordance with 13VAC5-91-150.

In reviewing the use of intermodal freight containers as structural building components, the administrator will accept evaluation reports from accredited third-party evaluation services.

**E.** Off-site manufactured intermodal freight containers, moving containers and storage containers placed on site temporarily or permanently for use as a storage container are not subject to this chapter.

**13VAC5-91-150 When modification may be granted.** The administrator shall have the power upon request in specific cases to authorize modification of this chapter so as to permit certain specified alternatives where the objectives of this law can still be fulfilled. Such request shall be in writing and shall be accompanied by the plans, specifications and other information necessary for an adequate evaluation of the modification requested. In reviewing the use of alternative methods or materials, the administrator may consider evaluation reports from accredited third-party evaluation services.

**Reason Statement:** Ensure that a path exists for approval of intermodal freight containers as building components in industrialized buildings.

This proposal will neither increase nor decrease Resiliency

**Resiliency Impact Statement:** This change is administrative in nature and does not impact resiliency.

The code change proposal will not increase or decrease the cost of construction

**Cost Impact Statement:** This change is administrative in nature and will not increase or decrease construction costs.

# IB260-18

: , (New), 13VAC5-91-260

**Proponent:** DHCD Staff (sbcu@dhcd.virginia.gov)

## 2015 Virginia Building and Fire Code Related Regulations

**Revise as follows:**

### 13VAC 5-91-10. Definitions.

**"Industrialized building"** means a combination of one or more closed panels, sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in 36-85.3 of the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act (42 USC 5401 et seq.) shall not be considered industrialized buildings for the purpose of this law.

**Add new text as follows:**

**"Closed panel construction"** means a method of construction utilizing individual wall, roof or floor components (panels) manufactured off-site for installation or assembly at the construction site, where a portion of the component cannot be inspected at the building site without disassembly or damage to the component.

**Revise as follows:**

### 13VAC5-91-260 Registration seal for industrialized buildings.

**A.** Registered industrialized buildings shall be marked with approved registration seals issued by the SBCO. The seals shall be applied to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture. The seals shall be applied by the compliance assurance agency or by the manufacturer when authorized to do so by the compliance assurance agency.

**B.** Registered industrialized buildings shall bear one registration seal on each manufactured section or module, or, as an alternative, the registration seal for each manufactured section or module may be placed in one location in the completed building.

**C.** Closed panel construction shall require one (1) registration seal for every six-hundred (600) square feet, or part thereof, of finished floor area.

**D.** Approved registration seals shall be purchased by the compliance assurance agency from the SBCO in advance of use. The fee for each registration seal shall be \$75. Fees shall be submitted by checks made payable to "Treasurer of Virginia" or shall be submitted by electronic means. Payment for the seals must be received by the SBCO before the seals can be sent to the user. The compliance assurance agency shall maintain permanent records of seals purchased, including a record of any manufacturers receiving such seals.

**D. E.** To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. The seal shall be applied in the vicinity of the electrical distribution panel or in another location that is readily accessible for inspection and shall be installed near the certification label.

**E. F.** In accordance with 36-85.1 of the Code of Virginia, any person or corporation having paid the fee for an approved registration seal that it will not use may, unless and except as otherwise specifically provided, within one year from the date of the payment of any such fee, apply to the administrator for a refund, in whole or in part, of the fee paid; provided that no payment shall be recovered unless the approved registration seal is returned unused and in good condition to the administrator. Additionally, as a requirement of this chapter, an administrative and processing fee of 25% of the amount of the refund due shall be deducted from the refund; however, such deduction shall not exceed \$250.

**Reason Statement:** To ensure that panelized construction is not excluded from the regulations and allow for reasonable application of registration seal fees.

This proposal will neither increase nor decrease Resiliency

**Resiliency Impact Statement:** This change is administrative in nature and will not impact resiliency.

The code change proposal will decrease the cost of construction

**Cost Impact Statement:** For panelized construction, this change will allow one registration seal to be purchased per 600 sf of floor area instead of one seal for each panel, resulting in a decrease in seal fees for most panelized buildings.

Proposal # 68

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IB260-18

# MH10-18

: 13VAC5-95-10

**Proponent:** DHCD Staff (sbc0@dhcd.virginia.gov)

## 2015 Virginia Building and Fire Code Related Regulations

### 13VAC5-95-10 Definitions

**A.** The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrator" means the Director of DHCD or his designee.

"Certificate of installation" means the certificate provided by a licensed DPOR installer under the Virginia Manufactured Home Safety Regulations that indicates that the manufactured home has been installed in compliance with the federal installation standards.

"DHCD" means the Virginia Department of Housing and Community Development.

"Dealer" means any person engaged in the sale, lease, or distribution of manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part of the home unfit for the ordinary use of which it was intended, but does not result in an imminent risk of death or severe personal injury to occupants of the affected home.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"Federal Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USC 5401 et seq.)

"Federal installation standards" means the federal Model Manufactured Home Installation Standards (24 CFR Part 3285).

"Federal regulations" means the federal Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282).

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured home construction or safety standard.

"Installation" means completion of work to include, but not be limited to, stabilizing, supporting, anchoring, and closingup a manufactured home and joining sections of a multi-section manufactured home, when any such work is governed by the federal installation standards.

"Installer" means the person or entity licensed through the Department of Professional and Occupation Regulation with the MHC designation, who is retained to engage in or who engages in the business of directing, supervising, controlling, or correcting the initial installation of a manufactured home.

"Label," "certification label," or "HUD label" means the certification label prescribed by the federal standards.

"Local building official" means the officer or other designated authority charged with the administration and enforcement of USBC, or duly authorized representative.

"Manufactured home" means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

"Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"Noncompliance" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

"Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

"Secretary" means the Secretary of HUD.

"Serious defect" means any failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

"Standards" or "federal standards" means the federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280) adopted by HUD, in accordance with authority in the Federal Act. The standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" or "SAA" means DHCD which is responsible for the administration and enforcement of Chapter 4.1 ( 36-85.2 et seq.) of Title 36 of the Code of Virginia throughout Virginia and of the plan authorized by 36-85.5 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code (13VAC5-63).

**B.** Terms defined within the federal regulations and federal standards shall have the same meanings in this chapter.

**Reason Statement:** This will ensure the installation is in compliance with the federal installation standards.

This proposal will neither increase nor decrease Resiliency

**Resiliency Impact Statement:** None

**Cost Impact Statement:** None

Proposal # 80

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MH10-18

# **MH60-18**

**: 13VAC5-95-60**

**Proponent:** DHCD Staff (sbc0@dhcd.virginia.gov)

## **2015 Virginia Building and Fire Code Related Regulations**

**13VAC5-95-60 Installations.** ~~Distributors, installers, or dealers~~ Installers setting up a manufactured home shall perform such installation in accordance with the manufacturer's installation instructions and shall provide a copy of the certificate of installation to the local AHI prior to issuance of the certificate of occupancy.

**Reason Statement:** This will ensure the installation is in compliance with federal installation standards.

This proposal will neither increase nor decrease Resiliency

**Resiliency Impact Statement:** None

**Cost Impact Statement:** None

Proposal # 81

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MH60-18