

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Supplemental Information for the 2015 Code Change Cycle to go with Books 1 and 2

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Workgroup 1 Meeting
Henrico Training Center, Henrico, VA
March 23, 2016

C103.3 cdpVA-15 Proponent William Andrews (Page 3)
William.andrews@richmondgov.com

William Andrews Smoke detectors in single family homes

Reason: Seek change for 2015 USBC, to wording from IBC, to require new Certificate of Occupancy from building official when occupancy use changes, instead of only requiring permit or new Certificate of Occupancy when needs greater safety feature. Changing use should have record of building official approval.

Comments:

David Beahm - It does require a greater level of safety.

Johnna Grizzard - VBCOA will have a code change for this. A change of use request will be addressed. This has not been submitted yet, however, it will address Mr. Andrews request.

Cindy Davis – Mr. Andrews, do you want to carry this over to the next work group and then if you are ok with the new code change that comes in, you can withdraw this one?

Mr. Andrews – the changes she is referring to is only within a use group and it will not be adequate.

Mr. Kenney Payne – Would you be alright to collaborate with the group and see what comes out. I know we have a workgroup meeting next Wednesday and maybe we can place this on the agenda for a code change discussion.

Mr. Andrews – Once something is submitted what is the process for adding collaborative language?

Cindy Davis – I think once you have submitted, I am not sure you can go back and collaborate at that point, the collaboration feature is built into the front in so that you can collaborate while you are creating it. But that doesn't mean that you can't collaborate off line, you just can't do it through the system. Again every single code change has an email address for the proponent and can be contacted by anyone who has a question or concern.

Vernon Hodge – If the proposal is going to be a joint proposal then even after it is submitted staff can add or just get an email saying I have been approved to be a co-proponent on this proposal so we can add that too. This way it shows that this has multiple proponents.

Mr. Farrell – If we are moving from a more restrictive to a lesser restrictive then the building code does not require you to do anything. What are we asking people to do other than spend more money.

John Walsh - We can go ahead and collaborate and add to the VBCOA code change.

Richard Bartell – I'm trying to understand this proposal and where the code allows a change of use without doing anything, I just don't think the code allows this. A house has specific requirements.

Henry Rosenbaum - We do run into this problem on the fire side when we go into a business or any facility and there has been a change. We would like to see a change of use or occupancy issued. I would like to see if any future proposals come about that you also look at the fire code 102.1.1 and try to mirror that as much as possible the same thing that you do on the building side. The text should be the same as we move forward. The example of the location that uses the building permits to trigger something and that is great, this is a statewide code and not all localities have the luxury to have those departments interact with other departments so we need to set a base document that the fire officials can use and the building officials use absence of business license or other agencies.

Vernon Hodge – Mr. Andrews has 3 separate proposals with the same language not just this one.

Cindy Davis – So it sounds like to me like you are all going to work together and we are not going to do anything with this now we will just **carry this forward until the other one comes forward and see where it goes.**

C-108.2 cdpVA-15 Proponent Chip Dicks (Page 4)

chipdicks@futurelaw.net

108.2 Exemptions from application for permit

Reason: This proposal is being submitted by Chip Dicks on behalf of Lamar Advertising Company as an added exemption for OSHA requirements on billboards.

Comments:

Cindy Davis – I understand the proponent is not here but I understand that someone will be talking on his behalf.

Mr. Clements - I have VBCOA working with him on this. Allows them to work on these without permits. Provide catwalks and ladders.

Greg Revels - just stipulating the work itself. Why do I care if OSHA issue. That is confining.

Dean – 108.1.5.3306.9 is this part of his change. This is part of a link.

Vernon Hodge – Differentiate colored underline

Cindy Davis – So I'm hearing general agreement on this with a recommendation that the limiting language of only OSHA required regulations be removed.

Shaun Pharr - absence of this, you may have to get permit. Chip may want to way in on this. Thousands of these things may be needed if this is not passed.

Cindy Davis – So we will move this forward with striking OSHA language.

C-113.3 cdpVA-15 Proponent Bill Einloth (Page 8)

Einloth_engle@hotmail.com

Reason: Skip Harper – He had sent in a bunch of pictures of the crawl space and the condition of the crawl space with a manufactured home on it. It has basically got a ton of water underneath of it. This individual felt that the crawlspace hadn't been inspected so he wanted to create a code requirement requiring that crawlspaces be inspected. Being that this is a manufactured home, I contacted them this morning and they have sent in a complaint for the manufactured home and the problems are deeper than a code change requirement.

Comments: Cindy Davis – For the purposes of this group here today the individual wanted a minimum inspection listed as a requirement for every single home in Virginia because he wanted to protect any other consumer from having this same problem. This is how I understand it.

Skip Harper – That is correct.

Sean Farrell - VBCOA adhoc doesn't believe this is necessary issue, we believe the crawlspace is enough and don't feel like adding another issue.

Cindy Davis – So I'm hearing No support for this one.

CB-901.3 cdpVA-15 Proponent William Andrews (Page 14)
William.andrews@richmondgov.com

Reason: Mr. Andrews is adding the sentence The building official shall notify the local fire official when approving, installing, disabling or removing a fire protection system.

Comments: Richard Bartell - to begin with, the building official is not going to be approving the installing or disabling, he may approve the installation of but he is not going to be approving the installing or disabling any system. It is a poorly written sentence and I don't think it accomplishes what the submitter hopes.

Robby Dawson – Bill I sent you an email last night to maybe get access so I could maybe lend some support for maybe some modification. I think it does have a great deal of merit. My first consideration was to add 901.3.1 particularly when it is talking about removing because I think the building official does have the ability to remove the permit process the removal of a non-required under the building code fire protection system. That removal should require the approval by a fire code official because if the fire code modification permitted in the modification in lieu of the fire apparatus act. The fire official should be the one to approve the removal of that system. We have this happen all the time in townhouses they can't meet the access provision that is a fire code requirement. What we would like is to your request to modify for fire code aerial ladder apparatus access. If you put an alarm system, an offsite alarm system, consistent with section that is consistent with the USBC.

Richard Bartell – I think what this code change is saying and I think we are saying the same, we both need to know what each side is saying. This would be a coordinated effort between the fire code official and the building code official by notifying where you have placed a required system.

Robby Dawson – You want the building official to authorize the fire code modification?

Shaun Pharr – As I read this proposal, it is not attempting on its face to shift authority, it is original language, you cannot modify or remove without a building official. I think there is merit of notice to the fire code official. I am just concerned about the delay and would put a suggestion out there specifying in that sentence, if it could stay to specify something about timing. At the time the permit application is submitted or within 10 days or something similar. So notification doesn't come at the tail end by the building code official to its fire code counterpart. Notice should be given as soon as possible.

Robby Dawson will help Mr. Andrews with suggestions.

Glenn Dean – I find the disabling part problematic.

Michael Redifer – Because this happens in Newport News as well. The development plan will be signed off on the fire code officials based on the proffer protection to the building. What I suggest is that the fire official when making modifications to fire code requirements on the site, not even look at modifications to the building as meeting their standard for that modification. In other words stick to the site, modify the site rather than accepting a change to the building, which is a building code modification.

Robby Dawson – What can I do in that building on site that will alleviate my operation in not having a fire lane access to that building?

Michael Redifer - We have to say no sometime and there is an appeal process when you do say no.

Mike Armstrong - We cannot deny a church, we can't tell them no because they have no water. That is just not being realistic. We have to think about the statewide issue versus a municipality.

Sean Farrell - doesn't 103.8 and 103.8.1 become applicable?

Cindy Davis – So really what you are talking about is the communication issue. This part is happening without anyone being told it is happening?

George Hollingsworth – this in its simplicity is saying that make sure that everyone knows and is aware and that the building owner doesn't get caught in the middle. So if the system is removed and the fire code official was in the building last year and then they call the fire code official and say the system was removed we would hate for the citizen to go through a lot of things we don't want them to have to go through.

Ron Clements – I think the simple solution is to strike non required. Don't call it required. If the fire code official says, I want a sprinkler system in that building because of fire code, that is not a building code modification and I cannot enforce it. What happens is they pull the system out of the building, I have no way to stop them and I let my fire code official know and the fire code official will have to site them under the fire code ordinance they are violating. This is not technically a building code required system so I wouldn't call it a required.

Rick Witt – to me this is a communication issue, it is an administrative provision. Go to Administrative Chapter 1 says all administrative matters are put into Chapter 1. This does not just talking about non-required systems this talks about any system. You can't regulate communication and we need to think about this. Maybe it is just simple as when a system is installed, you notify the fire code official. You need to be careful how you write this.

Kenney Payne – 901.3 is modification during construction, right? If for an existing building a whole new rehab code that addresses issues where you are going in a year later and discover something as part as the work being done. That code addresses issues like that, so if this is intended to apply to existing building codes I think there is going to be a disconnect here because they are going to say things like in an existing code you are not allowed to decrease existing conditions. You may have a sprinkler system that is not required but the rehab code is not going to allow you to remove it, at all or disable it.

Cindy Davis – So it looks like we have a lot of coordinating efforts here. We will hold this over and it will come back after folks have worked on this and they give us feedback.

CB-905.2 cdpVa-15 Proponent William Andrews (Page 15)
William.andrews@richmondgov.com

Reason: Pressure reducing valve settings shall be as approved by the local fire official.

Comments: Mr. Andrews – NFPA 14 requires pressure reducing valves where discharge pressure over 175 psi (typically on lower levels in high rise building). We would like 150 psi instead of 175 psi.

Cindy Davis – Couldn't this be dealt with as a modification?

Mr. Andrews – then you would have to deal with each individual building and fire official

Glenn Dean – I would submit that this be more appropriate as a local ordinance rather than in the SFPC. It is not going to affect a building now under construction or materials used. As it is worded, particularly with the SFMO being the local fire official for the majority of the land areas, it is a challenge. Things are going to differ across the local areas.

William Andrews – It is a problem

Glenn Dean - As the AHJ for state enforced areas, I don't know this has been a problem.

Shaun Pharr – the authority issue is looming again. Standpipes are part of the fire protection system and the authority of them is the building code and the building official so that last sentence as approved by raises the implication. This is a practical matter that could be addressed by Mr. Andrews' earlier change as it is getting tweaked. At least this provides dialogue between the building official and the fire code official.

Richard Bartell – Why do we want to differ from the national standards?

Rodgers – William and Glenn really hit the bullet on this one. In Arlington where we have lots of probably over 200 high rise buildings. This is in the wrong section.

Cindy Davis – In summarizing this, I am not hearing any support for this being done as part of the code on a statewide basis in a mandatory fashion,

CR-R302.1 cdpVA-15 Proponent Ronald Clements representing Chesterfield County (Page 16)

clementsro@chesterfield.gov

Reason: Adding an exception for exterior walls.

Comments: Ron Clements – VBCOA hasn't signed off on this.

Greg Revels – in agreement.

Rick Witt – in agreement

Richard Bartell – in agreement

F102.1.1.-15 Proponent William Andrews (Page 17)

William.andrews@richmondgov.com

Reason: For 2015 code, change to wording from IBC, so use per Certificate of Occupancy issued by building official. Current code limits fire official from citing violation when use changes unless only within same use group (this section) or declare building unsafe due to changed use (Section 110.4). Change enables fire official to require customer get appropriate Certificate of Occupancy from building official when use changes.

Comments: Cindy Davis – Can we lump them in with the others?

William Andrews: Yes

Johnna Grizzard - we didn't include but we will look into it.

David Beahm – We would also need to look at the allowance of a final inspection survey and certificate.

F-403.5 cdpVA-15 Proponent William Andrews (Page 18)

William.andrews@richmondgov.com

Reason: Group E occupancies, The fire official may regulate where more than five occupants under the age of 2 ½ years old may occupy in parts of building not protected by an approved automatic sprinkler system.

Comments: William Andrews – A couple of years ago, our office became aware that there are infants in some of our high schools. High school students were bringing their infants to class. Older school buildings with infants in them now. Where can these infants be located?

Greg Revels – I understand the intent of what you are trying to do, however, I think the language extends further than I think the fire code official would like it to extend.

Robbie Dawson – If you have 10 or 15 18 mo. Old children doesn't that change the use. I-4 is under 2 ½ years old. They are not doing this as a day care.

Johnna Grizzard - it would be different if it was a day care. In a high school it is a one to one ratio. There is no hazard there.

Emory Rodgers – 106.3.1 inspections.

Ed Rose – Is this during school hours?

Cindy Davis – generally speaking, I hear no support for this issue.

F-505.3 cdpVA-15 Proponent William Andrews (Page 19)

William.andrews@richmondgov.com

Reason: Using different addresses confuses records and in an emergency can have serious consequences. Only an officially approved address shall be used to identify that site. Exception: Mailing address may be to a post office box, and to another approved address.

Comments: Glenn Dean – Not a code locality problem. Needs to be addressed somewhere else.

Kenney Payne – Now let me see if I’m correct, this will move forward, with no support? Will we see this checked box.

Cindy Davis – Yes, all proposals go to the board for a final decision whether they have full support, partial support or no support.

F-703.4 cdpVa-15 Proponent Justin Biller (Page 20)

jbbiller@carilionclinic.org

Comments: Mr. Biller not present

Vernon Hodge - he still wants this in even though already in code

Robby Dawson - I agree with NFPA 80 testing which it is in already.

Kenney Payne - FireCode workgroup there have been discussions about when you reference things like this says inspections under which the building was constructed.

Glenn Dean - under old and new, I don’t agree.

Cindy Davis – Discussion is that NFPA 80 should remain, the visual has already been the standard, there has been comments that this may change relating to the Fire code edit. So we will move this forward and see what happens.

Robby Dawson – If it goes forward in accordance with NFPA 80, that will be fine. I will reach out to Justin Biller.

David Beahm - it is already part of the inspection
Adding additional language, ok with NFPA 80

Rick Witt - don't want to set up in language since it was changed in 2004. There is a cost factor to have inspection. You need to be careful on a re-write.

Henry Rosenbaum - maintenance does reference NFPA 80, redundant language.

Michael Redifer - testing for emergency egress lighting added to IFC.

Kenney Payne – I think if we delete the vertical sliding and rolling doors.

Cindy Davis - No agreement, we will revisit again.

F-901.6.1 cdpVA-15 Proponent William Andrews (Page 21)

William.andrews@richmondgov.com

Reason: Standards, Standpipe pressure reducing valves with adjustable setting shall be at pressure approved by fire official, as part of five year flow test.

Comments: Cindy Davis – Rather than opening this again, can we put this to the same general agreement that it will be addressed on a local basis.

F-1030 cdpVA-15 Proponent William Andrews (Page 22)

William.andrews@richmondgov.com

Reason: The Virginia fire code cannot require more than the building code, thus wordage which requires physical features in addition to such is void within Virginia's Fire Prevention Code. Beyond use group R-2 and R-3, fire officials need authority to require good maintenance of windows originally installed able to open, and designate existing windows as an emergency escape, or access fresh air where escape unsafe.

Comments: William Andrews cited Section 1031.7 addressing windows as emergency escape and rescue. An exterior window is to be maintained as an emergency escape and rescue window.

Kenney Payne - How do we regulate and enforce this?

William Andrews - We have guidelines for window size

Richard Bartell - How can we support this since this is already in code? Why can't you use the language already in the code?

William Andrews – The fire official has no documentation as to what is the escape window.

Richard Bartell – We don't ask them to designate the escape window on the plans only that any window that meets the specifications can be deemed an escape window.

Sean Farrell – To me this has retrofit written all over this. I don't believe VBCOA can support this.

Cindy Davis – So I'm not hearing support for this one? No support

M101.1 cdpVA-15 Proponent VMC Rewrite Committee (Page 24) 2012 Virginia Maintenance Code

Reason: As requested by the Board of Housing and Community Development, DHCD staff undertook a review of the Virginia Maintenance Code (VMC) to remove unenforceable construction provisions printed within the code. Current codes work from having to rely upon administrative provisions in Chapter 1 to supersede provisions in the International Codes, which are incorporated into the state regulations, but different than, or outside of the scope of, or in conflict with provisions of Chapter 1. DHCD established a committee of stakeholders involved in and affected by the VMC to collaborate on and review the draft rewrites. This VMC rewrite represents consensus among those involved. The changes are essentially editorial as they are just removing the unenforceable provisions from the International Property Maintenance Code (IPMC) and rewording administrative provisions in the IPMC to be consistent with the Chapter 1 language. It was noted that if client groups wanted to make substantive changes to the VMC, those would be submitted separately through Virginia's code change process.

Comments: Cindy Davis – In your packet you will see the 2012 Virginia Maintenance Code that the VMC Rewrite Committee has worked on in several sessions. Last year we ended up with the current document which we attempted to go through the VMC and remove unenforceable provisions This attempt was to made to remove the language to help anyone who pulled this up on-line, building owner or tenant and anyone who has questions about what is and is not enforceable under the maintenance code locally. If the locality chooses to enforce the maintenance code this is the limit to what can be enforced. Johnna Grizzard, is one of the members of the VMC Rewrite Committee. I understand that there are a number of code changes being prepared to put some things back in in a different manner, not requiring retrofits but making it clear how it has to be maintained. This exercise was simply taking out what cannot be enforced in its current form.

Robby Dawson – Put things back in? Put things back into what? Things have not been removed it is just a proposal to remove things.

Cindy Davis – This is up to the Virginia Maintenance Committee.

John Walsh - We may have to put things back in if things have been taken out. If BHCD says no, this is not what we intended we will go back next cycle and start over. Have to anticipate that this will get accepted. This is kind of a dual process. This will need to be voted on before adding the code changes.

Cindy Davis – The process used to do this was done over a long period of time with a lot of folks at the table that enforce it and have to live with it. At the end, there was no disagreement but yes, some of these things we don't like but we understand the way the law is written that this cannot be retro actively enforced against existing buildings in Virginia. With this understanding, the sections were removed. If this goes to the board as proposed regulations, then the code changes that would address any issues related to these sections you see in front of you would be put forth as separate code changes.

Robby Dawson – This is the VMC package that is in the pdf format.

Cindy Davis – If there is general support for this then staff will incorporate into a document for the proposed regulation to the board. At any time, revisions or changes can be made. The purpose of getting this ready was to ensure that everyone had a chance to talk about it ahead of time, knew what was being done, why it was being done, understood the process. Now it comes before the whole workgroup for vetting.

Vernon Hodge - If we receive enough change requests, we may have to get the original group back together and have them look at what other people want to do, because, the original group may have to come together again.

David Beahm – We are open to collaboration at this time.

Richard Bartlett – Suppose the committee doesn't support, will we still have an opportunity to send to the board?

Vernon Hodge – Suppose this is editorial, because the International Property Maintenance Code has stuff in it that you cannot use because of Chapter 1. All we are doing is to go into the book and taking it out so there is no misconception about whether you can use it or not. Some wanted to make substantive changes to the language of the IMC, we didn't want to do that because this rewrite is just editorial. Substantives changes should be done on a separate form and we will give to the board with this rewrite.

Shaun Pharr - Editorial revisions, number of changes that was deleted. Sections that are tenant responsibility that was deleted. Lots of details that were deleted because they were redundant, tenants and owners aren't going to be able to find in other areas. I have some concerns.

Cindy Davis – We came up with generic language to be used throughout so that we don't lose sections where you still need to look at things even when it appears to be stricken there has been general agreement acknowledging that this will be replaced with generic language "in accordance with the code in which it was originally constructed."

Sean Farrell – I would make a recommendation in order to facilitate to put this at the end of the agenda. Then folks interested could stay and we proceed by line and state what we did.

Emory Rodgers - Shaun and others who might have amendments to place things back in between now and your next Workgroup 1 Meeting on July 7. There are some wordsmithing that needs to be made.

Robby Dawson - Section 101. What needs to be tweaked or modified. Not a 26 page impact as this looks like an elephant, I have a problem with working on this when other things may be added,

Kenney Payne – in Fire Code Workgroup pulled deleted items go in appendix.

M103.3 cdpVA-15 Proponent William Andrews (Page 54)

William.andrews@richmondgov.com

Reason: Short of declaring building or part unsafe due to changed use, maintenance code official needs ability to cite change use to require customer to get Certificate of Occupancy for change of use. Maintenance code intended to see structure maintained as was approved by building official, thus change in use needs record of building official's approval (Certificate of Occupancy).

Comments:

M104.5.3 cdpVa-15 Proponent Sean Farrell, VBCOA (Page 55)

sfarrell@pwcgov.org

Reason: Where no permission has been granted to inspect a building or structure, or to access the premises, the inspection may only involve what is in plain view.

Comments: Sean Farrell - Stay away from illegal searches. Help clarify language.

Richard Bartell – I understand why this is put here, I don't think it adds anything to the code. I think we are all bound by the laws of the commonwealth when it comes to trespass on an individual property

Robby Dawson – I agree.

Rick Witt – I agree with my colleagues from Hanover and Charlottesville.

Support for Disagreement

M-202 cdpVA-15 Proponent John Walsh (Page 56)

John.walsh@richmondgov.com

Reason: Due to a recent ruling by the TRB that exempted owner occupied structures from the provisions of the unfit definition related to a heating source, it is necessary to clarify the language and also to clarify the intent of the Board of Housing. All structures shall have an approved primary heat source capable of maintaining a level of comfort heat sufficient to maintain the plumbing and sanitation systems free from damage or freezing. Additionally, every owner and operator of a Group R-2 apartment building or other residential dwelling who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants, thereof shall supply heat during the period from October 15 to may 1 to maintain a temperature of not less than 65 degrees F (18 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

Comments: John Walsh - Manufactured Homes parks were owned by owner and homes were owned individually. Heating systems were taken out or never fixed them. We required some kind of heating. 602.2 relates to leasing. There is a vagueness in the code that we need to clarify.

Richard Bartell – Owner occupied dwelling does not have to have heat.

Shawn Pharr - I was on winning side. Board was persuaded by language in 1990. This was deleted in R-2 if you are taking money for rent. If you are owner, we are not going to reach the long arm of the law to your dwelling, however, if you take money you have to provide.

John Walsh - Any structure that was not owner occupied was exempted. Apples and oranges. Don't use VMC, we muddied the water in Richmond.

Shawn Pharr - the practical impact of that application would be surrendered totally meaningless what the legislative board did in regard who has to provide heating,

Robby Dawson - we were leaning on unfit structure. This needs to be fixed.

Greg Revels - tweaking of this?

Johnna Grizzard – This is why we have VMC to protect individuals.

Glenn Dean - modification can be done.

John Walsh - I can modify.

Sean Farrell – Rarely do you see an owner complain on themselves.

Emory Rodgers - Rewrite this language.

Work on this and bring back.

**R102.2 cdpVA-15 Proponent Ron Clements Virginia Rehabilitation Code
(Page 58)**

clementsro@chesterfield.gov

Reason: Change of occupancy from R-5 to a commercial use is not specifically addressed in the VRC. Conversion of group R-5 single family dwellings to various commercial uses is a common change of occupancy.

Comments: VBCOA Rehab Code is working on this and it will address the issue.

Kenney Payne - I will support the revisions and changes to the table.

OTHER DISCUSSION ISSUES:

--Eric Mays (Prince William) has a FedEx project that the conveyor system is being made and installed on-site. Is a conveyor system installed in a warehouse considered a “processing machine” ? Clarification

Sean Farrell VBCOA language to include conveyor process equipment.

General Agreement that this is exempt.

--Asbestos nothing proposed, just discussions

Sean VBCOA ad-hoc committee discussed statutory language and nothing we can change in code.

--Historic building definition.

Sean Farrell – VBCOA Administrative Ad-hoc Committee, conclusion was that the statutory language was identified and it is what it is. We need to have one definition for all three codes.

John Walsh no state definition only a statute.

Ron Clements - so many definitions so tried to have one definition in one place.

--Any Exemptions for appliances and equipment

--Tiny Houses

Thom Stanton representing the American Tiny Houses Association

Gave an overview on tiny houses. Multigenerational thing. What is the typical tiny house, wheels, etc. Manufactured home, stand alone residence or a recreational vehicle.

Richard Bartell – built a tiny house and had no problem complying with building codes. We can't deal with them when they are on a chassis.

Kenney Payne draft a code change for tiny houses.

--Any other issues for discussion

--Sean Farrell - Permit technicians in whether or not whether they are technical assistants to the building official. Permit Technicians Committee putting together a proposal to address this interpretation issue.

Vernon Hodge – I think it is a training and certification office issue. It was implemented as a volunteer certification.

Emory Rodgers - They are the first line before the building official. I believe it depends on if the building official has designated duties for the permit technician.

Michael Redifer – The building official can't have the permit technician issue a permit unless they are a technical assistant.

Vernon Hodge – The board of housing says they have a volunteer certification.

Johnna Grizzard – I believe we all agree, according to the definition, yes they are technical assistants.

Rick Witt - They are technical assistant's, volunteer certification.

George Hollingsworth – maybe we should look at the requirements.

Richard Bartell - We don't do business the same, who is the technical assistant? I believe it should be the building official who makes the call, BHCD doesn't staff

my office. Flexibility for each locality. Optional certification, I should decide to take it. Don't mandate because some localities don't have funds for training.

Greg Revels – Don't impose this on all jurisdictions.

105.2 and 105.2.2 Certification of technical assistant have BCAAC and VBCOA Ad-hoc look into this for further action,.

Kenney Payne - Agenda items in one or more workgroups. Both outcomes are taken to the board.

--Virginia Maintenance Code

Glenn Dean - It has been entered into cdpVA in a pdf format.

Richard Bartell - change to maintenance code for the pdf version.

John Walsh – We prepared the base document and we may make code changes and add some language back in.

Robby Dawson - I have a problem with this. It is duly noted.

Shaun Pharr - Some of this is clear, however, some characteristics of unsafe condition I don't understand.

Sean Farrell - vet your code change through VBCOA.

Chapter 1 Administration

Replaced 2012 with 2015 and took out retrofit language

Chapter 2 Definitions deleted definitions that weren't used anymore

Chapter 3 General Requirements

Chapter 4 Light, Ventilation and Occupancy Limitations

Chapter 5 Plumbing Facilities and Fixture Requirements

Chapter 6 Mechanical and Electrical Requirements

Bryan Holland with NEMA suggested changing to 1,000 volts in 604.3.1.1

Chapter 7 Fire Safety Requirements

Reference to SFPC.

Can place this in a code change.

Adjourned 2:55 p.m.

**Workgroup 2 Meeting
Virginia Housing Center
April 6, 2016**

Cindy Davis - Welcome and introductions of staff and everyone went around the room introducing themselves.

Cindy performed an overview of cdpVA.

CB-202 cdpVA-15 Proponent Ron Clements

clementsro@chesterfield.gov

Ambulatory Health Care Facility

Reason: Buildings or portions thereof used to provide medical care on less than a 24-hour basis that are not licensed by the VA Department of health as outpatient surgical hospitals. *Ambulatory Health Care Facility, Buildings or portions thereof that are licensed by the Virginia Department of Health as outpatient surgical hospitals.*

Comments:

Glenn Dean – At what point does a licensure come in? at what number?

Ron Clements – good questions, don't know. I was just trying to clean up the pieces on an oversight from last code change. Just Clarification.

Mr. Rhodes – Any discussions with the dental association. Only clarification.

Emory Rodgers – Ron's change is consistent with the boards action that they did not want doctors and dentist offices included in this category. They want it to remain as a B Occupancy and this is all that is happening here. If someone wants to go back, they would have to submit a code change to include doctors and dentists offices.

Dr. Bill Dodson - would like more information and clarification.

Vernon Hodge – just an editorial change.

No opposition

CB-304.1.1 cdpVA-15 Proponent William King representing DBHDS Ad-Hoc Group

William.king@alexandriava.gov

Reason: Day support and day treatment facilities licensed by VA Department of Behavioral health & Development Services shall be classified as Group B occupancy when the following conditions are satisfied. 1. Participants who may require physical assistance from staff to respond to an emergency situation shall be located on the level of exit discharge. Any change in elevation within the exit access on the level of exit discharge shall be made by means of a ramp or sloped walkway.

Comments:

Bill King – DBHDS workgroup got together facilities to help those with disabilities. Specific that need assistance need to be on the level of exit discharge. Get rid of steps. Small facilities licensed by state. during the day, not overnight.

Glenn Dean – format or appropriateness technical within a group description.

Johnna Grizzard – I think this mirrors how R-3 and R-4 are set-up right now. It has similar language. AIA is working on a tweak.

Bill King – language clarification, same concept.

Mary Hefferd Kegley – anything to do with better med or urgent express?

Bill King - No, just to help those learn daily life skills

Emory Rodgers – These are for those present 290 businesses that are usually in strip malls, the people usually live in group homes and go to these businesses to learn daily life skills.

Bill King- This will be coming back.

Vernon – Are these providing custodial care? Should not be in B if providing custodial care. They should be on first floor buildings.

Johnna – Concerned about I-4 they should not be in a two story.

Emory Rodgers – These need to be accessible to get CMS payment and reimbursements. Start with relationship with operators and state agencies to make them clearer to the building officials. This will apply to all new facilities.

Michael Redifer – Adhoc committee with agency realize a degree with custodial care, more incidental. It was more incidental, we just wanted clarification.

Walter Lucas – Would this pertain to Goodwill? We classified a Goodwill store in Danville as an M.

Bill King – I don't think so. Basically a Group B facility. We will tweak and we will carry forward.

Linda Hale – This seems like this regards custodial care. It is a B use as long as the occupants don't require custodial care.

Mr. Snidow – Custodial care a different license?

Vernon Hodge - No If you go out and look at the facility.

Status: Pending

CB-307.1 cdpVA-15 Proponent Dr. William Dodson representing the craft distillery industry and Ron Clements representing Chesterfield County.
Wyzj001@gmail.com and ClementsRo@chesterfield.gov

Reason:

2015 IBC (F) 307.1 High-hazard Group H

Comments: Dr. William Dodson – lets have uniformity. The storage of distilled spirits and wines in wooden barrels and casks. Distillation, blending, bottling, and other hazardous materials storage or processing, shall be in separate control areas complying with Section 414.2. Craft distillery operations in the State of Virginia are still hindered even after passage of the recent VA Bill allowing distilleries on farms. The “allowance” on farmland does not also grant distilleries “ag by right” status and therefore the distilleries are still held to “high Hazard” building and fire codes.

Michael Redifer – from 5 gallons to limiting outcry from winery folks in CA. Need limits of 55 maximum. Anyone have problems with unlimited?

Robby Dawson – I do.

Dr. Dodson – bottles are exempt, no limit on bottles.

Robby Dawson – I say set this aside now.

Emory Rodgers – This was tabled and the board would take a look at it. This breaks the wine and distilled spirits into separate issues. Legislation coming out in the 2018 codes.

Dr. Dodson – A big push to get this business in the State of VA and whichever process expedites this would be beneficial to our business tax base since we are extremely behind the rest of the US.

Robby Dawson –if a building code modification, this could happen faster.

Jeff Morrow – Most of this language is already in the fire code, I have already given the blessing to do a modification on a building in Fauquier County.

Cindy Davis - If ICC makes it less restrictive, we will go back and look at this?

Michael Redifer – Why is this in the fire code? That is why I have examined this and decided not to issue a modification.

Rick Witt –Committee votes and recommendations in July. It won't be voted on until October.

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Emory – I agree with Rick, this is just in the interim. As the Building Official such as in Sperryville they should be looking at building codes and fire codes.

Sean Farrell – If we move forward for a consensus approach at the workgroup meetings, it will allow applicants to point to this may be changed in this code cycle. You can certainly consider a code modification in the interim.

Dr. Dodson – There already is a quantity limit depending on the size of the building, anything over 12,000 sq. ft. so anything over that already requires a sprinkler system because there is a limitation in the code. All this is, to facilitate the craft distillers who are having problems getting started

Anyone opposed? – none opposed
This will move forward as consensus for support

CB-901.3 cdpVA-15 Proponent William Andrews

William.andrews@richmondgov.com

901.3 Modification – Persons shall not remove or modify any fire protection system installed or maintained under the provisions of this code or the IFC without approval by the building official. The building official shall notify the local fire official when approving installing, disabling, or removing a fire protection system.

Reason: Local fire officials need to learn when a building official approves installing, disabling or removing fire alarms, sprinkler system and other fire protection systems including for renovation or demolition. The building official is the best source for properly authorizing substantial changes to fire protection systems, thus to notify local fire official.

Comments: Workgroup 1 - Agreement that this will be tweaked and work on again.

Sean Farrell – William will work with VBCOA Rehab Committee with language.

Anyone work with Mr., Andrews on the VBCOA language?

Johnna Grizzard will work with Mr. Andrews.

CB-905.2(1) cdpVA-15 Proponent William Andrew

William.andrews@richmondgov.com

F 905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Pressure reducing valve settings shall be as approved by the local fire official.

Reason: NFPA 14 requires pressure reducing valves where discharge pressure over 175 psi (typically on lower levels in high rise building). Fire hose is harder to handle with high pressure, and standpipe discharges using pressure reducing valves often in narrow and turning spaces of stairwells. Fire official should have say in standpipe discharge pressure which firefighters use.

Comments: No support from workgroup. Moving forward as consensus to disapprove.

CB-905.2 (2) cdpVA-15 Proponent Timothy Anderson
tma@chesasprink.com

F 905.2 Installation standard

Timothy Anderson - Standpipe systems shall be installed in accordance with this section and NFPA 14.

Reason: In 1996 the VCC adopted the amendment to allow the automatic supply of standpipe systems to be omitted from buildings under 150' which are equipped throughout with an automatic sprinkler system. This proposed amendment would allow the automatic supply for standpipe systems to be omitted in any building below 150' and equipped throughout with an automatic sprinkler system. The 150' limitation is the height where any local pumper truck should be capable of supplying the standpipe demand.

Comments:

Robby Dawson – This is a stretch that a standpipe should be able to reach 150'. We don't need this greater capacity.

Vernon – I have had discussions with Tim regarding this language and it will not work for this.

Consensus for disapproval.

F-403.5 cdpVA-15 Proponent William Andrew
William.andrews@rihmondgov.com

Reason:

403.5 Group E occupancies. Code considers children under the age of 2 ½ years old to need assistance to escape. Some schools are having children under the age of 2 ½ years old, who are children of the school's students or staff, in that school with their parent.

The fire official needs authority to regulate so these very young children who need assistance to escape are located where fast escape is easily arranged.

Comments:

This is already addressed under change of occupancy.
Discussed in Workgroup 1, consensus for disapproval, no support.

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William Andrews – this will allow the fire official to authorize where the children under 2 ½ years old can be located in the school.

Mr. Rhodes – Parents are not in with their children, children are somewhere in the building like church.

William Andrews – nothing in building code that says where infants can be located.

Sean Farrell – spaces have to be on exterior wall on lowest floor.

Harold Stills – It is in building code, the fire officials are likely to catch it.

Emory Rodgers - 102.6 or 106.5 ship it over to building officials.

No support, move forward as consensus for disapproval.

F-505.3 cdpVA-15 Proponent William Andrews

William.andrews@richmondgov.com

505.3 Address usage, only an officially approved address shall be used to identify that site. Exception: Mailing address may be to a post office box, and to another approved address.

Reason: Using different addresses confuses records and in an emergency can have serious consequences.

Comments:

William Andrews – everyone should have an officially approved number on each home for emergency purposes.

Robby Dawson – Maintenance Code says street number is on house. Place property maintenance language replicated in building code.

Vernon Hodge -Construction code requires it.

Consensus for disapproval

F-703.4 cdpVa-15 Proponent Justin Biller

jbiller@carilionclinic.org

2012 SFPC 703.4 Testing

Reason: Fire doors shall be inspected and functionally tested in accordance with NFPA 80 annually to confirm proper operation and full closure. In particular, Health Care Facilities in Virginia are facing enforcement of this requirement as part of ongoing

licensure/funding through State enforcement of NFPA 101, Life Safety Code, so it is also important that these requirements are consistent with local fire prevention code enforcement as well throughout the Commonwealth.

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Comments:

Robby Dawson to reach out to the proponent. This proposal will be continued.

F-901.6.1 cdpVA-15 Proponent William Andrews

William.andrews@richmondgov.com

901.6.1 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 901.6.1. Standpipe pressure reducing valves with adjustable setting shall be at pressure approved by fire official, as part of five year flow test.

Reason: NFPA 14 requires pressure reducing valves where discharge pressure over 175 psi (typically on lower levels in high rise building). Fire hose is harder to handle with high pressure, and standpipe discharges using pressure reducing valves often in narrow and turning spaces of stairwells.

Comments:

Discussed in Workgroup 1

No support – consensus for disapproval

F-1030 cdpVA-15 Proponent William Andrews

William.andrews@richmondgov.com

Section 1030 Emergency Escape and Rescue

Reason: The Virginia fire code cannot require more than the building code, thus wordage which requires physical features in addition to such is void within Virginia's Fire Prevention Code. Beyond use group R-2 and R-3, fire officials need authority to require good maintenance of windows originally installed able to open, and designate existing windows as emergency escape, or access fresh air where escape is unsafe.

Comments: Addressed at Workgroup 1 William Andrews - No technical changes, what is an escape window?

No Support, move forward consensus for disapproval

Move Virginia Maintenance Code to end of session today.

R-102.2 cdpVA-15 Proponent Ron Clements

clementsro@chesterfield.gov

2012 Virginia Rehabilitation Code 102.2 Scope.

Reason: Change of occupancy from R-5 to a commercial use is not specifically addressed in the VRC. Conversion of group R-5 single family dwellings to various commercial uses is a common change of occupancy.

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Comments:

Group R-5 structure 102 change

Ron Clements - VBCOA will be filing a change and I will be amending my 102 change.

Adding R-5 to the tables.

This was addressed in Workgroup 1.

Michael Redifer – R-3 relates R-5 with this.

Johnna – mixed use R-5 under the performance method.

No opposition. Consensus for approval.

R-301.1.2 cdpVa-15 Proponent Kenney Payne representing AIA-Virginia
kpayne@moseleyarchitects.com

2015 International Existing Building Code

301.1.2 Proportional compliance method. No change to text.

Reason: The term “work area” when used to describe an entire “compliance method” leads to confusion among owners, designers, reviewers, code and fire officials. “Work area” is a defined term and involves reconfigured spaces.

Comments: This is an editorial.

Johnna Grizzard - No discussion with Rehab committee. I believe it is just to separate compliance method . Just to clarify.

Emory Rodgers – Kenney works a lot with BCOM.

Greg Revels– Is this on the national level?

Ron Clements – Kenney will submit at national level in 2021.

Johnna Grizzard- we will look at it.

Rick Witt - hold over to July and let rehab code review get with Kenney to see whether they will support it. There is an issue with the term “work area”.

Carry over

R-903.1 cdpVA-15 Proponent Kenney Payne, representing AIA-Virginia and

R-1012.7.2 cdpVA-15 Proponent Kenney Payne, representing AIA-Virginia wants to withdraw these two as per his email.

kpayne@moseleyarchitects.com

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M-101.1 cdpVA-15 Proponent VMC Rewrite Committee
2012 Virginia Maintenance Code

Reason: As requested by the Board of Housing and Community Development, DHCD staff undertook a review of the VMC to remove unenforceable construction provisions printed with the code. DHCD established a committee of stakeholders involved in and affected by the VMC to collaborate on and review the draft rewrites. This VMC rewrite represents consensus among those involved.

Comments:

Section 101 General

Section 101.2 Incorporation by reference.

Comment x1 and x2 Updating the edition number to 2015

Section 101.4 Arrangement of code provisions.

Comment X3 All references to Chapter 1 in the IPMC are deleted or changed so that there are no correlation issues; therefore, this administrative provision is no longer needed.

Comment x4 There is no need to differentiate between administrative provisions and technical provisions or to resolve conflicts as the text of the IPMC has been reviewed and modified to be within the scope of the VMC.

Comment x5 101.8 Definitions renumbering to 101.7

Comment x6 101.7 Definitions This note is no longer necessary due to the correlation of the provisions of the IPMC and the administrative provisions of the VMC.

Section 103 Application of Code

Comment x7 103.2.1 Maintenance of nonrequired components and systems. Changes recommended by VBCOA to clarify the application of the code to required and nonrequired components.

Section 104 Enforcement, Generally

Comment x8 These changes reflect changes in the law that is the basis for this section.

Comment x9 104.3.1 Certification of state enforcement personnel.

Changes to correlate with the moving of the code change training and continuing education requirements to the Virginia Certification Standards.

Comment x10 104.4.4 Requirements for periodic maintenance training and education.

Comment x11 104.4.5 to 104.4.4 Conflict of Interest
Renumbering

Comment x12 104.4.6 to 104.4.5 Records

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Renumbering

Comment x13 Correction of an error in the 2012 edition. From 34990 to 3940

Section 201 General

Comment x14 201.3 Terms defined in other codes. Existing state amendment

Comment x15 201.5 Parts. This term is not used in the VMC, therefore it is deleted.

Comment x16 Code 202 General Definitions, Repairs, These terms are not used in the VMC and are therefore deleted.

Comment x17 Equipment Support, This term is not used in the VMC and is therefore deleted.

Comment x18 Imminent Danger, This term is not used in the VMC and is therefore deleted.

Comment x19 Labeled, These terms are not used in the VMC, therefore they are deleted.

Comment x20 Neglect, This term is not used in the VMC, therefore it is deleted.

Comment x21 Openable Area, This term is not used in the VMC, therefore it is deleted.

Comment x22 Pest Elimination, This term is not used in the VMC, therefore it is deleted.

Comment x23 Strict Liability Offense, This term is not used in the VMC, therefore it is deleted.

Comment x24 Structure Unfit for Human Occupancy, Existing state amendment.

Comment x25 Ultimate Deformation, This term is not used in the VMC, therefore it is deleted.

Comment x26 Unsafe Equipment, Existing state amendment.

Comment x27 Unsafe Structure, Existing state amendment.

Comment x28 Workmanlike, This term is not used in the VMC, therefore it is deleted.

Chapter 3 General Requirements

Section 301 General

Comment x29 301.2 Responsibility, The scope section is modified to delete the reference to the responsibility of persons as that is addressed in Chapter 1 and in state law. A statement is added to limit the application of “exterior property” provisions to only those applicable as “premises” in general are not regulated unless affecting a building or structure. The “responsibility” section is deleted for the same reason.

Comment x30 301.3 Vacant structures and land, This section is modified to delete the references to vacant land and to delete the language concerning blight as that is not within the scope of the VMC.

Section 302 Exterior Property Areas

Comment x31 302.2 Grading and drainage, Existing state amendments.

Comment x32 302.3 Sidewalks and driveways, These changes are necessary to reflect the scoping of the VMC to apply only to those aspects of exterior property regulated by the VCC.

Comment x33 302.4 Weeds, Existing state amendment.

Comment x34 302.5 Rodent harborage, Existing state amendment.

Comment x35 302.6 Exhaust vents, This is not a maintenance requirement, so it is deleted.

Comment x36 302.9 Defacement of property, Existing state amendments.

Section 303 Swimming Pools, Spas and Hot Tubs

Comment x37 303.2 Enclosures, Exception, Minimum standards are replaced with general language requiring maintenance of barriers in accordance with the code in effect at the time of construction. Since there is authorization in state law for a locality to have an ordinance requiring barriers for pools, a reference to local ordinances is added.

Section 304 Exterior Structure

Comment x38 304.1 General, The term “public” is deleted since the statutory scope of the code is to protect the citizens of the Commonwealth, in addition to the public.

Comment x39 Exceptions, Existing state amendment

Comment x40 304.3 Premises identification, Premises marking is required by the VCC, so the section is modified to only require maintenance of the identification method, or in accordance with local ordinance.

Comment x41 304.7 Roofs and drainage, Existing state amendment.

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Comment x42 304.14 Insect Screens, Existing state amendment.

Comment x43 304.18 Building security, While this section was deleted in the 2012 and previous editions of the VMC, there is a need for requiring the maintenance of security devices that were required by the code under which a building was constructed, or which have been provided, so general maintenance language has been added.

Walter Lucas 304.18 Does this include security systems?

Answer: Maintenance means to keep in good repair.

Comment x44 304.18 Basement hatchways, Existing state amendment.

Comment x45 304.19 Gates, Language recommended by VBCOA to be able to use the IPMC text for gates.

Section 305 Interior Structure

Comment x46 305.1 General, Occupant responsibility for violations is determined by Chapter 1 so this language is deleted.

Teresa Garber – If a handrail was placed there, not required, but the property owner put them in.

Sean Farrell – if not required and I put it up and if it is a hazard, repair or remove it.

Comment x47 305.1.1 Exceptions, Existing state amendment.

Section 306 Component Serviceability

Comment x48 306 Exceptions, Existing state amendment.

Section 307 Handrails and Guardrails

Comment x49 Removing construction requirements and adding a general statement requiring maintenance.

Section 308 Rubbish and Garbage

Comment x50 Existing state amendment.

Section 309 Pest Infestation and Extermination

Comment X51 Existing state amendment.

Infestation search - only if bug is affecting the building.

There has been an inquiry from a jurisdiction in northern Virginia.

Emory Rodgers - Maybe an issue that will keep coming back. Rodent infestation same as overgrown weeds, junk cars.

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Comment x52 These sections in the IPMC address who is responsible for code violations. Since that subject matter is covered in Chapter 1 and in state law, the sections are deleted.

Section 311 Aboveground Liquid Fertilizer Storage Tanks

Comment x53 Existing state amendment.

Chapter 4 Light, Ventilation and Occupancy Limitations

Section 401 General

Comment x54 The scope statement is changed to bring it in line with Chapter 1 and the statutory authority for the VMC.

Comment x55 Who is responsible for code violations is addressed in Chapter 1 and in state law, so Section 401.2 is deleted. Section 401.3 is deleted as it assumes that the IPMC construction requirements are enforceable.

Section 402 Light

Comment x56 All construction requirements in this section are deleted and replaced by a general statement requiring the maintenance of existing facilities.

Section 403 Ventilation

Comment x57 Construction requirements in the IPMC are deleted and maintenance and operational requirements left intact.

Section 404 Occupancy Limitations

Comment x58 Since there have been prior state amendments to this section addressing criteria for occupancy, a general statement is added to the beginning of the section authorizing the use of the section to the extent that it does not require alterations to be made, since that would be a construction requirement and not within the scope of the VMC.

Rick Witt – We need to revisit

Sean Farrell they apply but not alter, go with this until challenged.

Walter Lucas – you cannot use if it alters the building.

Ed Rhodes – how will this play into residential in air B&B?

Emory Rodgers – 404.05 essentially governs ceiling heights . two persons per bedroom Fixed or not, if you follow the statement.

Vernon Hodge - We need to make a code change because of this state law

Shaun Pharr – You are putting me in violation as the owner of apartment.
Property owner can place a limit on occupants.

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Ron Clements- Chip Dicks drafted two occupants to each room.
Needs to have a correlation issue between the construction code, maintenance code,
and laws.

Chapter 5 Plumbing Requirements

Section 501 General

Comment x59 The scope statement is changed to bring it in line with Chapter 1 and the
statutory authority for the VMC.

Comment x60 Who is responsible for code violations is addressed in Chapter 1 and in
state law, so this section is deleted.

Section 502 Required Facilities

Comment x61 This section is construction-related and therefore deleted.

Section 503 Toilet Rooms

Comment x62 This section contains all construction-related requirements, so it is
deleted.

Comment x63 Maintenance requirements deleted in other sections are provided in this
general section.

Comment x64 These sections were moved from Section 502 since the remainder of
Section 502 was deleted.

Comment x65 The language is changed to only require maintenance of clearances
provided.

Comment x66 Language addressing minimum criteria is deleted since it could require a
building to be upgraded and language addressing lack of maintenance is left in.

Section 505 Water System

Comment x 67 Section 505.1 is reworded to delete construction-related requirements
and add all maintenance requirements from the remainder of Section 505, Section
505.3 and 505.4 are existing state amendments.

Comment x68 Construction-related provisions deleted and maintenance provisions
kept.

Section 506 Sanitary Drainage System

Comment x69 Removed the reference to connections as that is controlled by the VA Dept. of Health

Comment x70 The language in the IPMC is clarified to include all building drainage and sewer systems.

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Section 507 Storm Drainage

Comment x71 Existing state amendment.

Chapter 6 Mechanical and Electrical Requirements

Section 601 General

Comment x72 The scope section is changed to bring it in line with Chapter 1 and the statutory authority for the VMC and the responsibility section is deleted as in prior chapters.

Section 602 Heating and Cooling Facilities

Comment x73 All changes to this section are existing state amendments.

Section 603 Mechanical Equipment

Comment x74 Construction-related requirements are deleted and maintenance-related requirements left in.

Section 604 Electrical Facilities

Comment x75 Construction-related requirements are deleted and maintenance-related requirements left in Section 604.3.1.1 contains existing state amendments.

Sean Farrell – 604.3.2 Abatement of electrical hazards associated with fire exposure
Will check the water exposure under the fire code.

Section 605 Electrical Equipment

Comment x76 Construction-related requirements are deleted and maintenance-related requirements left in.

Section 606 Elevators, Escalators and Dumbwaiters

Comment x77 Existing state amendments.

Chapter 7 Fire Safety Requirements

Comment x78 The text in this chapter is revised to keep maintenance-related requirements and to delete construction-related or administrative requirements.

Section 704 Fire Protection Systems

(F) 704.1 General

Comment x79 The IFC may have requirements for upgrading fire safety systems, which would be in conflict with Chapter 1, so the reference is deleted.

(F) 704.1.1 Automatic sprinkler systems.

Comment x80 Language is added to clarify the use of the referenced standard.

Sean Farrell - How do we put things back in since in cdpVa it is already gone?
Recommendation to submit a code change based on the 2015 language and replacing it with new language.

No opposition. Move forward as consensus.

Adjourned at 1:30

**DHCD WORKGROUP THREE (WG3) MEETING
2015 CODE CHANGE CYCLE**

**MAY 10, 2016, 9:30 A.M.
VIRGINIA HOUSING CENTER**

Welcome and overview of cdpVA by Richard Potts.

C-113.3 cdpVA-15 Proponent: Bill Einloth

Einloth_engle@hotmail.com

113.3 Minimum Inspections: The following minimum inspections shall be conducted by the building official when applicable to the construction or permit: add inspection of non-vented crawl space to ensure compliance with IRC

Reason: A properly installed conditioned/encapsulation of a non-vented crawl space is critical to ensure homeowners do not become ill. The vapor barrier slows or prevents the evaporation of ground moisture into the crawl space which causes mold and other bacteria have to grow.

Comments:

Bill Einloth stated this was personal, he and his wife bought a modular home approximately a year and a half ago and the builder stated he would give a conditioned crawlspace. They moved into the home and there was no conditioned crawlspace nor insulation. He had to spend lots of money and time to fix the crawlspace. In one year he had mold growing on his windows.

Richard Bartell – Who was ultimately responsible?

Bill Einloth – I took my case to the Better Business Bureau, Office of the Attorney General, DHCD, a lawyer, and the building official. The building official said it was a minimum inspection.

Richard Bartell – Did you go through the appeals process? What did your permit say?

Bill Einloth – No, it was too late.

Richard Bartell – Was the permit for a conditioned crawlspace or ventless crawl.

Bill Einloth – neither, the buyers' agreement stated it would be a conditioned crawlspace.

Greg Revels – If it was part of the permit, we would inspect it.

Richard Bartell – If it is not part of the permit, the building official wouldn't know. I'm not trying to discount your problem, I'm just trying to look at the larger picture.

Richard Potts – So your goal is to create a mandatory inspection so that the crawlspace, regardless what is on the permit, is inspected to make sure everything is up to code or up to whatever is permitted.

Richard Potts - Anyone support this proposal? Workgroup 1 stated disapproval for this proposal.

Recommend consensus for disapproval, however, this will still move through the process. Language unnecessary.

Sean Farrell – When was your Certificate of Occupancy issued?

Bill Einloth – September 29, 2014.

Seam Farrell – You are still within the statutes of limitation. You still have the ability to get this corrected.

Emory Rodgers – I think the disapproval from the building officials is they believe the language is fine as is.

C-113.4.1 cdpVa-15 Proponent Campbell Gilmour
Campbell.Gilmour@comcast.net

113.4.1 Testing of Radon Systems.

Reason: Intent: To ensure mandatory radon mitigation systems are tested for effectiveness to certify the safety of the public.

Comments:

Skip Harper – Just to give you an overview, the Gilmour's bought a home in Rockingham County and had a conditioned crawlspace, they had a radon system installed and had it tested when they moved in and the radon levels were up over 40-45. They had a conditioned crawlspace, they closed off the path back into the home, which is now a violation of the conditioned crawlspace. they added a fan to the radon system to exhaust out of that space their radon levels dropped down to 5.

This is a citizen proposing to add requirements to test the systems when they are installed. so we have crafted the language putting it over in Chapter 1 of the USBC.

Their concern was for future homeowners.

Walter Lucas – I have radon systems being installed in homes in my jurisdiction but my jurisdiction has not required it. I believe the language should state when the radon system is installed not given the option if the jurisdiction adopts the enforcement of it.

Skip Harper – the language reads when Section R324.1 of the state amendments to the IRC is applicable.

Vernon Hodge – The way they have it written it only applies to those localities that are enforcing the radon, we weren't sure which way the proponent wanted this to apply to systems that were voluntarily installed or only where the systems were enforced. They chose to do it only where it is enforced because that is the least restrictive way to put this in.

Ron Clements – I am in strong opposition to requiring a need to make someone do something for a system that I do not enforce. If you are going to put something in like this, it should be put in the appendix.

John Ainslie – I believe the builders on the back row agree with everything Ron said.

Richard Potts – Anyone in support of this? Maybe it could work, but not so much.

Tylor Craddock – The builders on the front row agree with the builders on the back row.

Bill Einloth – This does go back to the crawlspace issue.

Richard Bartell – For a prescriptive requirement, the code is strictly for a passive radon system. That is the only one that is adopted by the localities. There are no limits in the code that shows what is an acceptable level of radon. We have no mechanism for testing because we don't know what the minimum level is. What we can do is apply the prescriptive requirement to the code to the passive radon removal system and nothing more. This is what the code allows us to do. If you want to expand the actual coverage of the code, we would have to expand far greater than what it is currently. We are not scientists we are building inspectors.

Vernon Hodge – We do want to mention in trying to help get this proponent's proposal in, one thing we realized is that we thought, I thought, that radon mitigation was for basements and not crawlspaces. In Section R324.1 we send you to the appendix and we say for vented crawlspaces you don't have to do it only for basements, but if it is a condition crawl then the radon still applies. The problem is because you can't harmonize the appendix provisions with the conditional crawlspace provisions. The conditional crawlspace requires the opening of the house into the crawlspace. You are just giving a place for the

radon to move up. Skip Harper contacted VBCOA and they are reviewing this. We may get a proposal from them.

Emory Rodgers – Can you let Mr. Gilmour know about this?

Consensus for disapproval May work into appendix

CR202 cdpVA-15 Proponent: Charles Bajnai, representing Chesterfield County for Thomas Stanton (timbertrails.tv@gmail.com)
bajnaic@chesterfield.gov

Section Chapter 2: Definitions Tiny house.
A dwelling unit on a permanent foundation that is 399 square feet or less.

Reason: The current trend is for a return to living in smaller structures, and commonalities for Tiny Houses imply the application of best practices for small space design that do not necessarily conflict with existing standards for general health and safety.

Comments:

Charles Bajnai – worked with Thom Stanton for overview of definitions and exceptions. He wants to get a proposal in the code that allows it.

Richard Bartell – My concern about this is I built a tiny house for a weekend getaway. I don't know why we have specific rules.

Charles Bajnai - This guy is taking all of this on his back and doesn't even own one. What don't you like about this, plumbing, electrical, etc.

Tyler Craddock – Zoning issue rather than a code issue. How many exceptions do you need?

Charlie Grove – I agree this is a planning and zoning issue and if this gets into the code it should be a definition of sorts with an exemption from the USBC.

Thom Stanton just walked in and reviewed Tiny Homes. We need to make smaller concessions to accommodate smaller spaces.

Emory Rodgers – You need to look at your friends in San Francisco, CA and Seattle, WA, they have amended their codes to deal with some of this. This code change in IRC would be a site built home. Over the 399 sq. ft. home, HUD is back in the picture and it will be a HUD home and needs a label. If it is built in a plant it is a Manufactured Home. Others are RV's.

Thom Stanton – Sonoma, CA the challenge to get around the IRC goes to ANSI. This may not be a viable answer in VA.

Charlie Grove – Tiny Houses lowers standard benchmark for safety. I don't think it should be in the codes.

Glenn Dean – I'm concerned about SFMO rescues in tiny houses . There is no room for firefighters.

Richard Bartell – don't base codes on building trends.

Mike Toalson Any proposals come through ICC? Any modification systems.

Thom Stanton – People are taking garden sheds and making them into tiny houses. It is an industrialized building.

Richard Bartell – We are trying to get people from living in too small areas. I think what is missing from this is a technical explanation to why these exceptions should be granted.

Sean Farrell – So is this safe to assume that this is an attempt to open the door and if you are able to be successful here, that the next code cycle you would try to get exceptions for energy, insulation, plumbing, mechanical and electrical requirements?

Thom Stanton – I think your questions is asked well, the point of contention that I think is to big to fight today is that I think this might be a foot in the door for, Is the unfortunate you can't have it on a steel chassis build it and have it inspected elsewhere and have it brought into our county. We know this is a HUD issue. Are people

Steven L'Heureux, AIA – As an architect, if I have a client come to me and say I want to build a house, I would say, how big? If they say 400 sq. ft. I would get out my paper and pick up my code book and I would design a house that meets code to the acceptable standard and I know it can be done. I don't see why we need to get exceptions to what I know can be done for personal safety, health and welfare.

Richard Potts – Any comments for support of this proposal.

Move forward for consensus of disapproval.

CR-R302-1 cdpVA-15 Proponent Ron Clements, representing Chesterfield County

clementsro@chesterfield.gov

2012 Virginia Residential Code
R302.1 Exterior walls.

Reason: It has become a routine process to issue building code modifications on a sub-division wide basis to allow dwellings on adjacent lots to be constructed without the fire-resistance rating required by R302 because the local zoning ordinance prohibits dwelling from being closer than 10 feet from each other. The zoning ordinance established set-backs effectively satisfy the intent of the code. Since these pertinent ordinances, per the USBC, are legally established limits enforced by the locality, it is reasonable to accept them as a code enforcement option to meet the intent of R302.

Comments:

Richard Potts – This was heard in Workgroup 1 with a consensus for approval.

Ron Clements – Basically there are a number of subdivisions where they set-up through pertinent laws of ordinances subdivision which prohibits dwelling from being closer than 10 feet apart. For example, on one side of the property line, you may be less than 5 feet apart and on the other side of the property line must be greater than 10 feet. It is typical house, driveway, and house. Basically you have a zoning ordinance which will never allow two houses to be closer than 10 feet from each other. The intent is to add an exception to acknowledge that and not require the fire resistance rating. This is a green code change, because we are going to save a pile of paper

Richard Potts **Consensus for approval.**

CR-R311.2.1 cdpVA-15 Proponent Charles Bajnai, representing Chesterfield County.

bajnaic@chesterfield.gov

2012 Virginia Residential Code
R311.2.1 Interior passage.

Reason: I applaud the intention and wisdom of the original proponents of this section. The initial knee jerk reaction by contractors was quickly replaced with acceptance and an advertising promotion for aging in place. But the verbiage (and punctuation) in R311.2.1 has created interpretation nightmares. This proposal has tried to clarify the requirements without expanding significantly the original intent.

Comments:

Interior passage.

Chuck Bajnai – the concept was good 3 years ago and it was just impossible as a plan reviewer to interpret. I just wanted to get something on paper, if you want to modify, that's good. I saw another proposal that is trying to make this applicable

to split level houses. I thought this might be a reach. I was just trying to simplify the language.

Richard Potts – What specifically did you feel wasn't working for you?

Chuck Bajnai – First of all, the first sentence of interior passage says when you have a door and then you have these two things and then you have a bedroom. It doesn't say if I have a living room and a kitchen. Is the bedroom also applicable? Or the independent requirements, let's say I have no kitchen on the entry, but I have a bedroom or if it doesn't have a kitchen is it automatically thrown out? The language is really vague.

Richard Bartell – I don't think the language is vague, it is purposeful. Only if you meet these requirements. Where

Emory Rodgers – Ron did a great code change but hasn't submitted it yet.

Chuck Bajnai – Let's look at the first sentence. Where a dwelling end unit has both a kitchen and a living room or entertainment area on the same level as the egress door, an interior passage shall be provided from such door to the kitchen and living room or entertainment area into at least one bedroom and a bathroom. If I don't have a living room or I don't have a kitchen the bedroom doesn't make any sense. The bedroom is automatically out.

Richard Bartell – You have to have the kitchen and the entertainment area in order to qualify the bedroom or a full bath.

John Ainslie – I appreciate what you are trying to do. There is some confusion. One thing I understand is that to me if I have this bathroom that needs to meet this requirement and the bathroom has a toilet room in it, its common sense to me without being written that the toilet room also meet the requirement. However, the current code doesn't state this. A reasonable accommodation needs to be explained.

Chuck Bajnai – That is what I wrote in the Reason statement. The requirement to make "reasonable accommodation" should not be dismissed as too vague, subjective and unenforceable.

Emory Rodgers – What was mentioned in the code cycle three years ago was in regards to a split level with 3 steps up and 3 steps down. We hadn't thought about this, Ron fixed it but hasn't submitted it.

Ron Clements – I had forgotten about this code change. Remind me.

Steven L'Heureaux – In essence we are talking about an accessible route into spaces. The commercial code speaks to it pretty plain. Maybe if this language is too obscure, we could use language from the commercial code that speaks to this.

Richard Bartell – When we had discussions about this, one of the main fears was that this was going to lead to a mandate for accessibility in single family dwellings. This was not the goal. The goal at the discussion was for usability and stay in place in your home. I think it was pretty clear during the discussions you had to have all of the three components before you did anything. I think to not include the water closet is pretty silly.

Greg Revel – I think what Chuck is trying to say is the language in the code is horrible. It is very poorly written.

Mike Toalson – This was a huge compromise designed to make the first step into making a home with these requirements on the egress level accessible. Why did you initiate the double doors?

Pending collaboration the proponent and interested parties will sit down and discuss: Ron Clements, Chuck Bajnai, Tyler Craddock, Steve Cook, Steven L'Heureux, Mike Toalson, and John Catlett.

Pending Collaboration

CR-R311.8.1 cdpVA-15 Proponent Charles Bajnai
bajnaic@chesterfield.gov

2012 Virginia Residential Code
R311.8.1 Width.

Reason: We have requirement for stair width, but not ramp width. We have always inferred the stair width of 36” would be the same for ramps. This code proposal removes the “interpretation” and specifies that ramps have to be at least 36” wide.

Comments:

Width of ramps

Chuck Bajnai – I took this to Louisville at ICC and it got shot down. There is nothing in the code that states the width of a ramp. The committee turned me down because it was not ANSI compliant. It is not required in the IRC. In the past it was dictated by the width of the stair. ANSI compliant is it is 36” on the inside of the handrails.

John Catlett - no requirement in codes

Richard Bartell – In 30 years, I have never known this to be an issue.

Walter Lucas – up to builder

Steven L’Heureux – What if the ramp was inside the house, would we consider this to be a corridor?

Richard Bartell – Yes, and all of those rules would apply.

Richard Potts - **Consensus for disapproval.**

CR-R408.2 cdpVA-15 Proponent Ken Latham
ken@GoSdd.com

2012 Virginia Residential Code
R408.2 Openings for under-floor ventilation.

Reason: This intent of this change has been written to address the non-uniform code enforcement of the USBC 2012/IRC 2012 Section R408.2 exception shown below. In the IRC 2003 the State Building Code Technical Review Board concluded in Code Interpretation No. 1/2003 that foundation vents were not required to be placed within 3 feet of each corner. Question: Does Exception No. 2 provide an exception to the general requirement that one ventilation opening shall be within three feet of each corner? Answer: Yes, provided the openings are placed so as to provide cross-ventilation. The need for this change is to help clarify the code for the building officials allowing all localities to uniformly enforce the code provisions. This will remove the subjective interpretation of this section.

Comments:
Openings for underfloor ventilation

No discussion

Vernon Hodge – the language got changed at the national level, however, there are still some building officials that are requiring the ventilation openings to be within three feet of each corner. Just need to say that there must be cross ventilation.

Consensus Non consensus, no discussion

Sean Farrell - language not necessary

CR-R507.1 cdpVA-15 Proponent Charles Bajnai representing Chesterfield County.

2015 International Residential Code
R507.1 Decks

Reason: This proposal was approved in Louisville last week. It is intended to provide prescriptive language and fill in the missing parts of R507 for the weekend warrior and yet not stifle the creativity of custom deck builders. The Deck Code Coalition will be submitting public comments in Kansas City for the remaining items that were not approved in Louisville, namely freestanding decks, deck beams and guards. If these public comments get passed, I will be submitting last minute changes for the Board to consider.

Comments:

Chuck Bajnai – I have been chairman of the Deck Code Coalition, we have been meeting for 3 ½ years with 40 members. We drafted 18 code changes and 14 proposals were passed so far. What I have in this compiled document, is everything that has been passed. This will go into the 2018 IRC unless there is public comment against it. The controversial things have been left out such as dealing with guards, free standing decks and cross bracing. We are working with ASC 7 group and ICCES on guards.

Non consensus move forward

Emory Rodgers – I wouldn't support this. I can't believe we need 18 pages of words and diagrams for decks in VA. 3 pages is plenty.

Mike Toalson – I think every time, when ICC gets in the next code cycle, people start trying to pull 2018 codes into VA codes. I'm not sure, let them go ahead and do what they want to up there and have us move forward what we have to work with. Stop trying to bring their stuff some at which have been rejected down to us.

Chuck Bajnai – Every week someone sends me 2-3 deck failures around the world and some have 2-5 million dollars in legal fees. We are just trying to make decks safer.

Sean Farrell – There are advantages and disadvantages of the national codes. They may work and may not work.

John Catlett I am not aware of deck failures being a major issue. I believe this is a maintenance issue. Let's see where this goes on the national code scale.

Richard Bartell – I am not aware of a deck failure Hanover in the last 29 years of a code compliant deck. I am aware of a handful of deck failures where they were not code compliant decks. I think we are trying to fix a problem that doesn't exist.

John Catlett – I believe lag bolts have corrected some of the problems.

Chuck Bajnai – SC went to DCA-6 ledgered decks. In SC you cannot build free standing decks. Home Depot has a 4-part series video for homeowners to use to build their decks. 70% of decks are built by homeowners on a Saturday afternoon with a case of beer. 30% of decks are built by professional deck builders. In a 3 minute segment there were 5 deck violations. It took four months with contacts to lawyers to get this Home Depot video removed.

Richard Bartlett – the code is not a guide book, it doesn't tell you how to build a house

No support Consensus for disapproval

CR-P2602.3 cdpVA-15 Proponent Carl Dale

Carl.dale@scc.virginia.gov

2015 International Residential Code

2602.3 Tracer Wire

Reason: In February 2014, a home exploded in Stafford County Virginia. The explosion was caused by damage to a nonmetallic water service utility line (water lateral) that had not been installed with a tracer wire and had not been located prior to excavation. Local building inspectors are regularly on-site at or near the time of installation of these water laterals during their construction. The building inspectors' ability to inspect/enforce this proposed requirement will minimize the chances of similar circumstances such as the Stafford explosion from occurring again by ensuring all non-metallic water laterals have tracer wires to facilitate excavators locating the water lateral for safe excavation around the water lateral.

Comments:

Tracer wire on plastic water pipes.

John Ainslie – same with sewer pipes

No more discussion, No consensus

CTP-603.3 cdpVa-15 Proponent Carl Dale

Carl.dale@scc.virginia.gov

2015 International Plumbing Code

603.3 Tracer Wire

Reason: same as above

Vernon Hodge – This tracer wire deals with water pipe. In the previous codes, we dealt with sewer pipes. They are asking for a provision for the plastic sewer pipe.

Charlie Gerber – The only comment I have to make is the residential code proposal both for sewer and waterline was more for the purpose, in my understanding, for the homeowner to have on record for contractors when digging was involved. I have had many questions from homeowners asking about a record of their sewer line and waterlines. No record, no drawings associated with it so the tracer line was and still is an alternative to that. The tracer line is only good to a particular depth and once you go beyond that depth its not technical. On commercial job sites you have detailed drawings which are pretty accurate as far as the location of water and sewer. I don't have a problem with it being in the plumbing code, IPC, but its not going to be effective at all for these reasons.

Emory Rodgers – As they note in their reason statement, it appears that the water authority delivers the water to commercial or residential and it sounds like there is a solution to the problem already in existence. Maybe they can talk with local water authorities.

Non Consensus

CT-G310.1 cdpVA-15 Proponent Bob Torbin

Bob.torbin@omegaflex.net

2015 International Fuel Gas Code
Pipe and tubing

Reason: The use of a CSST product with a protective, arc resistant jacket is an equivalent method of protection against electrical arcing damage caused by high voltage transient events such as lightning strikes. The protective jacket is designed to locally absorb and dissipate the arcing energy or conduct it away. The 2018 IFGC will include arc resistant CSST without the need for additional bonding when that language is extracted from the 2018 NFPA 54. We are asking that Virginia recognize those changes with the adoption of the 2015 IFGC. States currently permitting black jacket CSST without additional bonding per Section 7.13.2 are: Massachusetts, Oklahoma, Nebraska, Connecticut, Colorado, Montana, Rhode Island, New Jersey, Georgia, Wisconsin, North Dakota, Indiana, Michigan, Oregon and Maryland.

Comments:

David Edler – spoke on behalf of Bob Torbin. I am here to speak on support of his proposal. We thought with the code changes going on, we thought it would be a good time to come down and share some information to help you make your decision. Right now there is a requirement in the International Fuel Gas Code for bonding. Arc resistant jackets have been for sale by Omegaflex since 2004 as a

means to deal with indirect lightning strikes and arcing damage. He continued his overview on this proposal.

Bryan Holland, NEMA Codes and Standards – Where LC1 is referenced it is probably a good idea to add LC1/CSA 6.26 since this is going to be a standard.

Richard Bartell – Why do we want to move on this?

David Edler – this was a good way to get the ball rolling

Charlie Gerber – I am familiar with another brand. I have concerns with this.

Vernon Hodge – There is a link for the documentation Mr. Edler has been discussing.

Richard Bartlett I say we hold the questions.

Consensus Pending to the next workgroup meeting

CT-S305.2.10 cdpVa-15 Proponent Michael Redifer
mredifer@nvva.gov

2015 International Swimming Pool and Spa Code
305.2.10 Barrier setbacks

Reason: Establishing a setback from lot lines equal to the clear zone dimension of 36 inches (305.2.9) will ensure future activity by adjacent property owner will not require relocation of the barrier in order to maintain the established level of safety.

Comments:

Richard Bartlett What is the purpose of 36 inches?

Vernon Hodge – If you have a fence that is on the lot line that 2 property owners are trying to share for their pools. That pools are on both sides. He wants to make sure that the fences are well inside the lot line so this never occurs.

Ron Clements – If barrier was removed it would be a violation of the maintenance code so we could still cite them.

No support, Consensus Disapproval

CE-R402.1.1 cdpVA-15 Proponent Bruce Cornwall
bcornwall@culpepercounty.gov

2012 Virginia Energy Conservation Code
Insulation and fenestration requirements by component

Reason: R-49 has been the standard for ceiling insulation in our area in the national code for 4 years. Studies show that the added insulation will more than pay for itself in the life of the home. From R-38 to R-49.

Comments:

Bruce Cornwall – This is attempting to add to the insulation in the ceiling to get it up to the national level. Changing the ceiling from R-38 to R-49. A minimal cost compared to the cost of the house. There is no additional work for the builder other than putting more insulation in the home. This doesn't require any different framing.

Mike Toalson – we disapproved this before. Benefit vs cost is too much. We will continue to object to this.

Andrew Grigsby - I fully support this. This has been a part of the national model code since 2012. National labs consider this cost effective. A few hundred bucks for most homes. A few extra dollars now to do it now versus later it would cost a lot more. This is just common sense.

Common sense

Mike Toalson – I wasn't aware of this being on the agenda. If I had known, I would have been better prepared.

Chuck Bajnai – Is this to to change VA code not national code.

Vernon Hodge - correct

Non consensus, Move forward

Emory Rodgers - Keep on table and come back at next workgroup meeting on August 3

Mike Toalson - HBAV would be opposed to this at this point.

CE-R403.2.2 cdpVA-15 Proponent Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
Sealing (Mandatory)
Visual inspection option

Reason: There is no substitute for a pressure test of the ductwork. Any person who actually has tested ductwork knows that, unless every inch of the entire duct

system is readily visible, then only a mechanical test would have a hope of finding all of the leaks.

Comments:

Andrew Grigsby – I provide the mechanical tests that gives you the numbers for duct work. I don't see how the code can say there is a number such as 6% leakage and the code official has ultimate authority ensuring that the letter of the code is met. If there is a reasonable way to get that number of the leakage, why doesn't the code official not get that number? The cost effective reasonable way used all over the country which has been a part of the national codes since 2012 makes absolutely no sense not to have that mechanical test.

Walter Lucas – That is why the 2012 code put in the whole house ventilation requirement with a visual inspection to ensure the 5 air exchanges per hour.

Andrew Grigsby – This proposal is about eliminate the visual inspection to ducts.

Walter Lucas – There is only one person in Roanoke and one person in Greensboro that can perform this test.

Andrew Grigsby – the low income weatherization group they are all getting this work done. They are getting ductwork testing. There are certified inspectors all over the state.

Richard Bartell – You need to give us some reasons why we need to change not just tell us we are doing a bad job? What is the actual benefit for the citizens of our communities so we can convince our politicians who pay the bills?

Charlie Gerber - What difference does 6% matter to you if the house doesn't have enough air changes you have to poke a hole on the outside of it and condition that air? You are wasting energy to save energy.

Andrew Grigsby – I think the confusion between whole house leakage and duct leakage in this room demonstrates the confusion in the industry about the basic building science.

Mike Toalson – This proposal was not on the agenda and we didn't have time to prepare for it. The reason this proposal was rejected last time was two significant reasons, (1) was we did a survey among builders which we did not have the opportunity to do this year, There is a significant lack of professionals that do this kind of testing.in many parts of the state (2) People in the industry including you agree that if you had a rectangle room where there are plenty of professionals it would be fine, but we don't. We chose not to adopt this requirement. Right now, we would seek Non Consensus for this.

Linda Baskerville Arlington County Energy Inspections and Plan Review – We go out and visually inspect the ducts, visually inspecting the ducts does not get you to 5 changes per hour because we will do the visual inspection and testers come along behind us that do mechanical testing, we fail. It takes a lot of work to find the leaks and fix them. Otherwise if you don't stick with that, you are losing energy right out of the ducts.

Vernon Hodge - **Pending for another meeting.**

Significant issues for Workgroup 3

ICC comes out with significant changes and Cindy had us go out and these are the ones we came up with.

R302.13 Fire Protection of Floors – We deleted this in 2012 but it was last minute and we didn't have time for people to collaborate on it. Vernon reviewed the underfloor protection provision.

John Ainslie I remember discussions on this one with many objections.

We are just discussing these. No proposals just topics for discussion. This stays as is. When the new model code comes out, we take a look at our current code and figure out how our existing amendments are going to move into the new code. We have a lot of correlation issues we have to do. We put this out there for people to go through and make sure we haven't forgotten anything.

Section M1506 Exhaust Ducts and Exhaust Openings - Whole House Ventilation

Mike Toalson – How are the building officials administering this?

Vernon - reviewed the history from last code cycle. This is an energy conservation issue, we want to have healthy air changers.

Charlie Gerber - This should go away.

Chuck Bajnai – I support Charlie Gerber.

John Ainslie – I would vote with Charlie Gerber.

Emory Rodgers – Check with Cindy and re-send info we sent out last July to all building officials.

R301.2.1.1.1 Sunrooms
Apply with standards instead of IRC
Vernon Hodge reviewed

Chuck Bajnai – I believe this is straight forward.

R311.1 Means of Egress

Vernon Hodge reviewed

Wall Bracing emails and R602.10.9 Braced wall panel support.

Vernon Hodge stated we would review this and we will place back in. We will probably get a proposal for the next meeting.

Chuck Bajnai - I move to accept.

Emory IRC 1601 I suggest you place on the agenda for August 3.

John Ainslie - wrote to me in 2014 regarding a return in every bedroom. No building official has asked about this.

Workgroup 3 meeting was adjourned.

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**DHCD WORKGROUP FOUR (WG4) MEETING
2015 CODE CHANGE CYCLE**

**JUNE 1, 2016, 9:30 A.M.
VIRGINIA HOUSING CENTER**

Welcome, introductions and overview of cdpVA by Cindy Davis.

C-113.4.1 cdpVA-15 Proponent: Campbell Gilmour
Campbell.Gilmour@comcast.net

2012 Virginia Construction Code
113.4.1 Testing of Radon Systems

Reason: Intent: To ensure mandatory radon mitigation systems are tested for effectiveness to certify the safety of the public.

Comments:

This proposed change was from a citizen.

This was reviewed by Workgroup 3 with no support. The Home builders were against this proposal.

Consensus for disapproval from Workgroup 4

Emory Rodgers - USBC allows localities to do this. Currently the radon enforcement is up to the locality to adopt this. They can choose to enforce it or not. There are only two currently in Virginia that is enforcing the radon testing.

Skip Harper – Discussed a situation in Rockingham County. Per the discussion, a more serious issue with radon was discovered. In a conditioned crawl space you would need a system. In this instance, they had a conditioned crawl space, the system was installed, they had a test done and there were levels of 40 to 50, before they added exhaust to the piping that was leaving the house. Once they did that and covered the return air path from the crawlspace back into the house, that is required by the conditioned crawl space, then their level dropped down to 3. I brought this to the attention of Richard Moore with the VBCOA and the IRC Committee and hopefully we can try to fix this glitch in the conditioned crawl space opening back into the home.

CE-R403.2.2 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R403.2.2 Sealing (Mandatory)

Reason: There is no substitute for a pressure test of the ductwork. Any person who actually has tested ductwork knows that, unless every inch of the entire duct system is readily visible, then only a mechanical test would have a hope of finding all of the leaks. Mr. Grigsby is recommending that the visual inspection option be deleted for the duct testing.

Comments:

Mike Toalson – Since this is a statewide code, there are not enough testers qualified in certain rural parts of the state. If this is going to be a statewide mandate, we need some assurance of the cost. Mr. Grigsby was going to go back and collect more information to help us understand this. The HBAV, at this time, would prefer not to have this mandated.

Consensus from Workgroup 3 is that this is on hold – revisit at next workgroup.

Vernon Hodge – I believe Mr. Grigsby will attend the next Workgroup 3 to bring his information to explain this in more detail.

Shawn Strausbaugh – I see he has added new standards as follows: IECC 2012, IECC 2015. I am not in favor of this proposal.

Vernon Hodge -I believe he is trying to say to go back to the model code and don't have the VA Amendment to allow visual inspection of duct work.

Haywood Kines – I believe there is a staffing issue in the localities for this. They don't have the manpower for this.

Shawn Strausbaugh – I am confused by that statement, you have the option to do visual inspections. Either way, something has to be verified, plain and simple.

Mike Toalson – the installer was verified.

Emory Rodgers – Shawn is here representing the VPMIA and the Energy VBCOA folks have a stake in this. They need to weigh in public comment with the home builders. Door test and duct test

Rick Witt – concerned with requiring the building official signing off on the certificate of occupancy with only a visual test. What is our responsibility if we go to third party testing? We have to wait to sign off.

Vernon Hodge – Back in the 2009-2012 cycles when we added the state amendments to the duct testing visual inspection amendment first in 2009 and then in 2012 the whole house was added. There was a lot of discussion who was going to be doing visual inspections and that is up to the contractor. The language that we used made it clear that the building officials could not require the contractors to do the visual inspection. That if visual inspection was chosen, the

local building department had to ensure that the visual inspection was done. They could opt to have a third party do the inspection, there was language added about the qualifications of the inspector. This was more towards the issue if you are going to do the duct testing or the whole house testing. In 2012 there was some language of qualifications to iron out what criteria the building officials would use to accept who is doing the test.

Cindy Davis – Your concern is that if you do a visual test you are basing it on what you witnessed opposed to relying on third party testers? There are a lot of questions around this particular issue, hopefully by August, these issues will have been worked out.

CR-E3902.16 cdpVA-15 Proponent: Bryan Holland, representing NEMA
Bryan.Holland@NEMA.org

2015 International Residential Code
E3902.16 Arc-fault circuit-interrupter protection

Reason: According to the U.S. Fire Administration’s National Fire Incident Reporting System, an estimated 372,900 residential building fires were reported to fire departments within the United States each year between 2011-2013 and caused an estimated 2,530 deaths, 13,125 injuries and \$7 billion in property loss. The report also indicated the second leading cause of residential fire deaths in 2013 were electrical malfunction.

Comments:

Bryan Holland -

Requesting a change to the base document that is being rolled over from the 2012 VA Residential Code. What appears has happened, the 2005 NEC which corresponds to the 2006 IRC only had a mandate for AFCI protection of branch-circuit types for bedrooms. Since that time we have gone through 2 additional code cycles where there have been expansions of AFCI protection based on substantiations submitted from the Consumer Product Safety Commission of US Fire Administration and from NEMA to code making panel 2 has been incorporated into those documents. The 2008 NEC which also corresponds with the 2009 IRC expanded bedrooms to other similar rooms of a dwelling. There was no expansion of the 2011. There was expansion again in 2014 which is proposed for adoption in VA under the 2015 codes, this corresponds to an addition of kitchens and laundry areas and again substantiated with a national consensus process of issues where fire is still occurring within dwellings from arcing faults. This proposal asks for the 2015 base document that only requires the bedroom to be expanded to all the areas identified in the base document of the 2015 IRC. To substantiate the reason statement, I have attached some documents which I hope you will take the time to read. Three of them are from the U.S. Fire Administration. Virginia is included in the national statistics.

There are \$9 million losses each year. AFCI protection would help. Benefits would be safer homes and will far out way the money spent.

Vernon Hodge – The questions is whether to use international codes or VA codes? He found our base document as a starting place. I can work with Bryan to update this proposal by correcting the language, underlining, etc.

Mike Toalson – We are in significant opposition to this code change because of the liability factor. Right now the industry is mixed.

Bryan Holland – Product standard has to be harmonized with appliance standards. It does show where the fire originated, such as, overloaded receptacles, plugs, bad connection, or rodents.

Rick Witt – What room doesn't require an AFCI, home office, bathrooms, garages or outdoors?

Haywood Kines -Condos and apartments have been in this before and loose connections still apply. If technology is here we should take advantage of it.

Mike Toalson – In order to get a consensus from our builders, let's label this as pending. We can share more info with our members to get this going forth.

Cindy Davis – We will work on this in next Workgroup 4.

Emory Rodgers – Place in the proposal to what is not included such as home offices, bathrooms, garages or outdoors.

Consensus to carryover to August 17 meeting.

Bryan Holland – I will be glad to work on this and to get Mike Toalson more information to help pass this proposal.

CTG-310.1 cdpVA-15 Proponent: Bob Torbin
Bob.torbin@omegaflex.net

2015 International Fuel Gas Code
310.1 Pipe and tubing

Reason: The use of a CSST product with a protective, arc resistant jacket is an equivalent method of protection against electrical arcing damage caused by high voltage transient events such as lightning strikes. The protective jacket is designed to locally absorb and dissipate the arcing energy or conduct it away. The jacket, in essence, disrupts the focus of the arc and reduces the energy level below the threshold value that can cause a perforation of the tubing wall.

Comments:

Bob Torbin - gave an overview of the reason statement. Black jackets don't require additional bonding and they will provide additional protection. We were challenged by NFPA. Bonding is not required for black jackets.

Haywood Kines – Is there a difference in the black jacket than the standard yellow jacket and how can we know the difference?

Bob Torbin – The fittings are the same whether black or yellow. New fitting is unique to their jacket.

Rick Witt – questioned if this been approved at 2018 ICC?

Bob Torbin – We believe this will be finalized at ICC and may fall into the 2018 or 2021 cycle.

Emory Rodgers questioned whether this was the language for approval at ICC?

Shawn Strausbaugh – no objections to their language, no guarantee it would be in 2018 ICC.

Consensus – we will wait and see

CTM-506.5.2 cdpVA-15 Proponent: Shawn Strausbaugh representing VPMIA & VBCOA PMG code
sstrausbaugh@arlingtonva.us

2012 Virginia Mechanical Code
Section 202 Definitions
Pollution Control Unit

Reason: Pollution Control Units have been manufactured by numerous companies for several years. The desire to limit the amount of smoke, grease, and other particulate at the exhaust outlets of commercial cooking appliances has driven the use of these units as numerous entities are requiring these types of units to be installed. These units and there minimum construction and installation standards need to be addressed in the mechanical code.

Comments:

Shawn Strausbaugh – In 2018 IMC to place in the 2015 VA Mechanical Code.

Mike Toalson – We hope this doesn't make the cost higher

Shawn Strausbaugh – Code doesn't say you have to install this.

Mike Toalson – Do you know what the additional cost may be?

Shawn Strausbaugh – Cost justification just not sure what the cost is.

Mike Toalson – I object to this.

Greg Revels – Why was this added and not add to all the provisions?

Shawn Strausbaugh – VPMIA is considering modifications.

Cindy we need some modifications.

Shawn Strausbaugh – Standard is better off.

Greg Revels – we shouldn't think that this is on the way. I can grant a modification according to the 2018 ICC Code. I am not a big advocate of amending the code. I would rather get it into the national code and modify the Virginia code.

Rick Witt – If we can take advantage of what is in the 2018 code. I would rather it be in code instead of write a modification every time.

Emory Rodgers – We try to have as few amendments as possible. On this one, not only as it is a mechanical code issue. This is more a philosophical issue.

Shawn Strausbaugh – We are still collaborating on other issues but we are working through the process. This does not require you to install this equipment; you don't have to install it.

Vernon Hodge – If you want to modify I will help in the process.

Mike Toalson – What are the options like this, what do you think the cost would be? Pollution device it is not required by code.

Greg Revel – This is not a safety requirement but if you do install, you have to place in a safe way.

Shawn Strausbaugh - most are exterior exhaust.

Carry forward as pending

CTP-603.3 cdpVA-15 and CR-P2602.3 cdpVA-15 Proponent: Carl Dale, VA State Corporation Commission
Carl.dale@scc.virginia.gov

2015 International Plumbing Code

603.3 Tracer Wire

Reason: In February 2014, a home exploded in Stafford County, VA. The explosion was caused by damage to a nonmetallic water service utility line (water lateral) that had not been installed with a tracer wire and had not been located prior to excavation. This excavation damaged the water lateral in the process of installing the natural gas utility service line. When the water was turned on for final occupancy permitting, the escaping water created an abrasive spray on the gas utility service line. The gas utility service line then ruptured due to the abrasive spray. Natural gas migrated into the home and found an ignition source which destroyed the home. Natural gas migrated into the home and found an ignition source which destroyed the home just days prior to occupancy.

Comments:

Carl Dale - reviewed proposal and asked that we add tracer wire for new water services. The cost is minimal and asking contractors to look at tracer wires

Mike Toalson – within 5 feet of the house?

Rick Witt – I believe this was an anomaly and a real strange event.

Carl Dale – We have contractors everyday laying wire in the trenches. This would bring another layer of public safety inspection to construction sites across the Commonwealth.

Shawn Strausbaugh – Do we change IRC provisions?

Shawn Strausbaugh We have had this in sewer system since 2009. My concern is private well systems. Why are we not mimicking the same language?

Haywood Kines – I’m not sure the electrical circuit is needed.

Shawn Strausbaugh – VPMIA and VBCOA didn’t see it necessary in water. I will correct the accessible terminology.

Carl Dale - We will tweak the language.

Vernon Hodge – Shawn Strausbaugh and Carl Dale will work together on the language.

Emory Rodgers – Apparently water systems can do this on their own. Water authorities can do this on their own.

Consensus – more work is needed on both of these – bring back to workgroups 3 and 4.

CT-S305.2.10 cdpVA-15 Proponent: Michael Redifer
mredifer@nvva.gov

2015 International Swimming Pool and Spa Code

305.2.10 Barrier setbacks.

Reason: Establishing a setback from lot lines equal to the clear zone dimension of 36 inches (305.2.9) will ensure future activity by adjacent property owner will not require relocation of the barrier in order to maintain the established level of safety.

Comments:

Michael Redifer not in attendance.

This was brought up at the Workgroup 3 Meeting and the Consensus was for disapproval.

Consensus – for disapproval

Items for discussion

Section M1506 Exhaust Ducts and Exhaust Openings Whole house ventilation

Mike Toalson – I think this is a mess. My recommendation would be to have a small group to see if VA really wants to adopt this. We need to form an adhoc group.

We had a small group to clarify this. DHCD will work on getting a workgroup together.

Haywood Kines – Would this be IMC and IRC?

Cindy Davis – It would depend on the group.

Emory Rodgers - Check to see if the research labs group has come up with something.

Cindy Davis - Let Jane know if you would like to be on the committee. Maybe Mike Toalson plus a few builders, Shawn Strausbaugh, energy people should also be apart of this committee.

Those suggesting interest in this adhoc committee:

Michael Toalson

Shawn Strausbaugh

Tom Coghil

**Workgroup 1 Meeting
Henrico Training Center
July 7, 2016**

Richard Potts welcomed everyone and had attendees introduce themselves. Also reviewed the definitions of consensus, non-consensus, approval, disapproval and pending.

Vernon Hodge reviewed the new public comment feature on cdpVA.

A-40 cdpVA-15 Proponent: Amusement Device Technical Advisory Committee

Vernon.hodge@dhcd.virginia.gov

Reason: The Amusement Device Technical Advisory Committee is a Board of Housing and Community Development-appointed committee to advise the Board on the standards for amusement devices. The ASTM F-24 standards for amusement devices were reviewed and this proposal is to update the regulations to the latest available ASTM standards. A number of standards have been discontinued and their provisions incorporated into the updated standards, so the proposal is necessary to prevent the reference to outdated standards.

Comments: Vernon Hodge – We use the ASTM that is currently available. The committee has made this proposal from the committee and this is what is in this proposal.

Emory Rodgers – Are there any changes to the VADR in this cycle?

Vernon Hodge – We will review any proposals from the public, however, we have not received any to date. The committee will have more meetings and may generate more proposals. There were some discussions on a few issues.

Rick Witt asked if all of the standards proposed have been finalized.

Vernon Hodge confirmed that all standards proposed have been updated and finalized.

Richard Potts – Not hearing any objections, we will **move this forward as consensus for approval.**

C-101.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
101.5 Use of terminology and notes.

Reason: The added language clarifies that any reference to the IBC in the VCC includes the Virginia amendments to the model IBC, as well as, all of the other iCodes or standards. Otherwise, such references would be to the IBC (or other iCodes or standards) without including the Virginia amendments. The proposed change also revises the format (without changing the technical aspects or text) so that it is easier to read and understand. It also follows the same formatting being proposed for the VEBC.

Comments:

Kenney Payne stated that even though this was for the VA Construction Code, it actually had its origin in the Rehab Code. He was one of the volunteers working to develop the training content for the code academy training for the VRC and volunteered to take on the proposed code changes. He thought if we change in the Rehab Code then we should change in the VA Construction Code. We tried to make it easier to understand which code (VEBC or VCC) applies to which occupancies. It just reformats what is already there.

Vernon Hodge didn't get a chance to discuss this with Kenney before the meeting. He believes this proposal is a conflict. There are no inconsistencies in the way the IBC is used under the VCC.

Kenney Payne mentioned when they were going through the VRC, they were really going through the IEBC. He asked where the vehicle was that referenced VA changes. He wanted clarification whether to follow the IEBC or VRC?

Vernon-Hodge stated it is a VRC issue not a VCC issue and that he was not opposed to a proposal to change in VRC instead of IBC.

Kenney Payne asked if it could be revised to include the VA amendments? He didn't want to create a conflict and asked for any objections to formatting and striking #5?

Vernon Hodge stated he didn't think we were losing anything?

Emory Rodgers made a comment that state amendments are published in the blue book, and that the IBC sections were published in the VA IBC? He asked if we needed to fix this?

Vernon Hodge stated he believed he was trying to be consistent with his proposal for the Rehab Code which uses the IEBC as the model code with references to the IBC. There is a legitimate problem in the VRC that makes references to the IBC because it doesn't pick up the VA amendments.

Richard Potts asked how to make the changes in this proposal.

Vernon Hodge stated that if we delete #5 and keep the format changes, if the group is ok with that then we can mark this amended proposal as consensus for approval. If there are no objections, this would skip us from bringing it back to the workgroup.

Richard Potts stated **this amended proposal will move forward as consensus for approval.**

Emory Rodgers also mentioned that #4 may need revisions also.

C-102.3 (1) cdpVA-15 Proponent: Ron Clements representing VBCOA Administrative committee
clementsro@chesterfield.gov

2012 Virginia Construction Code
102.3 Exemptions.

Reason: The current electrical utility and telecommunications code exemption detailed in exception #1 of Section 102.3 has been a source of confusion because of the length of the single exception and the amount of qualifiers listed in the two sentences that make up the exception. This code change is intended to clarify the intent of the exception and is predominately editorial.

Richard Potts gave an overview of the proposal.

Comments:

Emory Rodgers stated that the VBCOA administrative committee is supporting this code change and is trying to clarify the language.

Rick Witt mentioned that Ron Clements asked him to bring back any comments to this proposal.

Richard Potts stated that he didn't hear any objections so this proposal will **Move forward as consensus for approval.**

5

C-102.3(2) cdpVA-15 Proponent: Michael Redifer representing VBCOA Administrative Committee
mredifer@nvva.gov

2012 Virginia Construction Code
102.3 Exemptions

Reason: A need to further clarify additional components associated with manufacturing and processing machines as well as the intent to apply the exemption to machinery and equipment involving the handling of products or packages has been identified. It is not uncommon for such installations to

incorporate material/product conveying systems which should also be exempted to the extent that they serve the exempt machinery exclusively. Foundation and structural support systems as well as any portions intended for use by service and/or maintenance personnel would not be exempt.

Richard Potts gave an overview of this proposal.

Comments:

Emory Rodgers stated the VBCOA Administrative Committee supports this proposal.

Richard Potts mentioned with no further comments, this will **Move forward as consensus for approval.**

C-102.3(3) cdpVA-15 Proponent: Michael Dellinger representing VBCOA Region III

mdellinger@shenandoahcountyva.us

2012 Virginia Construction Code
102.3 Exemptions

Reason: The current VCC does not address demolition in place of manufactured homes. Manufactured homes are typically moved, not demolished. Because they are subject to federal regulation, they are generally left in one piece so that they can be used again, or they go to the manufactured home graveyard. Suggestion- Maybe your VBCOA region would be willing to submit a proposal. Such as: Industrialized buildings subject to the Virginia Industrialized Building Safety Regulations (13VAC5-91) and manufactured homes subject to the Virginia Manufactured Home Safety Regulations (13VAC5-95); except as provided for in Section 425 and in the case of demolition of such industrialized buildings or manufactured homes.

Richard Potts gave an overview of the proposal.

Comments:

Vernon Hodge stated that this proposal from VBCOA Region III was for clarification since they had experienced some situations with industrialized buildings and manufactured homes.

Tyler Craddock asked if a site built home needed a permit for demolition? After receiving a yes answer, he mentioned he thought they did.

Richard Potts stated that since there were no objections, we would **Move forward as consensus for approval.**

C-103.3(1) cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2012 Virginia Construction Code
103.3 change of occupancy.

Reason: Seek change for 2015 USBC, to wording from IBC, to require new Certificate of Occupancy from building official when occupancy use changes, instead of only requiring permit or new Certificate of Occupancy when needs greater safety feature. Changing use should have record of building official approval.

Richard Potts mentioned this was a carryover proposal.

Comments:

William Andrews stated he is working with VBCOA on this change of occupancy.

Johnna Grizzard stated that VBCOA Administrative Adhoc Committee is working on this and have narrowed it down. Changing from restaurant to single family home requires a great degree of standards. They are working to clean up the language.

Rick Witt stated he had concerns about how it is written.

Robby Dawson mentioned he had questions for Johnna regarding a single family dwelling.

Robert Adkins stated he didn't agree with this.

Glenn Dean stated he disagreed with the technical change, when it goes from a B to an M. His concern was the interchange of building terms, a change of tenancy within a use group. The occupancy use term is going to be problematic.

Emory Rodgers mentioned the code change didn't work the way it was written and because of the laundry list, it is non-consensus as he saw it. He stated there would be a re-write. When there is an occupancy change without alteration, you need a permit, should we mandate?

Richard Potts stated this proposal will **Move forward as non-consensus.**

C-103.3(2) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
103.3 Change of occupancy.

Reason: The proposed new title “Virginia Existing Building Code” (VEBC) follows the model code “International Existing Building Code (IEBC) for which it is named. Although not “officially” recognized as such, the “International Residential Code” (with state amendments) is most often referred to and known as the “Virginia Residential Code” or VRC. The proposed code change would eliminate the possible confusion.

Kenney Payne gave an overview of his proposal and stated this was vetted through the VBCOA VRC committee.

Comments:

Johnna Grizzard stated as a volunteer of the VBCOA Rehab administrative adhoc committee we heard arguments that it might sound like a retrofit. VBCOA supports this proposal.

Richard Potts asked for any further comments, we will **Move forward as consensus for approval – Kenney will un-strike his 103.4.**

Kenney Payne stated this was more about renaming. You may see VEBC if not approved it will go back to VRC.

C-103.7 cdpVA-15 Proponent: Ronald Clements representing VBCOA Administrative Code Committee
clementsro@chesterfield.gov

2012 Virginia Construction Code
103.7 Retrofit requirements.

Reason: There are retrofit provisions regarding accessibility; therefore, it is not accurate or necessary to provide the commentary in the second part of the first sentence that is specific to fire protection and safety equipment. The retrofit requirements of VRC Chapter 17 do not reference the retroactive provision of Chapter 11 in the IFC; furthermore, Chapter 11 of the IFC is deleted from the Virginia Statewide Fire Prevention code. Therefore, the second sentence is proposed for deletion.

Richard Potts gave an overview of his proposal.

Comments:

Richard Potts hearing no comments, the proposal will **Move forward as consensus for approval.**

C-105.2.1.1 cdpVA-15 Proponent: Debra McMahon
Debra.mcmahon@fairfaxcounty.gov

2012 Virginia Construction Code
105.2.1.1 Qualifications of permit technicians

Reason: The purpose of this proposed code addition is to get permit technicians recognized for their technical expertise on a state level. Permit technicians are responsible for reviewing, processing and issuing build/trade permits per the provisions of the Virginia Construction Code. They are responsible for ensuring that minimum submission requirements are met based on each individual jurisdiction requirements. Often times, permit technicians are required to do cursory reviews of architectural and trade plan requiring skills equal to technical assistants.

Debra McMahon gave an overview of her proposal and the qualification of permit technicians and how it gives some latitude for them.

Comments:

Emory Rodgers mentioned that this was not mandatory just small alterations.

Greg Revels stated he had a problem with the qualifications statement? He stated this doesn't work for him and that he would delete the first sentence and tighten the definition. Smaller localities must have difficulty in hiring these permit techs.

Rick Witt also stated he had concerns. I don't hire them on their construction knowledge. He suggested knocking out one year experience. He would help work on this proposal.

Matthew Hunter mentioned that ICC has a certification course for this. Because of wanting recognition for these administrative professionals, is it possible the language is ok, maybe call them permit clerks?

Shaun Pharr stated that recognition was a great thing but not sure if this is the right way.

Vernon Hodge stated we have to be very careful because we already have a definition for technical assistants. The enforcement word needs to be changed. Permit technician is other than a technical assistant.

Johnna Grizzard stated they already meet the criteria of a technical assistant.

Rick Witt stated again that if we move forward as consensus of pending, he will work with Debra on this.

Emory Rodgers suggested that we not mess up the standards.

Richard Potts stated we will **move this forward as pending**.

C-108.2(2) cdpVA-15 Proponent: Walter Lucas representing the City of Danville

lucaswa@danvilleva.gov

2012 Virginia Construction Code
108.2 Exemptions from application for permit.

Reason: It doesn't make sense to require an electrical permit to replace a switch or a fixture in other use groups when Section 108.14.2 doesn't require a plumbing permit to replace fixtures of well pumps in all use groups.

Richard Potts gave an overview of the proposal.

Comments:

Bob Adkins stated not appropriate for light fixtures to be replaced without a permit.

Richard Potts stated we would **Move forward as non-consensus**.

C-108.2(3) cdpVA-15 Proponent: Michael Dellinger representing VBCOA Region III

mdellinger@shenandoahcountyva.us

2012 Virginia Construction Code
108.2 Exemptions from application for permit.

Reason: As indicated in Section 102.3, certain structures are required to comply with the code when they are located in hazardous places, i.e. floodplain, mudslide areas to assure additional safety due to water or mud forces. By adding the same language as in Section 102.3, this unifies the code for all structures located in these types of areas and assures that the proper engineering as required by the code is met through the permit process.

Richard Potts gave an overview of the proposal.

Comments:

Kenney Payne asked if we had a map that shows mudslide prone areas in Virginia?

Vernon Hodge stated the language has its basis in state law and you still have to comply with floodplain and mudslide requirements. This is a permit exemption section, even though you don't have a permit, you still have to comply with codes.

Rick Witt stated we don't want an exemption from the exemption.

Richard Potts stated we will **move forward as consensus for disapproval.**

C-113.4.1 cdpVA-15 Proponent: Campbell Gilmour
Campbell.Gilmour@comcast.net

2012 Virginia Construction Code
113.4.1 Testing of Radon Systems.

Reason: Intent: To ensure mandatory radon mitigation systems are tested for effectiveness to certify the safety of the public.

Richard Potts gave an overview of the proposal.

Comments:

Bob Adkins said he didn't know what system he should be testing?

Skip Harper has reached out to some VBCOA folks and they are trying to come up with a fix. This was brought before previous workgroup sessions. One incident was fixed by placing an exhaust fan on their radon system, and covering the passage into the house.

Richard Potts stated with no other comments, we will **move forward as consensus for disapproval.**

C-117.2 cdpVA-15 Proponent: Ron Clements, representing VBCOA VRC Committee and Kenney Payne, representing AIA-VA.
clementsro@chesterfield.gov and kpayne@moseleyarchitects.com

2012 Virginia Construction Code
117.2 Moved buildings and structures.

Reason: VRC Chapter 13 addresses moved buildings and structures. The existing requirements of 117.2 are still basically the same as they were prior to the adoption of the VRC Chapter 13 specifically for moved buildings.

Comments:

Kenney Payne stated that once we made the VRC mandatory, he didn't see a need for duplicating in the VCC. Chapter 1 should deal with administrative things and let the technical chapters deal with the technical issues. Ron Clements proposed to delete the new definition regarding moving buildings and structures.

Vernon Hodge stated that the concern on relocated buildings was not to have a conflict in VA on industrialized buildings, such as school classrooms. Moved

buildings moving to VRC would be a substantiated change. Moving this language to VRC may be appropriate.

Kenney Payne stated that this is comparable and see if there is disagreement.

Tyler Craddock asked if we needed language clarifying that we are not talking about Industrialized Building Safety Regulations and Manufactured Housing?

Vernon Hodge stated that we have an exemption in the IBSR and MH and that they are not regulated by this code. VRC and IRC carries over.

Kenney Payne suggested talking with Ron Clements and if the group is ok with this, we can move forward as consensus and we will submit another proposal to deal with the change.

Emory Rodgers stated there probably wasn't another workgroup meeting before the proposed regulations have to be approved.

Richard Potts stated to **move forward as consensus for approval with submitting another proposal to deal with the change.**

CB-901.3 cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2015 International Building Code
901.3 Modifications.

Reason: Fire officials are responsible for applying the fire code on maintenance and periodic testing of the fire protection systems, plus local fire officials coordinate emergency responses to site (including state). Local fire officials need to learn when a building official approves installing, disabling or removing fire alarms, sprinkler system, and other fire protection systems (including for renovation or demolition). The building official is the best source for properly authorizing substantial changes to fire protection systems, thus to notify local fire official.

William Andrews gave an overview of his proposal.

Rick Witt stated his opposition to this and mentioned that you can't fix a local problem that you can't legislate. This is not a positive step.
Not a positive step.

Robby Dawson stated the fire official have to be aware of this to put on their inspection schedule.

Mike Maenner asked if a permit would be required for this? If so, everyone would be notified.

Linda Hale stated it would require a permit.

Johnna Grizzard indicated she usually didn't get a response and that she agreed with Rick.

Emory Rodgers stated that you can't disable a fire system without notifying a fire official.

Glenn Dean specified that you couldn't disable a fire system without notifying the owner or a third party who takes care of the system.

William Lloyd stated that if you remove the system, just notify someone.

Kenney Payne asked if VCC 103.8.1 overrides 901.3 if you are removing a section?

Richard Potts stated that we would **Move forward as non-consensus**.

F-102.1.1 cdpVA-15 Proponent: William Andrews

William.andrews@richmondgov.com

2012 Virginia Statewide Fire Prevention Code
102.1.1 Changes

Reason: For 2015 code, change the wording from IBC, so use per Certificate of Occupancy issued by building official. Current code limits fire official from citing violation when use changes unless only within same use group (this section) or declare building unsafe due to changed use (section 110.4). Change enables fire official to require customer to get appropriate Certificate of Occupancy from building official when use changes.

Comments:

William Andrews gave an overview of the proposal by saying that fire officials need to be notified.

Rick Witt suggested the need to go through the VBCOA Rehab committee to come up with a better language?

Johnna Grizzard said the only concern she had with that, we could duplicate the language, and then have dual agencies dealing with this.

Glenn Dean declared that the language is problematic and the change of tenant doesn't cause a new certificate of occupancy to be issued. This is going to create confusion.

Richard Potts stated to **Move forward as consensus for disapproval.**

F-703.4 cdpVA-15 – Proponent: Justin Biller

2012 Virginia Statewide Fire Prevention Code
703.4 Testing.

Reason: In particular, Health Care Facilities in Virginia are facing enforcement of this requirement as part of ongoing licensure/funding through State enforcement of NFPA 101, Life Safety Code, so it is also important that these requirements are consistent with local fire prevention code enforcement as well throughout the Commonwealth. The revised language in Section 703.4 clarifies that the intent of 703.2 was for all fire doors (including swinging doors with fire door or builders hardware as designated by NFPA 80) to be inspected/tested in accordance with the provisions of NFPA 80.

Richard Potts gave an overview of the proposal.

Comments:

Robby Dawson said he reached out to the proponent and did not receive a response. Robby said he could go in and make modification to the 2nd sentence.

Vernon Hodge stated there wasn't support of this proposal unless some changes were made. We could put it as non-consensus, disapproval or pending.

Bob Adkins mentioned he didn't know who was to be doing this testing.

Rick Witt asked about the previous time frame for inspections?

Robby Dawson stated it was annually by anyone the owner wanted.

Emory Rodgers said this proposal needed clarification and we needed to talk with the proponent.

Bob Adkins said this related to horizontal and vertical sliding door in 703.4.

Vernon Hodge stated that pending did not mean it will not go to the board for post regulations, even if it goes to Workgroup 2 they will make a determination. The reason we assigned to both was because it was both an administrative function in the proposal and a technical function. WorkGroup 1 looks at the administrative function and WorkGroup 2 looks at the technical function. If we don't have a determination from WorkGroup 1 we will have to hold it over until after the

proposed regulations. Vernon suggested it should go as non-consensus. Non-consensus just means there was some opposition.

Glenn Dean stated it was a matter of placement; it needs to go in 703.2.

Shaun Pharr stated that visual inspection has inconsistencies, however, had not. I heard about this being a problem.

Skip Harper said the proposal that is up there is not out of the fire code and its not out of the 2012 or 2015. He believes the proponent is trying to make the whole section new. He should have struck 703.4. The 2012 and 2015 are the same.

Richard Potts asked if everyone was clear? We will **Move forward as pending.**

F-3103.2 cdpVA-15 Proponent: Andrew Milliken, representing Stafford County Fire Marshal's Office
amilliken@staffordcountyva.gov

2015 International Fire Code
3103.2 Approval required.

Reason: The intent of this proposal is to eliminate conflicting language regarding when a permit is required. Section 107.2 of the Virginia Statewide Fire Prevention Code indicates the criteria for when permits are required to be obtained from the fire official, including for temporary tents and membrane structures. In fact, Section 3103.4 highlights and guides the user of the code to this information already. Section 3103.2 comes from the model code and, although similar, conflicts with the criteria located in Chapter 1.

Comments:

Glenn Dean stated that another code change is being drafted just hasn't been submitted yet.

Richard Potts said after no other comments, we would **Move forward as non-consensus**

I-160 cdpVA-15 Proponent: DHCD SBCO staff

2012 Virginia Building and Fire Code Related Regulations
2012 VA IBSR

Reason: DHCD staff reviewed the Virginia Industrialized Building Safety Regulations and proposes clarifications to the regulations.

Vernon Hodge gave an overview of the proposal and went through each one.

Comments:

Robby Dawson asked how you determine when the building entered the assembly line?

Vernon Hodge stated the CAA is required to keep records of when buildings start and go on the production line.

Skip Harper gave an overview of when you walk into a plant, the first station is floor framing, which starts the production line. It could be up to 15 stops possible before finishing,

13VAC5-91-160. Use of model codes and standards.

Vernon Hodge gave an overview of proposed changes– The change to Section 160(A) is to clarify that the one year grace period for the use of the earlier codes only applies to industrialized buildings which are being constructed in the plant during the one year period, and not to buildings just being designed which have not begun being constructed.

13VAC5-91-180. Compliance assurance agencies.

Vernon Hodge gave an overview of proposed changes – The change to Section 180(B and C) deletes criteria for re-approval of compliance assurance agencies implemented in the last code change cycle. The requirements have been determined to be unnecessary and an undue burden on compliance assurance agencies and DHCD staff.

13VAC5-91-200 Information required by the administrator.

Vernon Hodge gave an overview of proposed changes – The change to Section 200 makes it clear that the criteria for approval of compliance assurance agencies applies to both initial approval and to reapproval. An additional change to Section 200 deletes a requirement that compliance assurance agencies must be accepted by other jurisdictions in addition to be accepted by an independent accrediting organization as that requirement is not necessary.

13VAC5-91-240 Control of compliance assurance agency certification label.

Vernon Hodge gave an overview of proposed changes – The change to Section 240 permits the compliance assurance agency to authorize the manufacturer to apply the compliance assurance agency’s certification label. This is already permitted for registration seals.

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

Vernon Hodge gave an overview of proposed changes – The change to Section 260 (E) provides the statutory language for refunds of seals rather than just a reference to the provision in state law.

13VAC5-91-270 Manufacturer’s installation instructions and responsibilities of installers.

Vernon Hodge gave an overview of proposed changes – The change to the note in Section 270 is to provide the contact information for the Board for Contractors.

Emory Rodgers asked if the time frame now for re-approval of CAA's was every 2 years?

Vernon Hodge said this would not be changing.

M-103.3 cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2012 Virginia Maintenance Code
103.3 Continued approval.

Reason: Change for 2015 Code. Short of declaring building or part unsafe due to changed use, maintenance code official needs ability to cite change use to require customer to get Certificate of Occupancy for change of use. Maintenance code intended to see structure maintained as was approved by building official, thus change in use needs record of building official's approval (Certificate of Occupancy).

William Andrews gave an overview of his proposal.

Comments:

Kenney Payne stated we are trying to define language. We understand concept but we cannot approve at this point.

Richard Potts after hearing no further comments, said we would **Move forward as disapproval.**

M-202 cdpVA-15 Proponent: John Walsh, representing VBCOA VMC Committee
John.walsh@richmondgov.com

2012 Virginia Maintenance Code.

Reason: Due to a recent ruling by the TRB that exempted owner occupied structures from the provisions of the unfit definition related to a heating source it is necessary to clarify the language and also to clarify the intent of the Board of Housing. It was argued that the Board in their 1990 original revision to the definition and to the section of code found in 602.2 purposefully excluded owner occupied structures from the requirement for any heat source. Even in light of the fact that the definition of a "nuisance" structure (precursor to the current Unsafe/Unfit definitions) in 1990 stated "any" structure that lacked heat was a nuisance structure.

John Walsh gave an overview of his proposal. We would like this moved forward to the board to have an open discussion with them. We had an appeal hearing at the TRB regarding providing heat. We lost on a close vote. We forwarded a code change because there was some general disagreement on what the code sections actually said and what was intended, even amongst the board members. Whether we were limiting the requirement for heat or limiting the requirement for performance standard for rentals as opposed to owner occupied. There was a lot of testimony that talked about the direction of the board in 1990 at that time in the decisions they made. We think it is time to ask if this is still their intent.

Comments:

Phil Storey stated his opposition and sent in his counter proposal yesterday. Essentially there are two provisions within the proposal, we are asking for a definition for what the original intent of the board was. The other provision in our proposal is to add additional language to the actual heating requirements in Section 606.2 requiring all structures to have a heat source.

John Walsh stated he wanted the board to reevaluate or reaffirm their decision.

Emory Rodgers said both proposals will go through as non-consensus. Without heat you are not going to keep plumbing and sprinkler systems from freezing. The board will have to decide. Heat seems to be critical to have.

Phil Storey stated there are other codes that relate to this other than requiring to prescribe a heating system. Everyone wants safe and efficient comfort heat they just disagree with the descriptive nature of this proposal.

Shaun Pharr mentioned the board decided as a matter of law in 1990 to create an exception to owner occupied dwellings and buildings.

Rick Witt asked if you include all structures is that in direct conflict with state law?

Emory Rodgers stated that you can't say all structures.

John Walsh mentioned he was open to any language; we just want to know the board's intent.

Rick Witt stated all structures that had a heating requirement must be maintained to the code in which it was built.

Richard Potts after hearing no further comments stated this will **Move forward as non-consensus.**

Emory Rodgers wanted to make clear to everyone that non-consensus goes to board, pending is different.

M-507.1 cdpVA-15 Proponent: Charles Wilson
Cwilson2@arlingtonva.us

2012 Virginia Maintenance Code
507.1 General

Reason: To include erosion prevention and insert the consistent use of the phrase storm water runoff as widely used in the environmental area. And to address the threshold limit that is not addressed by the Department of Environmental Quality (DEQ).

Vernon Hodge gave an overview of the proposal.

Comments:

Emory Rodgers stated the VBCOA Administrative Committee unanimously opposes this proposal. He noted the current language was sufficient.

Shaun Pharr stated that he agreed with Emory.

Richard Potts after hearing no further comments stated this will **Move forward as consensus for disapproval.**

M-604.3.1.1 cdpVA-15 Proponent: Bryan Holland, NEMA
Bryan.Holland@NEMA.org

2012 Virginia Maintenance Code
604.3.1.1 Electrical equipment.

Reason: This proposal adds “a third party field evaluation body” to the list of entities that may provide an inspection report to the AHJ indicating equipment exposed to water has not sustained damage and does not require replacement. Third party field evaluation bodies are recognized under the NFPA 790 Standard for Competency for Third-Party Field Evaluation Bodies. This proposal also seeks to remove the voltage rating limitation imposed for the equipment listed in Items 1-5. All of the equipment and wiring in Items 1-18 have standardized voltage ratings in compliance with their applicable product standards.

Bryan Holland gave an overview of his proposal.

Comments:

John Walsh asked how he would know if a third party is licensed? We need some type of certification.

Glenn Dean stated it was just a different title to an approved national testing laboratory.

Greg Revels asked about adding a clarification language to this proposal?

Bryan Holland stated he could.

Richard Potts stated we would **Move forward as pending. If we can add the definition before the Work Group 2 meeting, we can move forward as consensus.**

Emory Rodgers asked if the third parties were certified?

R-101.5 cdpVA-15 Proponent: Kenney Payne, representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
101.5 Use of terminology and notes.

Reason: The entire paragraph has been converted to a list format, which is much easier to read and understand. Other than the new #7 and “Note” the text remains unchanged (except for “VEBC” in lieu of “VRC”). The added language under #7 clarifies that any VRC reference to the IBC means the VCC, which includes the VA amendments to the model IBC, as well as, any VRC references to the other iCodes or standards means those including VA amendments. Otherwise, such references would be to the IBC (or other iCodes or standards) without the VA amendments. The “Note” follows the same concept as that found in VCC 101.2, Note 1 to remind everyone of the “International Codes” referenced in the VEBC that might otherwise be amended in the USBC.

Kenney Payne gave an overview of his proposal. The only change in 1-6 is taking the IEBC to the VEBC. The only real change is #7 and the Note.

Comments:

Vernon Hodge said he was not sure if this was the best language.

Emory Rodgers stated it needed tweaking but it needs to be there, he thinks it should be moved forward.

Kenney Payne said he will propose a different language in #7.

Vernon Hodge will add rest of stricken language.

Richard Potts after hearing no further comments stated this will - **Move forward as consensus of approval with changes.**

R-102.2 cdpVA-15 Proponent: Kenney Payne, representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
102.2 Scope.

Reason: The reformatting of VRC 102.2 should make it easier to understand which code (VEBC or VCC) applies to which occupancies. Also the original exception is misleading, since you can have a change of occupancy involving a Group 1-2 and/or 1-3. For example, one can go from a Group 1-2 to a Group B, or go from a Group 1-3 to a Group R; however, one cannot go from a particular Group to a Group 1-2 or 1-3. If Group 1-2 and/or Group 1-3 are allowed to use the VRC/VEBC, even if changing to such Groups, then this code change would need to be revised accordingly.

Kenney Payne gave an overview of his proposal.

Comments:

Johnna Grizzard stated that VBCOA supports this proposal.

Vernon Hodge asked if there was a companion proposal that makes changes to the VCC that correlates with this?

Kenney Payne stated there was and it is going through a few people now. We at least wanted to get this one in the Workgroup meeting.

Richard Potts after hearing no further comments stated this will **Move forward as consensus for approval with pending changes.**

Emory Rodgers stated he would prefer move forward with consensus, instead of pending.

Johnna Grizzard asked if there was anything substantially incorrect about this format?

Vernon Hodge stated no.

Next meeting Work Group 2, July 20.

Emory Rodgers asked if the staff was going to place the new state laws in the codes?

Vernon Hodge stated that we are concentrating on the proposed regulations right now. Proposals that come in a week before the agenda goes out for Work Group 3&4 which is August 17, this will be the last workgroup meeting we will do before we start preparing the package for the board of housing. Nothing will go

into the proposed regulations that haven't been looked at in the workgroup meetings. After the proposed regulations are published, we are allowing a 6-month period next year to do this all over again.

Kenney Payne stated his apologies to the group, he would like to reconsider the last proposal status. Kenney went over his proposed changes and asked if he made changes, can we move this forward as consensus.

Richard Potts after hearing no further comments stated this will **move forward with consensus.**

**Workgroup 2 Meeting
Virginia Housing Center, Glen Allen, VA
July 20, 2016, 9:30 a.m.**

Summary Notes

Cindy Davis – Welcome and introductions.

Additional Discussion

Billboard reconstruction Chip Dicks

Reason: Chip Dicks provided an overview of billboard reconstruction. Interpretations vary from locality to locality. Question for discussion under the Rehab Code, if a structure was built in 1975, and all we are doing is replacing the structure with the same building materials and same pole, then under that circumstance it would seem you would be able to get a building permit going through the process and be able to put the pole back as it was. It is not being any less safe than it was before. It is a replacement pole for the one that was compromised by age of the pole or by a storm.

Mr. Dick's explained that a previous workgroup discussed the safety upgrade issue, but this is not related to the safety upgrade issue. The safety upgrade issue has been resolved. Input on this repair situation is needed. Mr. Dick's further explained that this is a VDOT driven process, every locality in Virginia is subject to this Statewide Billboard Repair Ordinance, this legislation, that every billboard company has to apply to VDOT first to have these repairs made and then they go to the locality for a building permit. He further explained that the building official has a right to object and to say that the billboard should not be repaired, it is a building code official determination it is not a local zoning determination. If the building official objections are considered then VDOT will issue the final decision after considering the building code officials perspective.

Comments:

Cindy Davis asked if there was any difference whether the billboard is located on VDOT right-of-way or private property or does this particular legislation apply across the board?

Chip Dicks replied that it applied across the board.

Bob Adkins stated why you would replace a failed structure with the same type?

Chip Dicks replied that VDOT requires you to do that and asked why wouldn't you upgrade the structure to meet current safety standards?

Mike Toalson asked if VDOT has ever allowed a non-conforming structure to be upgraded to the current safety standards?

Chip Dicks stated that VDOT personnel previously allowed that, however, current personnel won't allow it. The law has not changed and regulations have not changed. The reason this has become an issue that VDOT changed personnel and their interpretations have changed.

Robby Dawson asked if they currently have an appeal process for this VDOT interpretation?

Chip Dicks stated there was an appeal process through VDOT under the Administrative Process Act, but as you know, you appeal the decision and there is about 12-15 applications pending now where VDOT has approved the repair but the local building code officials have said they want the poles upgraded.

Sean Farrell asked about what is non-conforming about these billboards that VDOT classifies them as non-conforming?

Chip Dicks stated that non-conforming signs can be categorized for many reasons. It could be spacing standards, was off the road and now is on the road because of road construction, zoning, etc.

Sean Farrell replied because none of the examples you mentioned is because of the material that is assembled, it seems to be height and proximity.

Glenn Dean asked if he heard correctly saying you go to building officials and sometimes you get a permit and sometimes you don't. Was there any consideration to an interpretation request to the Technical Review Board, which would have the effect of codes statewide? When dealing with building officials are any discussions with placing like with like materials?

Chip Dicks replied they are not making anything less safe we are putting same pole with like materials. This is not universal to every building official.

Ron Clements asked if the Rehab Code would allow you to use the same material or material equivalent to what was used in 1975. Asked if the language could be tweaked?

William King believed it was straightforward, wood pole replacement with a similar pole.

Emory Rodgers – Ron Clements and Johnna Grizzard are in accord with me. VBCOA has a committee going through dozens of code changes, your issue needs to be on the agenda. We can't help with VDOT issues. Ron Clements has said that under the Virginia Rehab Code, a building official could tell what you are getting.

Johnna Grizzard mentioned that VDOT regulations came into effect around the same time as the Rehab Code became mandatory. Under the definition of repair, reconstruction is included.

Ron Clements replied that we may need to clarify some dimensions and material.

Ron Adkins stated that if he went into a structure, and spotted a structural failure, he would require an evaluation to verify that it is a safe structure.

Chris Snidow said they require a field drawing.

John Walsh asked what problem we are trying to solve? He hears the building official is not issuing a permit because they are not upgrading the pole. The code that VDOT interprets is that the code does not allow you to upgrade. He thinks the first issue is an educational issue and the next one is a code issue. He is confused on what we are trying to do.

Chip Dicks stated that if the issue with VDOT, is not worked out, we will see legislation next year. The rehab code is where we are trying to find education and if it is a code interpretation, we should ask for an opinion from TRB.

Kenney Payne stated as a Code Academy Instructor, that this is definitely an educational issue.

Chip Dicks wrapped up stating that most billboards have wooden poles and are close to the ground. With steel poles you need structural engineering. Thank you all very much for your input.

C-103.3(2) cdpVA-15 Proponent: College Laboratory Sub-workgroup
Vernon.hodge@dhcd.virginia.gov

2012 Virginia Construction Code
103.3 Change of occupancy

Reason: This proposed code change attempts to address the limiting factors of MAQs within facilities by answering the following questions: How do we increase MAQs beyond those already allowed while still incorporating an acceptable level of safety, protection, and/or fire resistance ratings? How do we apply these requirements to existing buildings? and How do we accomplish the first two without a large re-write of the code?

Kenney Payne gave an overview of the proposal.

Comments:

Vernon Hodge stated after talking with Zack Adams and Chris Raha, only substantiated changes are needed and the comments can be placed in cdpVA.

Rick Witt stated that this is just an option since it is not mandated. I support this issue and there seems to be consensus and sees no reason why not to move this forward.

Cindy Davis – **Move forward with consensus**

C-117.2 cdpVA-15 Proponent: Ron Clements representing VBCOA VRC Committee and Kenney Payne representing AIA-VA
clementsro@chesterfield.gov and kpayne@moseleyarchitects.com

2012 Virginia Construction Code
117.2 Moved buildings and structures.

Reason: VRC Chapter 13 addresses moved buildings and structures. The existing requirements of 117.2 are still basically the same as they were prior to the adoption of the VRC. The section needs to be updated to address the scope of the VRC for existing buildings and VRC Chapter 13 specifically for moved buildings.

Ron Clements gave an overview of the proposal.

Comments:

Kris Bridges asked in the case of an Industrialized Building that is not recognized by Virginia, is that a moved structure?

Ron Clements stated that in VA, we have an Industrialized Building Safety Regulation.

Cindy Davis - **We will move forward as consensus**

CB-202(2) cdpVA-15 Proponent: Kenney Payne AIA-VA
kpayne@moseleyarchitects.com

2015 International Building Code
Section 202 Definitions
Area, Building.

Reason: “Building area” was intended only for calculations involving allowable area. However, when the actual words are applied to “real” buildings, it becomes questionable. Is the current BUILDING AREA definition equivalent to the aggregate FLOOR AREA? No. FLOOR AREA can actually exceed the BUILDING AREA!

Kenney Payne gave an overview of his proposal.

Comments:

Andrew Milliken asked where in these building codes does this apply? What scope is involved and what courts have been exempted before now?

Kenney Payne stated his agreement. In revised floor area definition, the floor area will stop. Upper volume of multi-story spaces are now in this proposal.

Glenn Dean asked Kenney if he had considered advancing this to ICC?

Kenney Payne stated he had not.

William Lloyd asked if the floor area calculated as floor space no matter how many stories?

Sean Farrell asked if changing the scope from building footprint to a total building area was consistent with the national approach? He stated it was just an observation.

Glenn Dean stated he had reservations.

Richard Potts – **Move forward as pending to carry over**

CB-303.1.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Building Code
303.1.1 Small buildings and tenant spaces.

Reason: The section is under the “Assembly” group, yet it is written as if it was an exception and requires one to classify such occupancies as “B”. Doing so, could potentially require more plumbing fixtures compared to classifying such occupancies as “A”. Why not allow the designer/owner some flexibility and allow classification as either an “A” or “B”? The 2009 IBC handled such spaces as an “exception” so the designer/owner had an option of whether to use the exception and classify such spaces as “B” or keep them classified as “A”.

Kenney Payne - gave an overview of proposal and asked that we delete 303.4 for today.

Comments:

Chris Snidow stated this should be an option. The change from occupancy to use.

Cindy Davis said we could leave accessory or subordinate and hope that accessory was understood.

William King asked what the occupancy would be in 303.1.2 Group B. He didn't feel it was clear.

Johnna Grizzard mentioned she supported this, just like the same issue with 303.3.

George Hollingsworth said he would support this change, it takes some of the confusion out. He suggested occupant load 50 or less.

Chris Snidow also suggested use.

Kenney Payne stated he was happy making this change if everyone was ok with it.

Chris Philips stated accessory is a relationship to the space. He recommended the language in 508.2 ancillary.

Kenney Payne stated he agreed with this.

Cindy Davis - **move forward as pending**

CB-304.1.1 cdpVA-15 Proponent: William King representing DBHDS Ad-hoc Group

William.king@alexandriava.gov

2012 Virginia Construction Code
304.1.1 Day support and day treatment facilities

Reason: This proposal was created by a work-group including representatives from the Virginia Department of Behavioral Health & Development Services (DBHDS) to address concerns on classification that have arisen with the location of licensed Day Support and Day Treatment facilities.

William King gave an overview of the proposal.

Comments:

Glenn Dean believed this deals with technical and format issues. He stated day support and day treatment are not defined terms in the building code, however, ambulatory health care is included in the code.

William Lloyd stated a need for a definition in chapter 2 that parallels that type of occupancy. Other than that, he thought it was awesome.

Johnna Grizzard didn't believe that not having a definition was going to be a deal breaker.

Kris Bridges asked if we could import DBHS definition of day support and day treatment?

Robbie Dawson asked for an example of people who would be at a day support facility?

Johnna Grizzard gave an overview as day support is intellectually disabled (mentally retardation); day treatment is adolescence that are emotionally disturbed.

Robbie Dawson asked how they are classified now? These are two different challenges and populations and they are grouping them into the same I-4 group?

Johnna Grizzard stated that day support is really a grey area. She doesn't see any problem with grouping them together. They are on the first floor and have no egress problems.

George Hollingsworth believes the ramp slope needs clarification.

Glenn Dean also believes this is a grey area, it feels like going in areas unintended.

Sean Farrell suggested it looks to him like an I-4, custodial care? Wouldn't this be a subsection of I?

William Andrews stated it is classified to B.

Chris Snidow stated that if the walkway is less than 1-20 slope, it becomes a ramp.

Andrew Milliken asked if we were talking about a small facility?

Johnna Grizzard stated she was on the workgroup. It is restricted Can you have a two story facility? You have to trust the occupant on this. There is more damage not to have any kind of provisions.

Rick Witt stated he would support moving forward as pending.

Cindy Davis - **Move forward as pending to answer questions raised today.**

Chris Snidow asked if there was anything in the Rehab code to address this?

Ron Clements stated he would support as pending.

CB-901.3 cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2015 International Building Code
901.3 Modifications.

Reason: Fire officials are responsible for applying the fire code on maintenance and periodic testing of the fire protection systems, plus local fire officials coordinate emergency responses to sites (including state). Local fire officials need to learn when a building official approve installing, disabling or removing fire alarms, sprinkler system, and other fire protection systems (including for renovation or demolition). The building official is the best source for properly authorizing substantial changes to fire protection systems.

William Andrews gave an overview of his proposal. Same language as in previous workgroups.

Johnna Grizzard stated she had sent some suggestions, however, she never received an answer.

William Lloyd said to move this forward, it is a reasonable requirement. It reminds the building official, if you are going to take out a fire protection system, you need to let the fire department know. It takes the burden off of the individual that owns the building.

Kenney Payne suggested it needed rewording.

Rick Witt said we are not installing. He supports making this pending and doesn't think it is necessary. You can't change behavior.

Emory Rodgers said disabling or removing is approved under the USBC, then the fire code requires if you put it out of service to notify them. He suggested moving forward as non-consensus. This has been placed in 2 workgroups for comments.

Brian Gordon stated we are supporting this concept, without addressing some of the issues, we would not support as consensus.

Glenn Dean said he disagrees with Bill, the building official doesn't own the fire system.

Cindy Davis – **Move forward as consensus for disapproval.**

Robby Dawson asked if we change language, what would happen to it?

Cindy Davis stated it would be a change that we would consider again.

CB-1008.1.6 cdpVA-15 Proponent: William King
William.king@alexandriava.gov

2012 Virginia Construction Code
1008.1.6 Landings at doors.

Reason: This new exception is designed to mimic the exception to IRC R311.7.6. This also coordinates with numerous exceptions contained within Chapter 10 that treat egress within individual dwelling units in a manner similar to that required by the IRC.

William King gave an overview of proposal. He was trying to clean up the language.

Comments: None
Cindy Davis - **Move forward as consensus**

CB-1023.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Building Code
1023.5 Penetrations

Reason: Generally, exceptions to exceptions are not a good idea (“are prohibited except” and then there is an “Exception” to the charging paragraph). Sentences that have more than a few commas (run on sentence) oftentimes require re-reading to make sure the meaning is understood and properly interpreted.

Kenney Payne stated he would like to withdraw his previous proposal, CB-202(2) and gave an overview of this proposal.

Comments:
Bob Adkins stated he loudly speaks against this code change.

Andrew Milliken stated he agreed, he is against this also.

Chris Snidow asked if it would be different if #7 was removed?

Jeff Morrow said the thing that seems to be missing is the serving of the stairway. With the wording we have now, we can run sprinkler piping on through one wall in the stairway into another wall, so we are penetrating the stairway again. It should be limited to stairway.

Ron Clements stated the building code does not require an exit stair shaft to be structurally independent.

Chris Snidow stated as a structural engineer, if it’s not necessary to be structurally independent, then you can bare structural streaming off it.

Kenney Payne stated you can and to be honest we do. We have been told that we cannot penetrate that membrane.

Sean Farrell said whatever penetrated it had to serve it and terminate within it. The language no longer states that.

Bob Adkins added the membrane penetrations needed to be protected. The more he reads this, the more confused he gets.

Cindy Davis – **Move forward as non-consensus with more work on it.**

CB-1407.10.4 cdpVA-15 Proponent: Kenney Payne, representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
1407.10.4 Full-scale test.

Reason: the added language is akin to the language used in IBC 703.3, allowing other methods and procedures to demonstrate compliance. The difference between 703.3 and these sections is that NFPA 285 has nothing to do with fire resistance – so, a simple reference to 703.3 would not be appropriate.

Kenney Payne provided an overview of his proposal.

Comments:

Rick Witt stated that the exception #2, is available now. He cannot support this.

Kenney Payne withdraws this proposal.

CE-R402.1.1 cdpVA-15 Proponent: Bruce Cornwall
bcornwall@culpepercounty.gov

2012 Virginia Energy Conservation Code
Table R402.1.1

Reason: R-49 has been the standard for ceiling insulation in our area in the national code for 4 years. Studies show that the added insulation will more than pay for itself in the life of the home.

No one to speak on this proposal.

Mike Toalson commented he had been directed to speak in opposition to this proposal. No additional value so we oppose this. We spent 4 hours on a sub-workgroup discussing the vision inspection option and we object to visual

inspection of whole house inspection. We would ask that it be labeled non-consensus.

Andrew Grigsby stated his I support R49 for attics and that it was a smart investment.

Charles Cottrell spoke strong support for this issue. Some places are going to R60 for attics and we need to bring our code to national code standards.

Walter Lucas stated if you added 4 inches of insulation, no one looked into changing the fasteners for the ceiling or sheetrock. Heel trusses or rafters may also be needed. The cost will be a lot more than \$150. He doesn't think you need to do it.

Mike Toalson stated they did move forward with some changes in 2012. We always support giving the homebuyer the option to move forward with more insulation if they prefer, we don't believe it should be the minimum.

Charles Cottrell said it doesn't require the full thickness throughout the attic and it doesn't require raised trusses or rafters.

Brian Gordon stated his opposition and hoped the proposal would move forward as non-consensus.

Cindy Davis stated it will **move forward as non-consensus**. We have a sub workgroup working on this and will continue to meet.

Chris Snidow asked about the payback?

Emory Rodgers suggested that the workgroup study the issue of duct testing instead of blower door testing.

CE-R402.4.1.2 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R402.4.1.2 Airsealing
R402.4.1.2.2 Visual inspection option.

Reason: There is no substitute for actual mechanical testing of the building. A visual inspection standard is no standard – as it cannot obtain a numerical value. Air leaks – even large ones – are not always observable during a visual inspection. It is precisely the hard-to-find leaks that are the problem. Most builders will address a visible hole. It is not difficult to build a tight house. But the only way to find the random problems is to test.

Andrew Grigsby gave overview of his proposal.

Comments:

Charles Cottrell stated that testing is very important. There is no human that can look at a house to see how many air changes there are per hour. We owe it to the consumer.

Cindy Davis - **Move forward as non-consensus**, however, our group will work on this issue.

CE-R403.2.2 cdpVA-15 Proponent: Andrew Grigsby

Andrew@leap-va.org

2012 Virginia Energy Conservation Code

R403.2.2 Sealing (Mandatory)

R403.2.2.2 Visual inspection option.

Reason: There is no substitute for a pressure test of the ductwork. Any person who actually has tested ductwork knows that, unless every inch of the entire duct system is readily visible, then only a mechanical test would have a hope of finding all of the leaks. It makes no sense to ask an inspector to crawl around the entire system hunting for leaks.

Andrew Grigsby gave overview of this proposal.

Comments:

Mike Toalson said we don't believe this should be the minimum. The cost will increase when it is mandated. I will make the commitment to bring it back to our group in hopes that we can keep working on this.

Cindy Davis - **Move forward as non-consensus**

CB-2308.4.1.1 cdpVA-15 Proponent: Matthew Hunter and John Catlett, representing American Wood Council

mhunter@awc.org and jcatlett@awc.org

2015 International Building Code

Table 2308.4.1

Reason: The update of Table 2308.4.1(1) Girder Spans and Header Spans for Exterior Bearing Walls is proposed. Updated spans address use of Southern Pine No. 2 in lieu of Southern Pine No. 1. Footnote "f" is added to clarify that header spans are based on laterally braced assumption such as when the header is raised.

Comments: None

Cindy Davis - **Moving forward as consensus**

CR-R602.7 cdpVA-15 Proponent: Matthew Hunter and John Catlett, representing American Wood Council
mhunter@awc.org and jcatlett@awc.org

2015 International Residential Code
Table R602.7(1)

Reason: The update of Table R602.7(1) Girder Spans and Header Spans for Exterior Bearing Walls is proposed. Updated spans address use of Southern Pine No. 2 in lieu of Southern Pine No. 1. Footnote “f” is added to clarify that header spans are based on laterally braced assumption such as when the header is raised.

Comments: None

Cindy Davis – **Moving forward as consensus**

CB-2603.5.5 cdpVA-15 Proponent: Kenney Payne, representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
2603.5.5 Vertical and lateral fire propagation.

Reason: Exception #3 makes Exception #1 (as currently written) obsolete because 2603.4.1.4 already requires the building to be sprinkled. So, if a building is fully sprinkled, one would use Exception #3, not Exception #1.

Kenney Payne gave an overview of his proposal. He would like to propose that Virginia consider allowing one story buildings to be exempt from this test.

Comments:

Glenn Dean asked that we give Kenney a victory.

Cindy Davis - **Move forward as consensus**

Cindy Davis gave an overview regarding a letter that was sent to Governor McAuliffe. It was in opposition to this, however, we have had no proposal from her.

William Lloyd said they should follow the process.

F-703.1 cdpVA-15 Proponent: Zachary Adams
adam.sz@vt.edu

2015 International Fire Code
703.1 Maintenance Option One or Option Two

Reason: While we agree it is imperative that the integrity of fire-resistance construction be maintained, to require an annual inspection imposes a substantial burden on the owner, especially where an extensive amount of square footage is occupied.

Rick Witt gave an overview of the proposal on Zach's behalf. He stated the real issue is to maintain. He asked for this to be pending and he will help with working on the language.

Comments:

William Lloyd – This does need a re-write by qualified people.

Cindy Davis - **This will move forward as pending.**

F-703.4 cdpVA-15 Proponent: Justin Biller
jbbiller@carilionclinic.org

2012 Virginia Statewide Fire Prevention Code
703.4 Testing

Reason: In particular, Health Care Facilities in Virginia are facing enforcement of this requirement as part of ongoing licensure/funding through State enforcement of NFPA 101, Life Safety Code, so it is also important that these requirements are consistent with local fire prevention code enforcement as well throughout the Commonwealth.

Justin Biller gave overview of his proposal to clarify this testing component.

Comments:

Robbie Dawson gave an overview of his suggested comment on cdpVA.

Justin Biller stated the issue is that 703.4 right now is only talking about horizontal vertical sliding doors. NFPA 80 deals with swinging doors as well.

William Lloyd said he thinks it is better suited in 703.2 that would relate to shutters, windows and swinging doors as well. Swinging doors do have to be inspected annually.

Rick Witt stated he didn't have any problems with where is trying to go, however, the language is not there. From the second sentence on is not required.

Justin Biller said it is inspected to NFPA80, we are not requiring additional inspections.

Rick Witt disagrees, he just went through an issue lately, the swinging doors were an issue at a church. Don't impart a new standard on something that is existing.

William Lloyd stated that NFPA80 has been in effect since the early 70's for windows, shutters and fire doors.

Cindy Davis – **Moving forward as non-consensus**

F-1030.1 cdpVA-15 Proponent: Andrew Milliken, representing Stafford County Fire Marshal's Office

amilliken@staffordcountyva.gov

2015 International Building Code
1030.1 General.

Reason: The intent of this proposal is to clarify that the requirements of emergency escape and rescue openings apply to R-4 occupancies.

Andrew Milliken gave an overview of his proposal.

Cindy Davis asked if everyone was in agreement with that intent to adding the R-4 language to this section?

Judy Hackler asked whether or not it would be a new classification or retrofit?

Cindy Davis – **Moving forward as pending.**

F-2311.7 cdpVA-15 Proponent: William Andrews representing city of Richmond Fire Marshal's Office

William.andrews@richmondgov.com

2015 International Fire Code
2311.7 Repair garages for vehicles fueled by lighter-than-air fuels.

Reason: The 2000 IFC Section 2210.1 and current state fire code Section 2311.7 required repair garages to comply with this section and the IBC. Repair garages for vehicles that use more than one type of fuel shall comply with the applicable provisions of this section for each type of fuel used.

William Andrews gave an overview of his proposal.

Comments:

Mike O'Connor asked if there was a definition for lighter than air?

Vernon Hodge stated that it was not a defined term.

William Lloyd stated he supported Bill's proposal. He had problems with this in Virginia Beach.

Sean Farrell stated he was not in opposition, but asked if this language was going into the SFPC? What is the intent? He also stated if we were not introducing technical code then his comment was not applicable.

Johnna Grizzard said she had problems with the grammatical language.

Bob Adkins stated he thought this was unenforceable.

Cindy Davis said it seems there is general support for this however, the sentence structure needs to be tweaked.

Emory Rodgers stated there seemed to be redundancy. It is still a little confusing.

Cindy Davis stated this will **Move forward as non-consensus**

F-3103.2 cdpVA-15 Proponent: Andrew Milliken representing Stafford County Fire Marshal's Office
amiliken@staffordcountyva.gov

2015 International Fire Code
3103.2 Approval required.

Reason: The intent of this proposal is to eliminate conflicting language regarding when a permit is required. Section 107.2 of the Virginia Statewide Fire Prevention Code indicates the criteria for when permits are required to be obtained from the fire official, including for temporary tents and membrane structures.

Andrew Milliken gave an overview of his proposal.

Comments:

Monty Willaford stated that a number of fire marshal's across the state agree this is a good idea as far as eliminating the conflict, we would like to keep the current language 3103.2 Approval Required in place and change the language to that of the table located in 107.2. We would certainly agree to going with the less restrictive numbers. We don't want any additional restrictions.

Sean Farrell stated the proposed base document retains this approval process but gives you a pointer.

Robbie Dawson added that he supported Chief Willaford's comments. Unstrike all of that.

Sean Farrell stated the base document takes out the requirement for permit. The 400 square foot is still there. It points you to the table. Approval is there for 400 or more but the requirement for a permit doesn't kick in until 900.

Emory Rodgers suggested we do this as pending then have an adhoc group to include building officials, fire officials and tent operators.

Cindy Davis said this was an operational issue, 3103.4 is the pointer. So it shouldn't be a problem. Leave as is.

Monty Willaford stated even going back and looking at those changes it doesn't meet what is in the table. It is still out of focus.

Linda Hale stated 107.2 really addresses the operation, it does not affect the maintenance of a tent that is going to be up for less than 180 days. It strikes that language out as well.

Johnna Grizzard said the general section 3103.4 all temporary tents and membrane structures are part of this section. Johnna asked if there was a need for maintenance of temporary tents?

William Lloyd stated he had two churches that erected tents and they stayed up the entire summer to accommodate the tourists in Virginia Beach. They need to be maintained.

Sean Farrell suggested taking the base document on cdpVA and see if this fits.

William Andrews said Table 107.2 also has the exceptions that's used exclusively for recreational camping purposes. This is an exception.

Ron Clements said this specific section is not setting up the maintenance without first obtaining a permit. All this section is doing is saying whether or not you need a permit. This section can go.

William Lloyd stated the only problem with this section is the fact that size or the numbers in the table do not match what is in 107.2.

Cindy Davis said we will **Move forward as non-consensus**

F-5003.3.1.4 cdpVA-15 Proponent: Mike O'Connor representing Virginia Petroleum, Convenient & Grocery Association
mike@vpcga.com

2012 Virginia Statewide Fire Prevention Code
5003.3.1.4 Responsibility for cleanup

Reason: The General Assembly has already empowered the Virginia Water Control Board to enact regulations and oversee the cleanup of petroleum based products from discharges from underground and above ground storage tanks.

Mike O'Connor gave an overview of his proposal.

Comments:

Robby Dawson stated he didn't care where the money came from for clean-up. You Mr. Business owner is responsible.

Anthony Milliken stated he agreed with Robby.

William Lloyd also agreed with Robby.

Monty Willaford mentioned not hurting the little guy, the fund when you can't identify the person responsible or when the little guy doesn't have funds to clean up spill.

Renee Hooper (DEQ) stated that with the Reimbursement fund, the owner operator does cleanup and then applies for reimbursement from the fund.

George Hollingsworth asked if we were open to what Robbie said about taking born out and putting in responsible?

Robbie Dawson asked if the fund is dry, then what?

Linda Hale stated that born by necessarily doesn't make you responsible for cleaning it up, DEQ has the reimbursement fund, but born by doesn't necessarily preclude you from being able to be reimbursed from it. You have to be able to pay out in order to be reimbursed by DEQ.

Monty Willaford asked who created the spill should be responsible for the spill. That person is responsible for cleaning up the environment.

Renee Hooper stated DEQ would do an initial analysis. She stated she had not heard about any problems in this area.

Ed Rhodes asked if the fund ever ran out of money?

Renee Hooper stated it had not, however, they are about 7 months behind in paying claims.

Anthony Barrero stated this was about responsibility. Follow the steps in DEQ website for cost recovery. We need to play with the language.

William Lloyd stated it does say that this section shall not be applicable. So it's removing those places that may want to or have the capability of doing that.

Mike O'Connor stated the private sector pays 6 cents to DEQ, should be a recognition for that money. This money comes out of their margin to be used for clean ups. We are only looking for the state statute that has the money.

Cindy Davis asked if we could get a volunteer to work with Mr. O'Connor. Robbie Dawson and William Lloyd volunteered. **We will leave this as pending.**

M-202(1) cdpVA-15 Proponent John Walsh representing VBCOA VMC Committee
John.walsh@richmondgov.com

2012 Virginia Maintenance Code
Structure Unfit for Human Occupancy, 602.2 Heat supply

Reason: Due to a recent ruling by the TRB that exempted owner occupied structure from the provision of the Unfit definition related to a heating source it is necessary to clarify the language and also to clarify the intent of the Board of Housing.

John Walsh gave an overview of his proposal. He worked with Mr. Phil Storey with the Legal Aid Justice Center for the language on this proposal.

Peter Askin with Phil Storey group gave an overview of his reason for non-consensus. We remain concerned that in this proposal it would be costly for the retrofitting requirement. The cost impact could be crushing to many low-income families.

Linda Hale said she would not advocate for a space heater in lieu of appropriately maintained heating systems as a fire safe alternative.

John Walsh stated Mr. Storey is interpreting the maintenance code as a restrictive code such as what a building is required to have. All it requires is to maintain under the code in which it was built. This is a performance standard for rental dwellings.

Cindy Davis stated we will **Move forward with non-consensus.**

William Andrews stated he supported Mr. Walsh's proposal.

M-202(2) cdpVA-15 Proponent: Phillip Storey, representing Legal Aid Justice Center
phil@justice4all.org

2012 Virginia Maintenance Code
Section 202 Definitions
Structure Unfit for Human Occupancy

Reason: This proposal responds to a recent administrative appeal decision by the State Building code Technical Review Board (TRB), (Consolidated Appeals 15-12 and 15-13.) The appeals challenged the City of Richmond’s application of VMC Section 105.1 to threaten with condemnation owner-occupied homes it claimed met VMC Section 202’s definition of Structure Unfit for Human Occupancy (Unfit) because they lacked primary heating systems.

Peter Askin with the Legal Aid Justice Center gave an overview of the proposal in the absence of Mr. Phil Storey.

Comments:

Cindy Davis - **Move forward with non-consensus**

M-507.1 cdpVA-15 Proponent: Charles Wilson

Cwilson2@arlingtonva.us

2012 Virginia Maintenance Code
507.1 General

Reason: To include erosion prevention and insert the consistent use of the phrase stormwater runoff as widely used in the environmental area. And to address the threshold limit that is not addressed by the Department of Environmental Quality (DEQ).

Comments:

Brian Gordon opposes this code change.

Cindy Davis - **Move forward for consensus of disapproval**

R-101.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
101.5 Use of terminology and notes.

Reason: The entire paragraph has been converted to a list format, which is much easier to read and understand. Other than the new #7 and “Note” the text remains unchanged (except for “VEBC” in lieu of “VRC”).

Kenney Payne gave an overview of the proposal. He is presenting under adhoc group and as a speaker for VRC.

Comments:

Johnna Grizzard stated that we will not be presenting these code changes to the national level at this time.

Ron Clements said he will do some of these code changes at the national level.

Sean Farrell stated he wanted to clarify, we are just proposing to change the VA Rehabilitation Code to the Virginia Existing Building Code.

Cindy Davis stated we will **Move forward as consensus.**

R-102.2 (2) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
102.2 Scope

Reason: The reformatting of VRC 102.2 should make it easier to understand which code (VEBC or VCC) applies to which occupancies.

Kenney Payne gave an overview of the proposal.

Comments:

Bob Adkins said it looks like this is eliminating the option of using the VCC. Is this requiring VRC to be the dominant? He believes there should be a marker and thinks it is confusing.

Sean Farrell stated that if you design to the VCC and build to the VCC you are meeting the VRC requirements. You have complied with the VRC.

Vernon Hodge said you would have to put in another proposal to put the option back in.

Ron Clements stated you start at VCC Section 103.3 and it sends you to the VRC.

Chris Snidow asked if the VCC equals or exceeds the VRC, if he uses the VCC, is he complying with the VRC?

Cindy Davis – Yes, **we will Move forward as consensus**

R-202(1) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Existing Building Code
Section 202 Definitions, Alteration

Reason: Since the term “alteration” is used in the other compliance methods (Prescriptive, Performance, and Previous (proposed title under separate code change), and classifying alterations as Level 1, 2, and/or 3 is only required under the Work Area Compliance method, it could cause and has caused confusion since one generally cannot switch between compliance methods under a single permit unless otherwise approved by the building official.

Kenney Payne gave an overview of his proposal.

Comments: None

Cindy Davis said we will **Move forward as consensus**

R-202(2) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
Section 202 definitions
Existing Building

Reason: There should be a way to address buildings that have been occupied, but have never been issued an “actual” certificate of occupancy. In some instances, there may not be any documentation, and in others, there may be a “document” but it is not an “official” certificate of occupancy. This code change attempts to address that question by saying at some point, a code official “approved” such occupancy, and therefore such buildings would be considered an existing building.

Kenney Payne gave an overview of his proposal.

Comments:

Bob Adkins said his building official is opposed to this proposal. He read an email from him. The language is permissive and will not be applied uniformly throughout the state. To assume a building constructed under the VUSBC that does not have a certificate of occupancy was “approved” by some other means is simply unsound decision making. This is not about “just missing a piece of paper.” If approved this will open the door to “approvals” given by others not reporting to the Building Official (e.g., Zoning Approval, a limited Fire Prevention Inspection conducted by a Fire House; a Tax Assessment) usurping the enforcement of the Building Code for building constructed without a Building Permit and issuance of a Certificate of Occupancy.

Johnna Grizzard stated that the current definition is more lenient than the proposed definition. A zoning official doesn’t have jurisdiction when it comes to a building code.

Andrew Milliken believes this is a real issue, the word approved creates confusion. He thinks we should change the language.

Chris Phillips stated approved means approved by the building official.

Bob Adkins stated the language, as approved by code official or as defined in the building code, he thinks it may satisfy his building official.

Kenney Payne asked about the term “as approved”?

Cindy Davis said we will **Move forward as consensus adding “as approved by the building official”**.

Vernon Hodge - The building code as always required a certificate of occupancy since 1973. If the building doesn't have a certificate of occupancy, the building official is obligated to issue one immediately if he finds out that the building doesn't have one and was built after 1973. There should not be any post building out there without a certificate of occupancy. So if you are trying to change this to address an illegally constructed building. You can take care of that.

Sean Farrell stated this is the world that he lives in with code compliance and he can assure you that about 1% of the buildings out there don't have a certificate of occupancy. It goes into the category that Vernon Hodge explained where we have all the inspections, we have everything in place except the owner didn't come to the counter to pick-up a piece of paper. Most issues resolve around a permit that was issued but inspections were never obtained. The documented compliance was never achieved. He agrees with Vernon that we need to institute some kind of notice of violation or enforcement action in order to get there. He does have some of the same concerns that Eric has with this particular language. If we are assured that approved means the building official or authority having jurisdiction, and he always assumed that authority having jurisdiction was the jurisdiction. But if that is indeed the building official then he thinks an interpretation of that magnitude would satisfy Eric's concerns.

R-202(3) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
Section 202 Definitions
Change of Occupancy.

Reason: 2012 VRC: A placeholder has been inserted to alert that a separate code change proposal is being submitted for consideration. If that code change is denied, then the existing VRC “change of occupancy” definition will remain.

Kenney Payne gave an overview of his proposal.

Comments:

Cindy Davis stated we will **Move forward as consensus**

R-202(4) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Existing Building Code
Section 202 Definitions
Work Area

Reason: Per 2012 VRC 102.1 the Code of Virginia and General Assembly of Virginia declared. The application of those building code requirements currently in force to...rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place. Per the 2015 IEBC under “Effective Use of the IEBC”: Although many of these buildings are potentially salvageable, rehabilitation is often cost-prohibitive because compliance with all of the requirements for new construction could require extensive changes that go well beyond the value of the building or the original scope of the rehabilitation. To make the rehabilitation process easier, this code allows for options for controlled departure from full compliance with the International Codes dealing with new construction, while maintaining basic levels for fire prevention, structural and life safety features of the rehabilitated building.

Kenney Payne gave an overview of his proposal. This is a level 2 alteration. What is a reconfigured space? This is not a defined term in the code, but currently, has everything to do with what ends up being considered a work area.

Comments:

Chris Snidow asked if anyone had considered furniture and aisles in this definition?

Kenney Payne stated that this part of the code doesn't address this.

Bill King asked why is a 6' partition not a wall? In the federal government, everything is movable.

Chris Snidow stated he thinks what you are talking about is not a wall, but a partition. The way we look at it, if it's not tall enough to block the exit lights then they are partitions. You need to look at the individual situation.

Ron Clements stated if you think that where a wall is added, relocated or removed is better than re-configured and if you think this text is clearer than re-configured then I would move it forward. This language is clearer than re-configured.

Rick Witt stated if you pass this forward, you have the opportunity to come back after it is published and address some of the questions that you are speaking about such as partitions.

Cindy Davis said we will **Move forward as consensus**

R-301.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Existing Building Code
301.1 General

Reason: Tried to simplify the language when determining compliance methods, including taking an “exception” (which is actually a 4th compliance method) and giving it its own “section” like the other compliance methods. It also moves structural-related provisions from 301.1 to the structural part of the Section – which would now become 301.2. That way, all structural-related provisions are kept together and not spread around.

Kenney Payne gave an overview of his proposal.

Comments:

William King stated whatever the old provisions of the code, such as if it was built in 1975, forget all the provisions that have come passed this date. Prior to USBC you do whatever you feel like.

Johnna Grizzard stated this proposal was improving the existing language.

Ron Clements said he believed deleting the exception is a separate code change.

William King stated he thought this was an open modification. If we put this in as an exception to the language, as an option, then I believe that it becomes a Virginia Amendment with an allowance in there that actually becomes enforceable.

Kenney Payne asked if we left this as an exception with different language would this be acceptable?

Andrew Milliken asked if his proposal removed the subject to approval from the building official?

Vernon Hodge stated this was not enforceable language now because it is in the model code and it is administrative language.

Cindy Davis stated we would **Move forward as non-consensus with tweaking.**

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Workgroups 1, 2, 3 & 4
Virginia Housing Center
August 17, 2016

Cindy Davis welcomed everyone and all attendees introduced themselves.

C103.3(2) cdpVA-15 Proponent: College Laboratory Sub-workgroup of DHCD's Workgroup Two)

Vernon.hodge@dhcd.virginia.gov

Reason:

DHCD staff note: Changes to the proposal subsequent to the July 20, 2016 Workgroup Two meeting is outlined in the document below. This proposed code change attempts to address the limiting factors of MAQs within facilities (via the use of control areas).

Zach Adams gave an overview of this proposal. The group worked on this for 2 ½ years with stakeholders from George Mason, University of Virginia, VATECH, University of Richmond, William & Mary, nationally UCLA, Washington Seattle, Department of General Services-Chris Raha, Emory Rodgers, State Fire Marshals, Kenney Payne with AIA. We had a very broad constituent base and Vernon Hodge headed up these efforts.

Comments:

Chris Raha with DGS stated that this proposal will impact many universities and colleges research facilities that we would regulate as a building official. We support this 100%.

Cindy Davis asked for other comments and hearing none said this will be **moving forward as consensus for approval.**

C-104.3 cdpVA-15 Proponent: William Andrews, representing City of Richmond's Fire Marshal's Office

William. Andrews@richmondgov.com

Reason:

Fire officials are responsible for applying the fire code on maintenance and periodic testing of the fire protection systems, plus local fire officials coordinate emergency responses to sites (including state). Local fire officials need to learn when a building official approve installing, disabling or removing fire alarms, sprinkler system, and other fire protection systems (including for renovation or demolition).

William Andrews gave an overview of his proposal.

Comments:

Rick Witt stated he is still not totally for this. Not in favor. More behaviorally than cooperation.

Moving forward as non-consensus

C-105.2.1.1 cdpVA-15 Proponent: Debra McMahon

Debra.mcmahon@fairfaxcounty.gov

Reason: The purpose of this proposed code addition is to get permit technicians recognized for their technical expertise on a state level. Permit technicians are responsible for reviewing, processing and issuing build/trade permits per the provisions of the Virginia Construction Code.

Debra McMahon gave an overview of her proposal.

Comments:

Cindy Davis stated that after some discussions the name has been changed to paraprofessional.

Richard Bartell stated this definition doesn't bring anything forward, leave to each locality.

Move forward as consensus for disapproval.

CB-202(2) cdpVA-15 Proponent: Kenney Payne, representing AIA-VA

kpayne@moseleyarchitects.com

Withdrawn

CB-303.1.1 cdpVA-15 Proponent: Kenney Payne, representing AIA-VA

kpayne@moseleyarchitects.com

Reason:

Although it was discussed to consider going back to the 2009 IBC format where these subsections were handled as exceptions, we decided against that approach. Although it may not seem like it, it is the opinion of AIA-VA to try to be as consistent with the I-codes as possible, and if proposing changes, try to work with the existing formatting as much as possible unless a different format enhances the code change.

Kenney Payne gave an overview of his proposal.

Comments:

Zach Adams stated he supported this change; however he asked for a clarification of 303.1.2, can it be more than 50 persons?

Move forward as consensus change

CB-304.1.1 cdpVA-15 Proponent: William King representing DBHDS Ad-Hoc Group

William.king@alexandriava.gov

Reason:

This proposal was created by a work-group including representatives from the VA Department of Behavioral Health & Development Services (DBHDS) to address concerns on classification that have arisen with the location of licensed Day Support and Day Treatment facilities.

Johnna Grizzard gave an overview of his proposal.

Comments:

Emory Rodgers stated that the senior staff that operates the license of these facilities is in attendance today. Part of the reason for developing this code change is the decentralization of these types of individuals from centralized facilities to community facilities part of the DOG settlement. This is not custodial service because CMS which reimburses operators would not do so if they were considered custodial which are handled by DSS not DBHDS.

Kenney Payne asked if approved it will be formatted? Building shall be sprinkled in Accordance with...903.1.1.

William Andrews stated that there should be limitations to occupancy load travel distance for people who need assistance.

Ron Clements stated he agreed with adding the reference and to change the wording– to be located day support and day treatment.

Johnna Grizzard wanted to make sure any participants that need assistance need to located be on lower floors. Are there any of these facilities where everyone is capable of evacuating?

Barry Lee stated that sometimes they may.

Chanda Bragg stated we do place the day support on the first floor.

Cindy Davis stated the general agreement that the language in exception 3 should say that day support and day treatment more than 3 stories above grade must be fully sprinkled in accordance with 903.1.1

Kenney Payne suggested using “shall”.

One opposition

Move forward as non-consensus

CB-717.5.3 cdpVA-15 Proponent: Richard Grace and Shawn Strausbaugh
Richard.grace@fairfaxcounty.gov; plumbers96@yahoo.com

Reason:

We are submitting this proposal for only the simple reason that we have adopted this requirement through the USBC technical amendment process since the adoption of the IBC (starting with edition 2000). It is not clear why this was not included/adopted in the 2012 edition of the VCC other than it was an oversight.

Bob Adkins gave an overview of this proposal.

Comments:

Cindy Davis stated that this just put back the VA state amendment which was originally there.

Move forward as consensus

CB-906.1 cdpVA-15 Proponent: Jim Tidwell representing Fire Equipment Manufacturers' Association.
jimtidwell@tccfire.com

Reason:

The Virginia Building and Fire Codes require portable fire extinguishers in almost all occupancies (A,B,E,F,H, I, M, R-1, R-4, and 5). However, the code provides an exception for three occupancies if they are equipped with quick response sprinklers (A,B, and E). The reason for this exception is unknown, and has no known data to support it.

Comments:

Rick Witt stated he didn't see any reason to strike this.

Shaun Pharr stated that he is urging for consensus for disapproval. What I have consistently heard from fire officials is to immediately exit the building don't be persuaded by this data being reported. We need to recognize that this proposal over time will saddle Virginia's new office buildings, multi family buildings, universities, churches and other places of assembly with millions of dollars of unnecessary costs.

Zach Adams stated he totally agrees, we want employees to evacuate not fight fires.

Move forward for consensus of disapproval

CB-1023.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason:

Structural framing is allowed to penetrate through other rated assemblies, including rated corridor walls, shafts, and other fire barriers and rated construction (e.g., those elements governed by Chapter 6) or penetrate into, including fire walls. Otherwise, each stairway enclosure would be its own “mini-building” with independent structural framing which is not required by code.

Kenney Payne gave an overview of his proposal.

Comments:

Bob Adkins stated he is still against this proposal. His biggest concern is they don't even have membrane penetration protection devices. Stairways are designed to get people out of the building. They should be the most ridged enforced fire separation in the code.

Kenney Payne stated they would be willing to limit this to steel if this is an issue, but the IBC does allow for penetration as an option. You can go with the rate of assembly or go with a fire stop system.

Bob Adkins said he still disagreed.

Johnna Grizzard stated she wondered if you had a beam that was protected or wrapped in assembly could that not be protected in the joint system.

Kenney Payne said he would be willing to limit this to steel, however, he does not want to withdraw the proposal.

Cindy Davis asked do you want us to limit this to steel and Move it forward and let the board decide or carry it over to the second half?

Kenney Payne said **move it forward as non-consensus.**

Matt Hunter stated if the code permits any type of material to penetrate through, as long as it is protected does it matter what material it is? As long as it is protected in accordance of the code.

Ron Clements said there is already an exception.

Two oppositions

This will Move forward as non-consensus.

CB-2308.4.1.1 cdpVa-15 Proponent: Matthew Hunter and John Catlett representing American Wood Council
mhunter@awc.org and jcatlett@awc.org

Reason: The update of Table 2308.4.1.1(1) Girder Spans and header Spans for Exterior Bearing Walls is proposed. Updated spans address use of Southern Pine No. 2 in lieu of Southern Pine No. 1. #2 grades were not included in the table.

Matthew Hunter gave an overview of the proposal.

Comments:

Move forward as consensus

CE-1301.1.1.1 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

Reason: During the last code update cycle, VA opted for a “go slow” approach and opted not to include the great majority of the efficiency gains obtained by the 2012 IECC. So our residential code is only very modestly more efficient than the 2009 IECC. It’s time to get caught up. These stricter energy codes are a good investment for homebuyers and renters of all income levels and promote quality and professionalism in the homebuilding industry.

Andrew Grigsby gave an overview of his proposal.

Comments:

Bob Adkins asked a question regarding eliminating the visual inspection option. He is ok as long as this will be put back in.

Cindy Davis stated this will not be added in.

Bob Adkins stated he objects to this proposal.

With this objection, we will move **forward as non-consensus**

CE-C402.4.3 cdpVA-115 Proponent: Eric Lacey representing Responsible Energy Codes Alliance
eric@reca-codes.com

Reason: The purpose of this proposed code change is to maintain the calculation of projection factor and the simple SHGC requirement that is currently being enforced in Virginia. The result of this proposal will be to maintain exactly the same fenestration SHGC and trade-off ability permitted in the current Virginia commercial energy code, or “business as usual” on commercial fenestration SHGC.

Andrew Grigsby gave an overview of this proposal.

Comments:

Don Surrena asked if this was increasing the requirement to be more stringent?

Charlie Gerber asked what about in the winter time.

Andrew Grigsby stated even in winter we are cooling in commercial buildings. It provides a net energy savings for the building operator.

Several opposed, HBA

Move forward as non-consensus

CE-R402.1.1(2) cdpVA-15 Proponent: Eric Lacey

eric@reca-codes.com

Reason: This proposal would make Virginia's energy code consistent with the 2015 IECC requirements for wall insulation.

Andrew Grigsby gave an overview of this proposal.

Comments:

Charlie Gerber asked – would this proposal tighten the energy envelope?

Andrew Grigsby stated yes it does. We are improving the R-value.

Charlie Gerber stated this comes into the whole house ventilation issue. He doesn't think this is good by making the internal environment less healthy.

Kris Bridges asked about the payback for this? 1-Is there a readily available R-20 batt for a 2x4 wall? 2-What is the long term payback?

Andrew Grigsby stated to his knowledge there is not an R-20 batt for a 2x4 wall. There are many ways to achieve an R-20 wall. The Department of Energy considered their savings was 3-5 years for payback.

Walter Lucas stated he is against this. This should be an individual homeowner's suggestion, not place this in the building codes.

Andrew Grigsby stated most home owners don't know hill of beans about energy they are relying on the homebuilders' expertise and knowledge.

Mr. Surrena stated that the majority of the states are still in the 2009 energy code VA had amended the 2009 Code and went up to R-15 which was compromised to go above that. There are approximately 8-10 states that have amended the 2012 codes and that section to similar to what VA has done. It would take 60 to 80

between 2009 and 2012 codes. It may be cost effective to the second or third homeowner.

Richard Bartell stated the VCC is the least probable regulation. It is one step away from an illegal building. It is the bare minimum legal requirement for a structurally sound building. We are not the quality code people. We set the bar at the bottom level.

Mike Toalson stated this is a significant increase of cost. If homebuyer's want this option, do so individually but not for this code change.

Amy Dzura said that VA took the model codes to the minimum level and to get back in line with the model codes is the minimum standards we should be building to.

Richard Bartell stated we don't rely on the federal government to set standards – in the Commonwealth of Virginia. We rely on what Virginia does.

Move forward as non-consensus

CE-R402.1.1(3) cdpVA-15 Proponent: Eric Lacey representing Responsible Energy Codes Alliance
eric@reca-codes.com

Reason: The level of ceiling insulation required by the 2012 IECC and IRC is most cost-effective when installed at initial construction, when equipment and laborers are already present.

Move forward as non-consensus

CE-R402.3.6 cdpVA-15 Proponent: Eric Lacey representing Responsible Energy Codes Alliance
eric@reca-codes.com

Reason: This proposal improves efficiency by clarifying that replacement fenestration must meet the same level of efficiency as fenestration used in new construction. This code requirement has been in the IECC for over a decade, and for good reason – about $\frac{3}{4}$ of all windows installed in buildings every year are replacement windows.

Andrew Grigsby gave an overview of this proposal.

Comments:

Mike Toalson and the HBA objects to these windows.

Move forward as non-consensus

CE-R402.4.1.2 (1) cdpVA-15 Andrew Grigsby
Andrew@leap-va.org

Cindy Davis asked that since these next four proposals deal with whole house ventilation and since we are having another ad-hoc meeting on September 12, can we carry over these proposals to this workgroup?

Andrew Grigsby replied yes. He stated that he had a power point slide to show the group.

Mr. Surrena stated they used this exact data at the code hearings to show that 3 changes per hour is too stringent. MD still can't meet the 3 changes per hour. The visual inspection by inspectors was doing far better than believed. Alabama did well.

Amy Dzura stated Alabama has an incentive program MD changed from 5-3 this past year. KY still allows statewide visual inspection. Alabama now requires testing.

Walter Lucas asked if there is any data in where a house that has a visual inspection for whole house ventilation has 5 changes per hour in VA?

Mr. Surrena stated that MD is required by statute by law to adopt the latest code within a number of weeks after it has been published. They still have problems with this.

Mr. Toalson stated we have lots of issues with this. Move into small workgroup.

Cindy Davis stated we will **Move forward as carrying over in the small workgroup.**

CE-R402.4.1.2 (2) cdpVA-15 Proponent: Eric Lacey representing Responsible Energy Codes Alliance
eric@reca-codes.com

Reason: The 2012 and 2015 IECC both require every new home to be objectively tested for air leakage, and must achieve air leakage no higher than 3 ACH50. A home can be made tighter for relatively low cost, and the benefits are significant.

Andrew Grigsby gave an overview of this proposal regarding duct tightness.

Comments:

Richard Bartell asked if anyone had run any of these tests in VA to see where we stand?

Teresa Westin with Dupont stated she supported having this testing. She has a question about data. I don't believe visual inspection is sufficient. I think you need to do both.

Haywood Hines stated he teaches the residential energy class. He has a problem with the localities that do not do visual inspection at all where the ducts are outside the envelope and then don't require a duct test. They can't confirm either.

Emory Rodgers suggested for our September 12 meeting, we contact Dominion Energy or Washington Gas Light providers for duct and door blower testing data.

Cindy Davis stated this will **Move forward as carrying over in the small workgroups**

CE-R404.1 cdpVA-15 Proponent: Emory Rodgers

Errpp1242@verizon.net

Reason: There is no need to retain the 2009 IRC 50% of lamps. The federal DOE requires manufacturers to only produce the high efficiency lamps. By the time the 2015 USBC is effective in 2018 and the one year grace period in 2019; all lamps will be high efficacy lamps.

Emory Rodgers gave an overview of this proposal.

Comments:

None

Move forward to board as consensus

CE-R405.5.2 cdpVA-15 Proponent: Eric Lacey representing Responsible Energy Codes Alliance

eric@reca-codes.com

Reason: Virginia currently assumes a fixed 15% fenestration area in its performance path, in direct conflict with every edition of the IECC since 2006 (and Virginia's previous Uniform Code). This results in an approximately 1.6% to 3.2% reduction in energy efficiency for below-average glazed homes, as compared to a scenario in which Virginia applied the glazing area assumption as published in the IECC.

Andrew Grigsby gave an overview on this proposal about glazing.

Comments:

Mike Toalson recalled before the amendments in 2012 if you had greater than 15% fenestration you had to make up the difference, less than 15% fenestration you would receive a credit. We want to balance the code.

Move forward as non-consensus

CE-R406.3 cdpVA-15 Proponent: Eric Lacey representing Responsible Energy Codes Alliance

eric@reca-codes.com

Reason: The purpose of this proposal is to clarify that the Energy Rating Index calculation does not include the impact of on-site power production, whether renewable or not. It also provides more specific guidance to software providers in order to help maintain consistency between software and code compliance on this particular issue.

Andrew Grigsby gave an overview of this proposal in attempts to clarify the issue.

Comments:

Richard Bartell stated that essentially what you are saying is that is someone produces their own power, net zero, it is no good because you want them to live with less leakage even they are a net zero?

Mike Toalson stated that if you use less energy you don't get credit for it.
Clarification as already required.

Cindy Davis stated that regardless if this is a social issue, this particular code change is just a clarification to what is already required by the energy raters so this is not doing anything new.

Move forward as non-consensus

CR-E3902.16(1) cdpVA-15 Proponent: Bryan Holland representing National Electrical Manufacturers Association (NEMA)

Bryan.Holland@NEMA.org

Reason: According to the U.S. Fire Administration's National Fire Incident Reporting System, an estimated 372,900 residential building fires were reported to fire departments within the United States each year between 2011-2013 and caused an estimated 2,530 deaths, 13, 125 injuries and \$7 billion in property loss. The report also indicated the second leading cause of residential fire death in 2013 was electrical malfunction.

Bryan Holland gave an overview of his proposal.

Comments:

Mike Toalson stated on behalf of the HBAV members, we believe the numbers are greatly exaggerated. We ask for a compromise and ask for non-consensus.

Kris Bridges said while all new appliances may comply with the current arc fault issues, he can't support this because of all the existing appliances out there.

Bryan Holland stated he didn't make up the statistics, those are the state statistics. If you think the cost of the numbers he provided are too low, double them. \$400 per home to go from bedrooms to all the brand circuits that are that are identified in this section, that cost is easily justified by the losses that are occurring in Virginia fires. I argue that the statistics are too low on the fire side.

Mr. Surrena asked if these electrical malfunctions are they strictly arc faults or are they a combination of electrical malfunctions that may have occurred?

Haywood Hines stated there are means to hold down cost. the devices are already on the market. This is not an exorbitant cost.

Mr Surrena asked about the difference in cost between the arc fault receptacle and the regular receptacle.

Bryan Holland stated that a regular receptacle would be around 69 cents and an arc fault receptacle could be \$45.

Move forward as non-consensus

CR-E3902.16(2) cdpVA-15 Proponent: Haywood Kines
hkines@pwcgov.org

Reason: The report indicated the second leading cause of residential fire death in 2013 was electrical malfunction. 84 percent of all electrical fires occurred in 1&2 family dwellings. The leading factors contributing to the ignition of residential building fires were due to electrical malfunction (41%), unspecified short-circuit arcing (25%), and short-circuit arcing from defective or worn insulation (12%)

Haywood Kines gave an overview of his proposal.

Comments:

Charles Gerber stated we may need clarification to take to the next step.

Two exceptions

Move forward as non-consensus

CR-G2439.7.2 cdpVA-15 Proponent: Thomas Clark representing VPMIA & VBCOA PMG Committee
tdclark@pwcgov.org

Reason: The addition of screws or other fasteners would cause lint to be trapped and cause dryer vent fires.

Thomas Clark gave an overview of this proposal.

Comments:

Move forward as consensus on all four duct installations.

CR-P2602.3 cdpVA-15 Proponent: Carl Dale
Carl.dale@scc.virginia.gov

Reason: In February 2014, a home exploded in Stafford County, Virginia. The explosion was caused by damage to a nonmetallic water service utility line (“water lateral”) that had not been installed with a tracer wire and had not been located prior to excavation.

Carl Dale gave an overview of his proposal. He stated they had made a few minor changes to the proposal.

Comments:

Dean Cody from Columbia Gas gave an overview regarding tracer wires.

John Ainslie asked if this tracer wire on this private waterline that leaves the house, Miss Utility is called by an excavating contractor. Is it going to be the responsibility of Miss Utility to mark the lines.

Dean Cody said it is not Miss Utility that marks the lines, it is the responsibility of each utility to mark the lines. Without the tracer line, you cannot possibly mark the line.

Mr. Surrena so the private line gets a tracer wire put on, someone calls Miss Utility because they are going to change the gas line, who marks the private utility line for this homeowner.

Mr. Napier stated he is for tracer lines He just has a problem with individual companies locating these lines. Miss Utility should locate these tracer wires.

John Ainslie asked isn't this a requirement on sewer lines?

Charlie Gerber stated he was a little confused, sewer lines were proposed by VA-SCC, now water lines are being proposed. Why would gas utilities check to see if water and sewer lines are checked?

Art Lipscomb asked why you wouldn't you want it to 2" instead of 12".

Peter Panagotopoulos with SEC stated when we are called, the gas camera crew comes out to find the tracer wire from the easement to the house. We locate all utilities as well.

Steve Lane with American Water agrees with this proposal. This helps utility companies.

Emory Rodgers stated that you may need to amend this to take out lawn sprinklers.

John Ainslie thinks this is very well intended. Is this cost a little high? I hate new homes having to pay the cost and not being used. Hate to do for nothing.

Mr. Surrena stated that it should be water service lines.

Carl Dale said we are willing to make this change "water service to the structure".

Move forward as consensus with the change.

CR-R303.4 cdpVA-15 Proponent: Mike Moore

mmoore@newportventures.net

Reason: Virginia already requires whole house mechanical ventilation for low-rise dwelling units in all cases unless a builder follows the performance path of the energy code, has a blower door test result greater than 5 ACH50, and is still able to meet the performance requirements of the code.

Mike Moore gave an overview of his proposal.

Comments:

Mike Toalson asked if this is consistent with the whole house ventilation section.

John Ainslie asked if we could strike out whole house and replace with mechanical ventilation. This is just a different reference.

Emory Rodgers just wanted to make sure that this doesn't affect that we have 5 air exchanges.

Move forward as consensus

CR-R311.2.1 cdpVA-15 Proponent: Ron Clements representing interior passage subworkgroup

clementsro@chesterfield.gov

Reason: At the DHCD Work Group 3 meeting held on May 10, 2016 a number of attendees expressed an interest in meeting separately to discuss drafting a code change to clarify the interior passage (R311.2.1) code section in the USBC. The intent was to clarify the code provisions and address some questions that had developed out of enforcement of the provisions.

Ron Clements gave an overview of his proposal.

Comments:

Moving forward as consensus

CR-R408.1 cdp VA-15 Proponent: Michael Eutsey and Charles Bajnai

mjeutsey@hanovercounty.gov and bajnaic@chesterfield.gov

Reason: The change in text for R408.1 now matches the VCC. The exception has been added to cover foundation offsets such as bumpouts created for a gas fireplace or a bay window.

Michael Eutsey gave an overview of his proposal.

Comments:

None

Move forward as consensus

CTG-310.1 cdpVA-15 Proponent: Bob Torbin
Bob.torbin@omegaflex.net

Reason: The use of a CSST product with a protective, arc resistant jacket is an equivalent method of protection against electrical arcing damage caused by high voltage transient events such as lightning strikes. The protective jacket is designed to locally absorb and dissipate the arcing energy or conduct it away.

Mr. Torbin gave an overview of his proposal.

Comments:

Charlie Gerber asked none of this involves field applied jackets?

Bob Torbin said no

Bob Adkins asked if Mr. Torbin knew how many products on the market that has ANSI LC1 listing?

Bob Torbin said there are currently 3.

Move forward as recommendation for consensus

CTM-506.5.2 cdpVA-15 Proponent: Richard Grace representing the VPMIA and VBCOA PMG Committee
Richard.grace@fairfaxcounty.gov

Reason: Pollution Control Units have been manufactured by numerous companies for several years. This limits the amount of smoke, grease and other particulates at the exhaust outlets of commercial cooking appliances.

Bob Adkins gave an overview of this

Comments:

Charlie Gerber said the problem he has is it appears in code books the possible confusion the requirement of this. I don't see anything that said it is not required. I think this would cause confusion.

Kenney Payne stated that this reference to 2012. Usually if it is an option, it would say installation shall.

Don Surrena stated that it indicates that it would have to be listed and labeled in accordance with 1978. Will this eliminate others that would have been able to be used previously? All units or just this one?

Proponent has said they would add "as required or as installed"

Emory Rodgers prefers "as installed".

One opposition

Move forward as non-consensus

CTM-607.6.2.2 cdpVA-15 Proponent: Thomas Clark representing VPMIA & VBCOA PMG Committee
tdclark@pwcgov.org

Reason: The Fire performance measured by ANSI/UL 263 is based upon the assumption that air movement will be effectively stopped at the start of a fire.

Mr. Clark gave an overview of his proposal

Comments:

Charlie Gerber stated he was confused as what this does because the smoke detectors are already in the code. Also a little confused about the timing of the operation when this shuts down.

Cindy Davis asked if you are adding a new standard shouldn't you be referencing this standard in the requirement. 555C

Don Surrano stated if you are referencing this standard, if you want that standard to pertain to this, don't you need to call out the section?

Bob Adkins said this doesn't change to what we are to be doing everyday. This is already required we are just listing the requirements.

Richard Bartell says he has a real problem with #4.

Kenney Payne stated there was a typo "devises".

Rick Witt stated you could remove #4.

Cindy Davis is there a consensus if you incorporate the standard into the body of the text and eliminate #4?

Move forward with consensus as amended.

CTS-305.2.4 cdpVA-15 Proponent: Robert Adkins representing Prince William County
radkins@pwcgov.org

Reason: To identify mesh barriers as temporary barriers and not permanent.

Bob Adkins gave an overview of his proposal.

Kris Bridges stated he had a problem with temporary hanging.

Kenney Payne just adding temporary in the heading it still needs to be in the text

Carry this one over

F-112.2 cdpVA-15 Proponent: Richard Witt

witr@chesterfield.gov

Reason:

Rick Witt gave an overview of his proposal

Comments:

Taking annually out, adding as necessary

Move forward as consensus

F-507.5.1 cdpVa-15 Proponent: Mike Toalson representing Home Builders

Association of Virginia

mltoalson@hbav.com

Carried over

F-703.1 cdpVA-15 Proponent: Zachary Adams

adamsz@vt.edu

Reasons: While we agree it is imperative that the integrity of fire-resistance construction be maintained, to require an annual inspection imposes a substantial burden on the owner, especially where an extensive amount of square footage is occupied.

Zach gave an overview of his proposal

Comments:

Rick Witt stated we are in full support of the modifications

Robby Dawson stated that Option 2 is reasonable, take out annually.

Rick Witt stated this may be good for a small building.

Emory Rodgers stated the maintenance code official has a stake in this.

Kenney Payne asked why couldn't we say less frequent?

VA Community College rep said this is a retroactive requirement for buildings that have been standing for years.

Carry over

F-703.4 cdpVA-15 Proponent: Justin Biller representing self
jbbiller@carillionclinic.org

Reason: In particular, Health Care Facilities in Virginia are facing enforcement of this requirement as part of ongoing licensure/funding through State enforcement of NFPA 101, Life Safety Code, so it is also important that these requirements are consistent with local fire prevention code enforcement as well throughout the Commonwealth.

Comments:

Rick Witt suggested carrying this over, I have a call in to Justin

Carry over

F-1030.1 cdpVA-15 Proponent: Andrew Milliken representing Stafford County Fire Marshal's Office
amilliken@staffordcountyva.gov

Move forward as consensus for disapproval

F-2304.5 cdpVA-15 Proponent: Robby Dawson
dawsonj@chesterfield.gov

Reason:

Mobile fueling operations have started in other states and have become a fire risk to the community.

Comments:

Robby Dawson asked that we **carry over**

F-5003.1.4 cdpVA-15 Proponent: Robby Dawson
dawsonj@chesterfield.gov

Reason: This proposal was developed in cooperation with Mike O'Conner and Renee Hooper of VA DEQ in response to concerns over the original change to 5003.3.1.4.

Robby Dawson gave an overview of this proposal.

Comments:

Mike O Connor stated we are in good shape here.

Move forward as consensus

M-101.1 cdpVA-15 Proponent: VMC Rewrite Committee
Vernon.hodge@dhcd.virginia.gov

Moved forward as full consensus

M-202(2) cdpVA-15 Proponent: Phillip Storey representing Legal Aid Justice Center

phil@justice4all.org

Reason: The appeals challenged the City of Richmond's application to threaten with condemnation owner-occupied homes it claimed met VMC Section 202's definition of Structure Unfit for Human Occupancy because they lacked "primary heating systems."

Phillip Storey gave an overview of this proposal.

Cindy Davis said staff said if we remove those 3 words (Required or provided) it did lose something that could cause the argument that it is not required and I don't have to provide it, therefore I don't have to comply. Would this be more appropriate for another code change?

Will come back to this.

M-603.1 cdpVA-15 Phillip Storey representing Legal Aid Justice Center

phil@justice4all.org

Reason: Both the existing (2012) language and the amended language proposed in the VMC Rewrite Committee's document require full maintenance of installed mechanical appliances that are not required by the code, which could be costly and unjustified by health and safety concerns.

Phil Storey gave an overview of this proposal.

Comments:

John Walsh is in accordance with this.

Robby Dawson asked if this is not required, do we have to do maintenance on it?

Rick Witt stated to Robby Dawson that he had some concerns or issues.

Michael Redifer stated we could separate this, if not required they don't need to be maintained.

Richard Bartell said he thinks this needs to move forward and discuss later.

Emory Rodgers said add unintended consequences.

Sean Farrell stated if it is regulated by the code it needs to be maintained

Will carry this over

M-604.3.1.1 cdpVA-15 Proponent: Haywood Kines

hkines@pwcgov.org

Reason: The proposal adds a Third Party Field Evaluation Body to the list that may provide a report to the AHJ documenting the equipment exposed to water damage from flooding or Fire Fighting has not sustained any damage.

Haywood Kines gave an overview of this proposal.

Richard Bartell asked if there was a definition of third party evaluation?

Bob Adkins stated this will add more money to flooded buildings.

Greg Revels said this has been in the code for a long time. What problems have you had with this.

Ron Clements asked about this language “third party inspector that is approved by Section 113.1.

Move forward with Ron Clements comments as non-consensus

R-101.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: The proposed new title “Virginia Existing Building Code” (VEBC) follows the model code “International Existing Building Code” (IEBC) for which it is named.

Kenney Payne gave an overview of his proposal.

Comments:

Move forward as consensus

R-101.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: The entire paragraph has been converted to a list format, which is much easier to read and understand.

Kenney Payne gave an overview to his proposal.

Comments:

Moved forward as consensus

R-202(2) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Kenney Payne gave an overview of his proposal.

Robby Dawson should we say approved by the building official?

Moved forward as consensus as amended

R-202(5) cdpVA-15 Proponent: Bob Orr representing VBCOA VRC Committee
borr@culpepercounty.gov

Reason: These definitions are not in line with those in the Virginia Construction Code addressing buildings or structures under active permit.

Kenney gave an overview of this proposal

Comments:

Richard Bartell is this cited as dangerous?

Moved forward as consensus

R-301.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: Tried to simplify the language when determining compliance methods, including taking an “exception” (which is actually a 4th compliance method) and giving it its own “section” like the other compliance methods.

Kenney Payne gave an overview of his proposal.

Comments:

Bob Adkins stated he didn’t know how you decided to quantify this?

Ron Clements the objection in making it its own exception is subject to approval.
VBCOA wants the separate path.

Chris Raha asked by complying with the code under which it was constructed does this eliminate any requirements of accessibility?

Move forward as consensus with Option A

R-301.1.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Kenney Payne gave an overview of the proposal.

Comments:

Robby Dawson said if you are bringing in IFC how are we going to know how to capture the language. If it is pointing to IFC leave it.

Ron Clements stated all we were trying to do to is to keep you from having an IFC and a SFPC on your desk. This has nothing to do with the rewrite. We were not trying to shortchange the fire code.

Johnna Grizzard asked could this add to the prescriptive method?

Chris Raha asked since Chapter 9 of the fire code speaks to the existing buildings and the maintenance fire alarm systems are we taking it out of the fire code now? Are we going to have two different sources?

Vernon Hodge said I think they were trying to bring in maintenance language. I think we need to take a good hard look at this.

Ron Clements said this is not intended to be the prescriptive method.

We will look at it again, have committee meet again

This will be carried over

R-301.1.2 cdpVA-15 Proponent: Kenney Payne representing AIA-Virginia

kpayne@moseleyarchitects.com

Reason: The term “Work Area” when used to describe an entire “compliance method” leads to confusion among owners, designers, reviewers, code and fire officials. Work area is a defined term and involves reconfigures spaces.

Kenney Payne gave an overview of his proposal

Comments:

Move forward as consensus

R-303.1 cdpVA-15 Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: Reroofing and roof repair are clearly an “existing building” scope of work and should be in the VEBC.

Kenney Payne gave an overview of his proposal.

Comments:

Chris Snidow said this simplifies this for VA.

Chris Raha asked about 707.3.2 and you said this is not in the IBC, is this because of the design standards today that do not permit this standard?

Rick Fargan with Community Colleges said with this code requirement we are going to hire an engineer. The Rehab Code is forcing us into. I am in favor of this proposal.

Move forward as consensus

R-505.1.1 cdpVA-15 Proponent: Ron Clements representing VBCOA VRC Committee.

clementsro@chesterfield.gov

Reason: The current VRC is silent on how to calculate work areas in pedestal buildings designed per IBC 510. This change clarifies that the areas on either side of the horizontal assemblies should be used as the “building area” for application of the 50% calculation in 505.1.

Ron Clements gave an overview of his proposal.

Chris Raha asked how does this apply to fire alarm systems?

Move forward as consensus

R-805.3.1.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: In the case of 805.3.2 and 805.4.1.1, the more appropriate term should be common path of egress travel distance not just travel distance.

Kenney Payne gave an overview of his proposal.

Comments:

Ron Clements stated if you are a part of the alterations increasing the occupant load by definition after obtaining occupancy and Chapter 10 would kick in and will make you go farther. You have to provide all the requirements for IBC.

Move forward as consensus

R-808.3 cdpVA-15 Proponent: Johnna Grizzard
grizzardj@chesterfield.gov

Reason: The 2012 VCC currently permits application of the VRC for reconstruction, alteration or repair in group R-5 occupancies as an exception to VCC 103.5. There is also a forthcoming proposal for the 2015 Virginia code change cycle to more clearly specify the VRC is applicable to R-5 occupancies.

Johnna Grizzard gave an overview of her proposal

Comments:

Move forward as consensus

R-903.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: The revision to the header is to avoid potential confusion as the charging paragraph is only about stairways, and not shafts and vertical openings.

Kenney Payne gave an overview of his proposal.

Comments:

Move forward as consensus

R-904.2 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason; It could be interpreted that VRC Section 904.2 (the “charging” paragraph) requires installation throughout the building, as it would be required “for new construction.” However, VRC Sections 904.2.1 and 904.2.2 clearly only require such installation in work areas only.

Kenney Payne gave an overview of his proposal.

Comments:

Move forward as consensus

Cindy Davis stated that we had two items of discussion before we wrap up. She gave an overview of this Legislation Chapter 524. Should there be a code change on this? Should fire code match what the new legislation says. Nothing needs to be done just discussion now.

Robby Dawson stated that he had followed this bill pretty closely. This does not conflict with the existing state fire prevention code.

Cindy Davis asked the question to the group, should the fire code match what the new law states? There is no code change.

William Andrews said he is opposed to this.

Cindy Davis stated that our second topic of conversation is regarding the mulch situation. Robby Dawson then gave an overview of this topic. Legislation was only specific to Harrisonburg.

Walter Lucas asked how we can enforce this.

Richard Bartell asked if this is happening in other states.

Kenney Payne asked if no code change comes forward, what happens?

Tyler Craddock asked what kind of building code should we write?

Robby Dawson stated we shouldn’t do anything until after the litigation.

John Walsh stated this is a zoning issue.

Mike Toalson stated a simple solution is to ban smoking.

Robby Dawson said the 18” came from the Department of Forestry website.

Linda Hale stated it is on their Department of Forestry website.

ORIGINAL

1

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

PUBLIC HEARING

July 18, 2016

Kyle T. Flanders, Policy Analyst
Virginia Department of Housing and
Community Development

When heard at:
12:30 p.m.
4224 Cox Road, Henrico Room 1
Glen Allen, Virginia

CRANE-SNEAD & ASSOCIATES, INC.
4914 Fitzhugh Avenue, Suite 203
Henrico, Virginia 23230
Tel. No. 804-355-4335

Crane-Snead & Associates, Inc.

1 July 18, 2016

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MR. AINSLIE: Good afternoon, everybody.

4

Thanks for coming out. My name is John Ainslie and I

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currently serve as chairman of the Virginia Board of

6

Housing and Community Development. The board is holding

7

a public hearing today to receive comments of assistance

8

with the development regulations currently under

9

consideration.

10

At this point, it is my pleasure to welcome

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the other members of the Board of Housing and Community

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Development as well as the Virginia Fire Services Board.

13

Before we begin to receive comment, I would

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like to explain how the hearing will be conducted.

15

Anyone wishing to speak should sign in at the

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registration desk near the door. Comments offered by a

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previous speaker need not be repeated. The speaker may

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establish their position on any point simply by

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referring to the earlier statement which expresses his

20

or her position. We ask that each speaker limits

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remarks to three minutes due to the number of people we

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expect to comment on the various issues.

23

We welcome the submission of written

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statements; in such cases oral comments are not

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necessary. The Board will review all written materials

1 that are submitted. If you have written statements
2 today, please leave them with Kyle Flanders.

3 Kyle, if you'll raise your hand.

4 And by the way, Kyle will also be our
5 timekeeper. We -- as I mentioned earlier, it will be
6 three minutes. He's going to hold up a yellow card when
7 you have approximately 30 seconds left and a red card
8 when your time has expired.

9 We will receive public comments or proposed
10 regulations in this order:

11 First, the Uniform Statewide Building Code,
12 next, Virginia Fire Prevention Code, then the Virginia
13 Amusement Place Regulations, and lastly, the
14 Industrialized Building Safety Regulations.

15 I now open the public hearing and call the
16 first speaker. It's Garrett McGuire.

17 MR. MCGUIRE: Good afternoon. Thank you
18 for holding this hearing today. My name is Garrett
19 McGuire. I'm the manager of State Government Affairs
20 for the Air-Conditioning, Heating, and Refrigeration
21 Institute with the National Trade Association
22 representing more than 300 manufacturers of quality,
23 safe, efficient, innovative residential, commercial and
24 industrial air conditioning, space heating, water
25 heating, commercial refrigeration equipment, and the

1 components for sale in North America. AHRI's members
2 account for more than 90 percent of HVACR water heating
3 equipment manufactured, sold, and installed in North
4 America. Additionally, the HVAC industry provides the
5 manufacturers, distributors, and contractors provides
6 over 36,000 jobs to residents of the Commonwealth.

7 I'm here today on behalf of AHRI's
8 flexible, metallic gas piping system product section.
9 This product section includes manufacturers of
10 factory-designed and prefabricated products used as part
11 of the building's gas distribution system or to connect
12 gas-fired appliances and equipment to the buildings'
13 distribution system. These products include corrugated
14 stainless steel tubing or CSST systems listed in
15 compliance with ANSI standard LC1.

16 Since the early 1990s, homes in the United
17 States have had yellow CSST tubing installed in over 6
18 million homes to supply natural gas or propane to
19 furnaces, water heaters, and other gas appliances.
20 AHRI, with guidance from CSST manufacturers, several
21 other interested associations of stakeholders, have
22 embarked on a nationwide safety campaign to bring
23 awareness to homeowners on the importance of proper
24 bonding of yellow CSST due to potential damage risk
25 associated with lightning.

1 Direct or indirect lightning strikes on or
2 near a structure have been shown to cause an electrical
3 surge to travel into the structure and have, in some
4 cases, caused a perforation in the sidewall of the
5 tubing as energy arced from one metallic system to
6 another, seeking ground. This arcing can ignite the
7 pressurized gas leaking from the perforation and in some
8 cases may lead to a fire. Bonding is provided to
9 primarily prevent possible electric shock to people who
10 come in contact with the gas piping and other metal
11 objects connected to the grounding system. Independent
12 research has confirmed proper bonding and grounding
13 significantly reduces the risk of damage and fire from
14 an indirect lightning strike.

15 AHRI would like to see the update of the
16 Virginia Building Code include a section to insure all
17 home inspectors make a written notation of yellow
18 corrugated stainless steel tubing, CSST, as seen during
19 the course of their inspection. Further, if observed,
20 the inspector to notify the homeowner in writing that
21 only a licensed electrical contractor can determine if
22 yellow CSST is properly bonded and grounded per the
23 current National Fuel Gas Code and as required by the
24 manufacturer's instructions. Texas, Oklahoma, and
25 Maryland have updated their building codes to include

1 this provision for home inspectors, and we believe this
2 important code addition will provide homeowners
3 important safety information. Thank you very much.

4 MR. AINSLIE: Thank you. Next speaker,
5 Bill Spencer.

6 MR. SPENCER: Thank you. My name is
7 Bill Spencer. I represent the National Association of
8 State Fire Marshals. The principal membership of NASFM
9 is comprised of senior fire officials in the United
10 States.

11 The primary mission of the NASFM is to
12 protect human life, property, and environment from fire
13 and related hazards. In alignment with our mission, we
14 have been working in cooperation with CSST manufacturers
15 the past four years to raise awareness on the importance
16 of bonding yellow CSST from approved safety when
17 considering indirect lightning. We have made great
18 strides in this effort reaching a potential 35 million
19 homeowners across the nation. Given our deep
20 safety-driven interest and understanding of CSST and
21 related risks, this is a priority national safety
22 campaign for our state fire marshals around the country.

23 Lightning strikes occur approximately 25
24 million times each year in the U.S. as reported by the
25 National Severe Storm Laboratory. Storm producing

1 lightning strikes threaten millions of homes nationwide
2 because millions of homes built in the 1990s contain
3 yellow corrugated stainless steel tubing. Since the
4 mid-2000s, codes and standards that govern how a
5 building is built and how it is maintained are changing
6 in recognition of this issue, and would like that
7 manufacturers' installation instruction also change in
8 response to the hazard.

9 In Virginia, there are 317,634 average
10 flashes per year which occurred, 7.9 flashes per square
11 mile. NAFSM is engaged in a state-by-state effort to
12 raise awareness. We have worked with public officials
13 producing public service announcements, distributing
14 educational flyers through the mail and social media,
15 and publishing notices on the proper bonding of yellow
16 CSST. We have launched a comprehensive website on the
17 yellow CSST safety campaign at CSSTsafety.com. Two
18 significant actions have given this important yellow
19 CSST public safety campaign credibility and added
20 attention. U.S. Senate passed a resolution calling on
21 state regulatory bodies with the authority over
22 buildings codes with violation to bring awareness to
23 homeowners with proper bonding of yellow CSST. And the
24 Congressional Fire Service Institute also passed a
25 resolution on the same issue.

1 Further, we have partners and are working
2 closely with the American Gas Association, National
3 Association Insurance Commissioners, Insurance Institute
4 for Business and Home Safety, and other industry --
5 industry companies. We worked with the Oklahoma
6 Construction Industry Board, a governor-appointed board
7 with authority over state building codes. Some are to
8 include the inspection of CSST on the real estate home
9 inspection list.

10 Additionally, in the spirit of home safety
11 and awareness, the Counsel of State Governments adopted
12 the Oklahoma CSST home inspection rules model
13 legislation CSG as distributed in the CSST home
14 inspection model legislation. The legislators
15 throughout the country for consideration to push the
16 legislative process. A similar process is that we
17 passed the Texas Home Inspection in 19 -- 2015 and the
18 home inspection was enacted in Maryland 2014 which was
19 led by the Department of Labor.

20 So I understand that Virginia follows the
21 2012 International Fuel Code Gas, IFGC, and a portion of
22 the CSST bonding requirement. These are all amount of
23 codes that direct bonding of CSSTs since 2009. However,
24 we're looking at the legacy homes where yellow CSST has
25 been previously installed and which may not be directly

1 bonded.

2 So as to finish up -- is that the red?
3 Sorry. We seek support from your board and request that
4 the inspection of yellow CSSTs and direct bonding be
5 included on the home inspection checklist which may be
6 performed at the same time of home transfer -- securing
7 the support for the real estate community and home
8 inspectors of Virginia. It's an important avenue in
9 upgrading installation. Thank you.

10 MR. AINSLIE: Thank you. And could I
11 remind the speakers, please use the microphone, this is
12 a big room, so people in the back can hear. Next
13 speaker is Ron Reynolds. Mike Toalson.

14 MR. TOALSON: Good afternoon. Mr. Chairman
15 and members of the board, Mr. Shelton, I'm Mike Toalson.
16 I'm chief executive officer of the Home Builders
17 Association of Virginia. For those of you who don't
18 know, HBAV is a 3200 member organization of home
19 builders and land developers and companies that provide
20 products and services to the homebuilding industry.

21 I'd like to begin this morning by
22 commending Deputy Director Cindy Davis and Mr. Shelton
23 again for including in this building code process
24 stakeholders from every constituency that has interest
25 in that code. I think that that process is one now that

1 has received national recognition and have, kind of,
2 developed into what we all know in regulating
3 communities, "Virginia-way." In fact, I'm happy to say
4 that as a result of the way DHCV conducts its regulatory
5 actions every three years, now the Department of
6 Environmental Quality, the Virginia Department of
7 Transportation, the Virginia Department of Health, and
8 even DPOR now always include stakeholders that they --
9 they begin the development of regulations. This is a
10 process that has worked and has been valuable and I
11 think Virginia has been recognized for it.

12 Secondly, I'd like to make the quick point
13 that we hope you will move forward in this code cycle
14 with a cost-benefit ratio, kind of, value in place. The
15 previous boards have adopted that, and I would urge you
16 to make sure you proceed on those lines as well. In
17 fact, I think I provided you in my written comments a
18 copy of section 3699 of the Code of Virginia. What that
19 makes clear is, is that the building code instructors
20 should be permitted or to be instructed, rehabilitated,
21 maintained at the least possible cost. That's in the
22 Code of Virginia, and I would urge you to adhere to
23 that.

24 Third, I would encourage the board to -- I
25 lost my train of thought -- third, I encourage the board

1 to maintain the amendments that were docketed into the
2 ICC family of codes in the 2009 to 2012 cycles. I think
3 those were done after significant deliberation with a
4 lot of thought from a lot of stakeholders, and I would
5 urge you to maintain those.

6 I'm crossing over here just a little bit,
7 so if you'll give me my apologies I would simply state
8 that HVAV does support the effort of the board to bring
9 clarity to state fire prevention code. We think that as
10 a member of the regulated community, any ambiguity that
11 you can be -- any ambiguity that can be terminated as a
12 result of that action will benefit the regulated
13 community.

14 Finally, I will ask you refer to the chart
15 on the last page of my written comments. What that
16 displays is the current status of the homebuilding
17 industry in Virginia. And you heard in your board
18 meeting, we are a 47 and a half billion dollar industry.
19 What you didn't hear, as a result of that study, we
20 employ 314,000 Virginians. And as you will see on this
21 chart, we are currently building new housing at a rate
22 equal to 50 percent of the rate of new housing in 2003,
23 almost 13 years ago. Our industry is still fragile, it
24 needs support, it needs help, and I would urge you to
25 adopt this code with the recommendations I've made.

1 Thank you and I appreciate this opportunity.

2 MR. CARR: Mr. Chairman, can I ask one
3 quick question?

4 MR. AINSLIE: Yes.

5 MR. CARR: On your chart on the right-hand
6 column, is that Virginia housing starts on the far
7 right-hand side?

8 MR. TOALSON: Yes.

9 MR. CARR: Okay. Thank you.

10 MR. AINSLIE: Thank you. Is there anyone
11 else that would like to speak? That's all we had on the
12 sign-up sheet with USVC.

13 Next, we will be moving on to the Virginia
14 Statewide Fire Prevention Code. Next speaker,
15 Ron Reynolds.

16 MR. REYNOLDS: I am not going to speak.
17 Thank you.

18 MR. AINSLIE: Rick Whit.

19 MR. WHIT: Members of the board,
20 Mr. Chairman, I stand before you here today just to
21 strongly urge you to continue with the board-directed
22 efforts of removing all the unenforceable language out
23 of both the Property Maintenance Code and the Fire
24 Prevention Code. Part of the reasoning for this is the
25 general public, design professional building and

1 building business owners should have the ability and
2 right to read the regulations and clearly understand
3 what is required and what is not.

4 Think about it, all the other codes that
5 this board adopts there is very few, if any,
6 unenforceable parts to it. You pick up the code, you
7 read it, you know what you have to do. Unfortunately,
8 with the Property Maintenance and the Fire Prevention
9 Code, this is not the case.

10 So, you know, I give my hat's off, like
11 Mike did, to the staff for being inclusive and inviting
12 everybody to the table. It has not been a smooth
13 process, if you will. There's been a lot of contention,
14 but the document as it is presently created I think
15 would be a better document for the State of Virginia and
16 all of our citizens. And I urge this board to adopt
17 those two regulations with the amendments to move
18 forward to the next code cycle, which everybody will
19 have the opportunity to comment on and make proposed
20 changes to.

21 And it's also important to note, that there
22 is no enforceable provisions of the code being removed
23 and that's key. So I thank you for the time.

24 MR. AINSLIE: Thank you. Next speaker,
25 Keith Brower.

1 MR. BROWER: Good afternoon, my name is
2 Keith Brower. I'm the fire chief from Loudoun County.
3 I'm also the former fire code official for Loudoun
4 County.

5 I'm here today in representation of the
6 Loudoun County Board of Supervisors who are very
7 publically concerned, as am I, with speed and the
8 process resulting in the changes that are being sought
9 to the State Fire Prevention Code or the SFPC. The SFPC
10 is a legislative action that allows localities to react
11 to unique fire prevention needs and deal with them in
12 the interest of public safety. Public safety has
13 several aspects, most notably, the protection of your
14 neighbor and their family, but it also extends to
15 firefighter safety and the economic health of a
16 community.

17 Burn down a restaurant due to an
18 out-of-date hood system, suffer fatality in a fire
19 because occupants or patrons were trapped in buildings
20 with poorly maintained egress or illegal interior
21 flammable finish, or kill a firefighter due to a
22 building collapse caused by excessive storage, and
23 everyone will point to one area: The Fire Prevention
24 Code. How could the fire department let this happen?
25 The local government, the media, and the public will

1 want to know. They will demand answers. They always
2 do.

3 In West Warwick, Rhode Island, where a
4 hundred patrons were killed in The Station nightclub
5 fire, in Hackensack, New Jersey, where five firefighters
6 were killed in a collapse of a bowstring truss building
7 with supplies stored above where they should not have
8 been. And how about some Virginia near misses? Over 75
9 reported mulch and or vinyl siding fires just in 2016
10 which had involved or nearly involved structures. We've
11 had around 30 just this year in Loudoun County. Or how
12 about the April bed and breakfast fire in Lexington,
13 Virginia where a wedding party of 38 people narrowly
14 missed tragedy in an agricultural building, a barn,
15 converted to a residential building with zero fire
16 protection required. And how does all this affect local
17 economy? People are out of jobs, they can't buy
18 groceries, they can't buy cars, they miss mortgage
19 payments, they may need to seek government assistance,
20 business taxes will not be paid and local revenue
21 trickling to Richmond.

22 I could stand here for days and talk about
23 the importance of fire safety, but I think you get the
24 picture. What I'm leading to is simply that the
25 Virginia Fire Service believe that efforts are underway

1 which could substantially weaken the SFPC by removing
2 some of the construction-related language from the SFPC.

3 Last fall this process started with an
4 interest in moving unenforceable areas of the SFPC. To
5 date, there have been many meetings by ad hoc work
6 groups. The pace of these work groups was unprecedented
7 and many local fire officials struggled to keep up. We
8 did the best we could. But this isn't simple math. We
9 have volumes of changes pending, and I'm very concerned
10 if we're not careful, if we don't slow the process down,
11 if we compromise on the work group process and the
12 timeline, then we're going to have an SFPC that leaves
13 large, gaping holes in fire code enforcement and that
14 will lead to the compromise of public safety and
15 unintended negative economic impact. I don't believe
16 this is your fault. Thank you for your time and your
17 service.

18 MR. AINSLIE: Thank you. Next we have
19 George Hollingsworth.

20 MR. HOLLINGSWORTH: All right. I think I
21 got it now. Okay. Good afternoon, Mr. Chairman, vice
22 chairman, Board of Housing, members of the Fire Service
23 Board. My name is George Hollingsworth and I am the
24 president of Virginia Fire Prevention Association.
25 Without bringing up items that we have spoke about in

1 the past, I'd like to reiterate that it is very early as
2 this morning -- excuse me. The process of the changes
3 to the Virginia Statewide Fire Prevention Code is a
4 moving target and difficult for the fire service to keep
5 up with. This morning, Ms. Cindy Davis referred to the
6 request as the fire code edit in her minutes to the
7 board this morning, which is what it is referred to over
8 the last year; however, had the last work group meeting
9 on June 6th and in the minutes of that meeting, both
10 Cindy and DHCD staff referred to this as the "rewrite of
11 the fire code." A rewrite and an edit is not the same
12 thing. If we're doing a rewrite, why isn't it following
13 the same policies and the same procedures that we do for
14 every other code change? If it's an edit and we're just
15 doing editorial edits, I get it, but it's a moving
16 target that the Fire Service Board has had a very
17 difficult time keeping up with.

18 That being said, the Fire Service does
19 agree that there are some things in the code that do --
20 are construction issues that need to be dealt with, and
21 we could agree on. But there's many in there that we
22 don't agree on. So as Mr. Whit said before that these
23 are all construction items, the Fire Service does not
24 agree with that. I'm asking the Board of Housing to
25 give us the opportunity to respond, to write comments,

1 and to give you something that you can look at on both
2 sides of this coin by moving this back from the adoption
3 in 2015 to the adoption in 2018. This would give the
4 Fire Services Board an opportunity to work with the Fire
5 Services Board Code Committee to review this, each item.
6 Let's know what we are agreeing to and get rid of --
7 remove the things we agree to and let's discuss the
8 other ones, but it can't be done at this pace. Thank
9 you very much.

10 MR. AINSLIE: Thank you. Anthony Barrero.

11 MR. BARRERO: Good afternoon. My name is
12 Anthony Barrero and I serve as the deputy fire marshall
13 for Fairfax County Fire and Rescue. Thank you for the
14 opportunity to speak. I want to talk to you a little
15 bit about these proposed changes and how they may affect
16 direct impact to our citizens, the businesses, fire
17 fighter safety, if you will.

18 First, in respect to time, I'm going to be
19 reading some of my points because I'd really like to get
20 these points out.

21 Deleted code sections proposed by the work
22 group: Remove the authority to deal with unpermitted
23 work, which unfortunately continues to occur. And worse
24 said unpermitted work constitutes a special hazard for
25 many of our most disadvantage citizens. The removal of

1 interior finish and other provisions of chapter 8 of the
2 ICC Fire Prevention Code has provided -- as proposed by
3 work groups, means that there's now no authority under
4 the Fire Prevention Code for inspection personnel to
5 require the removal and abatement of interior finish and
6 other materials which are a fire hazard in child
7 daycare, often home daycare locations, and unpermitted
8 residential conversions.

9 Proposed removal by the work group of key
10 provisions of chapter 9 of the ICC Fire Prevention Code,
11 especially as exemplified at 901.4 installation, will
12 promote unpermitted work and remove the authority of the
13 fire marshal to require correction and amelioration of
14 impaired fire protection systems.

15 Proposed removal by the work group of key
16 provisions of chapter 10: The means of egress
17 constitute the current watch for alterations which
18 impair exiting but which have nothing to do with the
19 code under which the building was built. These include
20 placing of obstruction, storage, junk, and other
21 materials in exit ways, a condition often found by the
22 fire marshal in many buildings old and not so old, as
23 well as unpermitted alterations to stairwell landings,
24 steps, and other parts of the exit path.

25 A direct damage to our businesses:

1 Proposed removal of so many portions of the Fire
2 Prevention Code means that Fairfax County will no longer
3 have a nationally recognized set of codes. By doing so,
4 those businesses in Fairfax County that have to compete
5 in the national and international arenas will be
6 negatively impacted. Businesses decide where to locate
7 based on a whole host of factors and one of those
8 factors is maintenance of adequate safety standards on
9 which their ratings and insurance costs depend.

10 Direct damage for first responders:

11 Removal of hazardous material tables and standards from
12 the Fire Prevention Code as advocated by the work group
13 will constitute a direct threat to our first responders.
14 Lack of control over hazardous materials substances in
15 all occupancies is of particular concern of the fire
16 inspector and of the firefighter personnel. It is clear
17 that the actions of the work group, which referenced the
18 ICC Fire Prevention Code chapters 20 through 30, removes
19 safeguards from gas stations, from production processes,
20 from helistops at our hospitals, and from many locations
21 where unsafe substances can be introduced regardless of
22 when the structure was built or when it came into use.

23 With that, my last comment, ladies and
24 gentlemen, is Fairfax County has fabricated a
25 relationship with our building official and the other

1 agencies within Fairfax County to promote those
2 safeguards. We continue to foster and discuss change
3 that occurs in our county, and we continue to work
4 collaboratively, if you will, to promote those
5 safeguards that are currently in place. That's all I
6 have.

7 MR. AINSLIE: Thank you.

8 MR. BARRERO: Thank you very much.

9 MR. AINSLIE: Is it Monty Willaford?

10 MR. WILLAFORD: Yes, it is. Good
11 afternoon. I'm Monty Willaford. I'm the fire chief of
12 Spotsylvania County.

13 I'd like to quickly echo some of the things
14 that have already been said, and when you go fourth and
15 fifth you definitely have some of your points taken
16 away. But the first point is to talk about the edit and
17 the rewrite. That is one of my main concerns is that
18 this process was identified and started out simply as an
19 edit and no one questioned that and that's the middle of
20 a code change that's been called a rewrite. And
21 frankly, I don't think it follows the regulatory process
22 of the Commonwealth based on how it's been conducted.

23 The other words we keep hearing is
24 "unenforceable" and "construction." And many points
25 where changes were recommended there was no

1 interpretation or intent of the fire service to get into
2 the construction industry or even be involved with the
3 USVC. However, for us to do our jobs in many places we
4 look toward the USVC as simply a point of reference.
5 It's almost like when the process first started if you
6 could cite anything to do with USVC or even use the word
7 construction, it's like off with his head, off its head.
8 It's construction. And, again, in many cases, it's not
9 construction, it's just simply a reference.

10 One of the specific items talked about is
11 simply it says, "An exception: Dumpsters in areas
12 protected by and approved of automatic sprinkler system
13 installed in a quarter," and it gave three sections of
14 the USVC. They're just points of reference. We're not
15 enforcing the USVC, we're not in conflict with USVC. It
16 tells us if the USVC required this, we can allow
17 dumpsters to be put there. If it's not there, we can't.
18 There is no conflict in that case with the fire code,
19 but someone in this process believed it to be.

20 We question why we went from edit to
21 rewrite. One of the comments I've heard is that there
22 are rogue fire marshals throughout the state that are
23 unlawfully enforcing the Fire Prevention Code. And if
24 that is the case, why is the technical review board not
25 totally inundated with reviews? And I'd ask this board

1 to go back and look. How many cases dealing with the
2 USVC come to the technical review board? Fire safety
3 cannot automatically take second place in the
4 Commonwealth of Virginia to construction.

5 I took an oath, I took an oath to protect
6 my citizens and the visitors that come to Spotsylvania
7 County as do the other fire marshals. It's a very hard
8 situation to go and look and see when someone has
9 succumbed to a fire.

10 And going ahead and wrapping up, it was two
11 things were mentioned this morning in your earlier
12 meeting. One was the billions of dollars that are
13 generated -- that were generated last year by the
14 construction industry. And that's a great thing to the
15 Commonwealth of Virginia, but something else was
16 mentioned as well, there was 34 lives lost. Don't let
17 the billions of dollars generated overshadow those 34
18 lives.

19 MR. AINSLIE: Thank you. Next Glen Dean.

20 MR. DEAN: Good morning. I made some
21 remarks at a board meeting earlier this year. I'm going
22 to try to paraphrase them a little bit and add to it.
23 I'm going to start off with a question: Is this effort
24 on a rewrite of the fire code preordained? Is it a
25 foregone conclusion that we're only going through the

1 motions of legitimacy? And I ask this because what I've
2 seen and heard today that supports the perspective of a
3 predetermination as opposed to asking for an evaluation
4 of supposed nonenforceable provisions versus enforceable
5 provisions within the fire code.

6 Predetermination also seems to be supported
7 by the board's minutes of March 23, 2015, wherein it
8 states, "Mr. Rick Whit reiterated the board's direction
9 to staff to work towards the removal of the
10 administrative and technical provisions in the code, all
11 within Chapter 1 sections, to reflect the actual
12 enforceable language." To "reiterate" must mean that
13 there was an initiating action by the board and I can't
14 find that board action, but let's get passed that.

15 Since 1988, there have been eight additions
16 to the fire code. Throughout the administration and
17 enforcement of those eight additions, there has been and
18 continues to be a lack of, in the relative sense, the
19 lack of identified and quantifiable problems in the
20 manner in which those additions have been administered
21 and enforced to date that would give justification for a
22 rewriting of the fire code in the manner being
23 contemplated. I would submit to you that there may be
24 greater problems, again, in the relative sense, within
25 the USVC than the fire code, and can be proven by

1 looking at what issues and codes the TRV deals with most
2 often.

3 Also for those eight provisions of the fire
4 code adoption cycle, is the state attorney general's
5 office signed off on each addition effectively saying,
6 "No problems with those additions." So it comes back to
7 the question: What's the problem and whose problem is
8 it?

9 To summarize, why is something being fixed
10 when it doesn't seem to be broken? I want to also
11 add -- would like to add to Mr. Toalson's incomplete
12 remarks earlier about buildings and structures being
13 built at the least possible cost. While correct in what
14 he said, to flesh that statement out further to its
15 completeness, it says "the buildings and structures
16 ought to be built at the least possible cost while
17 providing for the health, safety, and welfare of those
18 occupying the buildings." And I want to state that I do
19 understand and do appreciate the difficulty of obtaining
20 and maintaining that balance. Thank you.

21 MR. AINSLIE: Thank you. Bill MacKay.

22 MR. MACKAY: Good afternoon. Members of
23 the board, my name is Bill McKay. I'm the Fire-Rescue
24 Chief of Goochland County. I don't want to reiterate
25 what some counterparts that have already been spoken

1 about, but I do want to touch base on one thing,
2 possibly two. One I do want to build on the fact that
3 why is it that we, as Americans, have a disproportionate
4 level of dying in a home fire in our own residential
5 homes compared to the rest of the western world that we
6 benchmark against ourselves? As an American, you have a
7 two to three, possibly as high as four times greater
8 standard of dying in a home fire of your own home than
9 you do in the United Kingdom, Australia, or the other
10 countries that we normally benchmark ourselves against.
11 Why is that? We, as a society, need to address that.
12 And some of the actions that are proposed by this
13 rewrite water that down even more and make us go further
14 behind and we have a long way to catch up.

15 The other thing I want to touch base is
16 upon firsthand experience. Prior to coming to Goochland
17 County, I was the Fire-Rescue Chief of Niagara Falls,
18 New York, an old northeast industrialized town with
19 homes which underwent a number of renovations. One of
20 those renovations that ruined propensity was the
21 inclusion of a vinyl siding on homes. Vinyl siding on
22 homes is nothing more than solidified gasoline placed on
23 the side of homes.

24 In a fire event that involves the exterior
25 of the home in a wind-driven event, we literally had

1 globs of vinyl siding blowing across the street setting
2 adjacent homes on fire. One night, more than 20 homes
3 on one street suffered fire damage. These are things
4 that this proposed rewrite will eliminate our local fire
5 officials from the ability to enforce and address. And
6 I urge you, like my counterparts have, to be more
7 inclusive and to take more time and address especially
8 those unintended consequences that this may cause.
9 Thank you.

10 MR. AINSLIE: Thank you. Next speaker is
11 William Lloyd.

12 MR. LLOYD: Good afternoon. My greatest
13 problem is having -- well, first, having been involved
14 in many years of code change process. Having sat on the
15 Fire Services Board, having been part of the Department
16 of Housing Community development committees, BOCA Fire
17 Prevention Code Committee, and Locus Interpretation
18 Committee over the years and followed the process as we
19 went into the international code. My biggest concern is
20 the lack of transparency and speed in which this change
21 process has been done.

22 To call it a rewrite, that really raises
23 some concerns. What are we doing? An example of the
24 lack of transparency: We had a set of minutes of a June
25 meeting that didn't come out until July 18th. And then

1 there was another meeting within just a few days. There
2 was not sufficient time for someone to review those June
3 minutes and to be able to address them. The thing that
4 concerns me more out of that is that not all of the
5 comments were in the minutes. I have records of the
6 comments. A number of them, significant, were not
7 included in the minutes. That's a lack of transparency
8 and the process is of great concern. And I do not think
9 it follows the administrative process exactly. Thank
10 you.

11 MR. AINSLIE: Thank you. That's all on the
12 sign-in sheet. Oh, wait a minute. I'm sorry. There's
13 another page here we didn't know we had. Melvin Carter.

14 MR. CARTER: Good afternoon, everyone. All
15 right. It's on now. Good afternoon, Mr. Chair and
16 members of both boards, Board of Housing and Community
17 Development as well as the Fire Services Board. I thank
18 you for the opportunity to address you today. And
19 honestly, I've been in my role now for roughly 26
20 months, and so this is the first of this opportunity in
21 terms of a joint meeting between the fire board and
22 housing board that I've had the opportunity to attend
23 and present.

24 And to be honest with you, I don't know if
25 we would be here today jointly had the fire service not

1 raised the issues they have with the current process of
2 removing or edits from sections from the Virginia
3 Statewide Fire Prevention Code. And as the executive
4 director of Virginia Department Fire Programs where the
5 state fire marshal's office is housed, I share those
6 heightened concerns for the fire services.

7 A term that has been used today is about
8 the process is "lacks smoothness." I would like to use
9 a different term. Is what the fire services in Virginia
10 is asking for, is it unreasonable to slow down the
11 process, to pause the process, to give both major
12 stakeholders who want the same thing to public safety
13 mission, is it unreasonable what the Virginia Fire
14 Services is asking from the partnering public safety
15 agency? As professionals, we, like you, are looking for
16 common ground in this process. We're not trying to
17 steamroll you. We simply want a more inclusive seat at
18 the table so that our concerns can be had -- held rather
19 or heard as it relates to this process.

20 I would leave you with this one thought:
21 Had the Virginia Fire Services Board had a similar
22 process that was occurring with the building code, how
23 would you-all feel as building code officials? And I'll
24 leave you with that thought. Thank you.

25 MR. AINSLIE: Thank you. Next we have

1 Keith Chambers.

2 MR. CHAMBERS: Good afternoon, Board.

3 Thank you for inviting us here today to be able to speak
4 on behalf of our respective agencies. I am Keith
5 Chambers. I'm the chief deputy fire marshal for
6 Chesterfield Fire and EMS, and I'm also representing the
7 Central Virginia Fire Arson Association with over 100
8 members. I speak today not on what all the others have
9 already pointed out, but mine is a simple question is
10 why? Why are we doing this? I've asked that question
11 over and over again and this is the two answers I get.
12 And I get that DHCD staff states and I say that because
13 I don't get any names, I just say I get the answer.
14 DHCD staff states that they receive calls on a regular
15 basis in regards to confusion over the fire code. And
16 that's the only answer I get.

17 Well, my 12 years and direct relations with
18 the fire marshal's office, I have never once, never
19 received one phone call in my office from anyone that's
20 been referred by, informed by, or any DHCD staff that
21 has referred a customer to my office to ask a relative
22 questions on fire code that has went through DHCD. And
23 I would submit if it is being called to DHCD staff, a
24 fire code question for specific jurisdiction, I would
25 hope that they would send it to that jurisdiction's fire

1 marshal to answer that question. Never once have I ever
2 received a phone call or statement of fact.

3 So as I travel around the state during all
4 my conferences and symposiums, I start to ask customers,
5 in general, what they thought was confusing about the
6 fire code. I ask those familiar with the fire code and
7 those not so familiar with the fire code. The ones that
8 were not familiar with the fire code basically stated
9 they don't have any confusion because they don't read
10 it. They rely on the experts, us, to answer their
11 questions because that's why they send us to school to
12 learn about these codes and be able to answer those
13 questions. Those familiar with the fire code say to
14 me, "I don't have any confusion with the fire code
15 because I understand it." And a couple of them even say
16 that they're more confused with the building code than
17 they are the fire code.

18 Number two, and my great chief from
19 Spotsylvania County mentioned there's rogue fire
20 marshals. I've asked, as well, on top of the confusion
21 what else is the problem, and I'm hearing fire marshals
22 are enforcing building code elements which are
23 unenforceable. So again, as I travel around the state,
24 I've asked hundreds of fire marshals whether they know
25 the difference of what they can and cannot enforce.

1 Every one of them knew the difference, every single one
2 of them. I had no issues with any of them mixing a
3 building construction element with the fire code.

4 In addition to what the chief of
5 Spotsylvania said, if that were the case, if we were
6 enforcing those unenforceable provisions, wouldn't the
7 appeals board be inundated with appeals regarding the
8 fire code? I haven't heard of such thing.

9 I'll end with this, I've only heard one
10 person support the proposed change. And that was my
11 friend Rick Whit over there. And I just wanted to quote
12 what he said, "a lot of contention." Just remember
13 that. There is a lot of contention because the
14 opposition to the process, the speed, the efficiency,
15 and directly there's no need to change. There's not a
16 significant why to the question. Thank you.

17 MR. AINSLIE: Thank you. That's all we
18 have on the sign-up sheet. Are there any more people
19 that would wish to speak on the Statewide Fire
20 Prevention Code? Thank you. Seeing none, we will move
21 on to the Virginia amusement device regulations.

22 MR. SHELTON: And I don't think we have
23 anyone signed up unless there's somebody walked in
24 recently.

25 MR. AINSLIE: Anyone wish to speak on the

1 amusement device regulations? Hearing none --

2 MR. BARTELL: I'll do it.

3 I'm Richard Bartell from Hanover County.

4 We have one of the larger groups of amusement device
5 inspectors in the Commonwealth. And also the deputy
6 building official is the chairman of the amusement
7 device technical advisory group. He is in support and
8 we are fully in support of the proposals before the
9 board with regards to amusement device regs. That's all
10 I've got to say.

11 MR. AINSLIE: Thank you. Anyone else
12 before we move on?

13 Lastly, we'll be doing the industrialized
14 building safety regulations.

15 MR. SHELTON: I don't think anyone signed
16 up.

17 MR. AINSLIE: Is there anyone in the
18 audience that would like to speak to that? Hearing
19 none. That concludes our public hearing. I have some
20 closing statements here.

21 Are there any other persons wishing to
22 speak regarding the issues for which the public hearing
23 was convened? The hearing is now concluded. All
24 comments will be taken under advisement by the board.
25 I'd like to reemphasize that any written statements

1 received will be considered by the board. Thank you-all
2 for your time today.

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PROCEEDINGS CONCLUDED

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CERTIFICATE OF COURT REPORTER

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I, JUAN ORTEGA, do hereby certify that I was the Court Reporter who took down and transcribed the public hearing as captioned on Page 1 hereof, when heard on July 18, 2016, at 12:30 p.m. in Glen Allen, Virginia.

I further certify this is a true and accurate transcript to the best of my ability to hear and understand the proceedings and other incidents of the hearing herein as set down to the best of my ability.

Given under my hand this 8th day of August, 2016.



JUAN ORTEGA
COURT REPORTER

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KYLE - DHCD

Good afternoon. My name is Keith Brower, and I'm the Fire Chief from Loudoun County. I am also the former Fire Code Official for the County.

I am here to day in representation of the Loudoun County Board of Supervisors who are very publicly concerned, as am I, with the process and speed with changes are being sought to the Statewide Fire Prevention Code, or SFPC.

The SFPC is a legislated action that allows localities to react to unique fire prevention needs and to deal with them in the interest of public safety. Public safety has several aspects, most notably protection of your neighbor and their family, but it also extends to firefighter safety and to the economic health of a community. Burn down a restaurant due to an out of date hood suppression system, suffer a fatality fire because occupants or patrons were trapped or in buildings with poorly maintained egress or illegal interior flammable finish or kill a firefighter in a building collapse caused by because of excess storage, and everyone will point to one area: the fire prevention code. How could the fire department let this happen? The local government, the media and the public will demand answers. They always do. In West Warwick, Rhode Island, where 100 patrons were killed in the Station nightclub fire. In Hackensack, N.J., where 5 firefighters were killed in the collapse of a bowstring truss building with supplies stored above where they should not have been. And, how about the Virginia recent near misses? Over 75 reported outside mulch fires/vinyl siding fires in 2016 which have involved, or nearly involved structures. We have had around 30 in Loudoun County. Or how about the April bed and breakfast fire in Lexington, VA where a wedding party of 38 people narrowly missed tragedy in an agricultural building (barn), converted to a residential building with zero fire protection required.

And, how does all this affect the local economy? People are out of jobs. They can't buy groceries or cars. They miss mortgage payments. They may need to seek government assistance. Business taxes will not be paid. Local revenue trickling to Richmond will be lessened.

I could stand here for days and talk about the importance of a fire safe community. But I think you get the picture.

What I'm leading to is simply that the Virginia Fire Service believes that efforts are underway which could substantially weaken the SFPC by removing ^{SOME OF THE} construction related language from the SFPC. Last fall this process started with an interest in removing "unenforceable" areas of the SFPC.

To date there have been many meetings of the ad hoc work group. The pace of these work groups was unprecedented, and many local fire code officials struggled to keep up. We did the best we could. But

this isn't simple math. We have volumes of changes pending and I'm very concerned, if we are not careful, if we don't slow this process down, and if we compromise on the Work Group process and timeline, that we will have a SFPC that will leave large, gaping holes in code enforcement, and that will lead to the compromise of public safety and unintended negative economic impact.

I don't believe this is your goal.

Thank you for your time and your service.

July 18, 2016

Board of Housing and Community Development
The Main Street Centre
600 East Main Street, Suite 600
Richmond, Virginia 23219

Ladies and Gentlemen of the Board:

Good morning, I am Mike Toalson, Chief Executive Officer (CEO) of the Home Builders Association of Virginia. HBAV is a 3,200 member organization of home builders and firms that provide products and services to the home building industry in Virginia. The mission of HBAV is to protect and enhance the affordable housing climate of the Commonwealth and to protect the property rights of landowners in Virginia.

First, HBAV would recommend the Board utilize the International Code Council (ICC) family of Codes as the basis for the update of the 2015 Uniform Statewide Building Code (USBC) and the State Fire Prevention Code (SFPC). The so-called I-Codes have well served the home buying public, the home building industry and the local building officials and other code enforcement agencies that must enforce the codes.

We would also commend DHCD Deputy Director Cindy Davis and her staff for their special efforts to involve so-called “stakeholders”, such as HBAV, in the once every 3 year update of the USBC and SFPC. Their exhaustive efforts of inclusion continue to be in the finest of Virginia tradition.....to involve affected parties in the making of state laws and regulations. Many other State Agencies now follow the DHCD approach to “stakeholder” involvement in the regulatory process, which has led to what many in business community refer to as the “Virginia Way” of state regulatory oversight.

HBAV has the opportunity to work with the following State Agencies on a regular basis: Department of Environmental Quality, Virginia Department of Transportation, Virginia Health Department, Department of Professional and Occupational Regulation. Each of those State Agencies follows the DHCD approach to State Regulation and always appoints a Stakeholder group to develop or amend their regulations.

Second and most importantly, especially with new board members with us today, HBAV would urge the Board to adopt the same approach to the 2015 proposed code update that previous Boards have adopted. Please strive to strike a balance between the value and benefits of each proposed change to its anticipated cost of construction. As some of you have heard HBAV testify in the past, we could build a home that could withstand any tornado, hurricane, flood, fire or any other natural or man made threat.

Board for Housing and Community Development
July 18, 2016
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Unfortunately, however, no one or very few could afford to purchase such a constructed shelter. The balance between benefit and cost has always been a fundamental component in previous code cycles and we hope that will be your pleasure with proposed amendments before you today.

In fact, if you refer to 36-99 of the Code of Virginia, which I have attached to my comments, you will read that the laws of the Commonwealth state the following: The provisions of the Building Code and modifications thereof shall be such as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation

Third, in this code cycle (2015), HBAV would urge the Board to adopt, in their entirety, the 2012 State Amendments and their Predecessor State Amendments to the International Family of Codes. Thoughtful and exhaustive efforts were made by you and the Stakeholder groups to develop those State Amendments. HBAV would urge you reject any efforts to amend or revoke them, unless the ICC, in its wisdom has adopted the same.

Fourth, HBAV does support the Board initiative to clarify the State Fire Protection Code (SFPC) Regulations do not affect the manner of construction or materials to be used for the erection, alteration, repair, or use of a building or structure, as provided by the Uniform Statewide Building Code (USBC). It is time to end any confusion between building officials and fire officials that might be created through the short exceptions in Chapter 1 of the SFPC. Such clarity will benefit the regulated community (homeowners and building owners), and prevent them from finding themselves in a Catch 22 position or: A situation in which a desired outcome or solution is impossible to attain because of a set of inherently contradictory rules or conditions

Next, I would remind you that, at this time, the home building industry in Virginia continues to struggle to pull itself out of an historic downturn in the production in new homes that bottomed in 2009, and bounced along that bottom of the market, until very recently, when a small bounce in demand developed. In other words, this is not the time to add new significant costs to the production of new housing. Such an action could extend the recovery of the home building industry, and some would say the recovery of the nation's economy.

Attached is a chart of Single Family (SF) Housing Starts in Virginia for past 15 years. What you will see is that when 2016 began, SF Housing Starts in Virginia only equaled Fifty percent (50%) of the housing starts in Virginia in 2003, over thirteen (13) years ago.

Board for Housing and Community Development
July 18, 2016
Page 3

Once again, HBAV looks forward to providing you more expansive comments in the coming days and weeks as the consideration of the 2015 updates to the USBC and SFPC continues.

Thank you for your attention and time this morning.

Best regards,

A handwritten signature in black ink, appearing to read "M. L. Toalson", written in a cursive style.

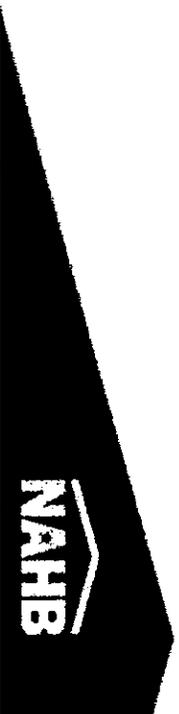
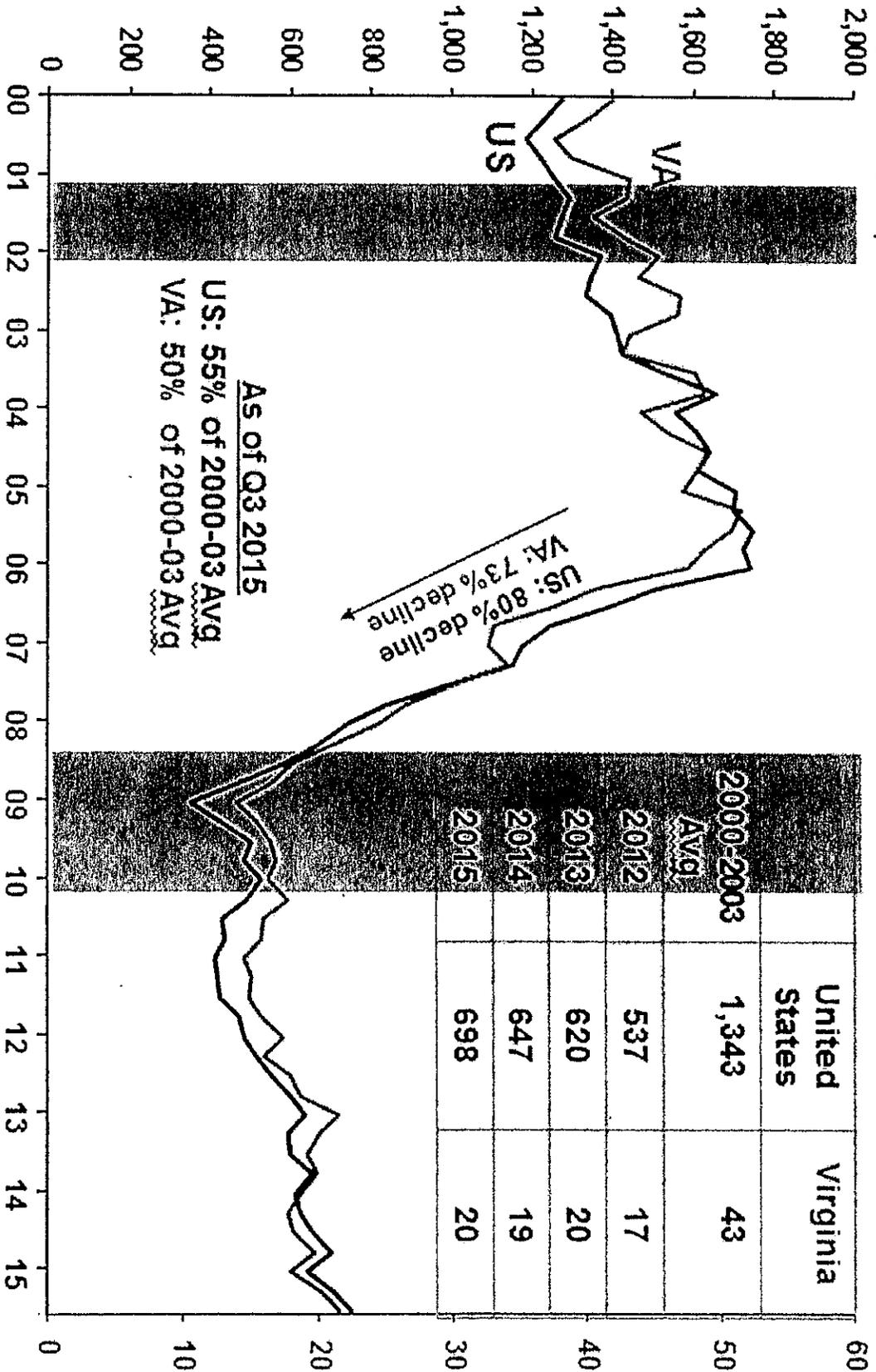
Michael L. Toalson
Chief Executive Officer

36-99. Provisions of Code; modifications.

A. The Building Code shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe regulations to ensure that such buildings and structures are properly maintained, and shall also prescribe procedures for the administration and enforcement of such regulations, including procedures to be used by the local building department in the evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are assured. The provisions of the Building Code and modifications thereof shall be such as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged. Such regulations shall be reasonable and appropriate to the objectives of this chapter.

Single-family Starts

Thousands of Units, SAAR



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June 6, 2016

State Building Code Review Board Office
600 E Main Street, Suite 300
Richmond, VA 2321

Dear SBCO:

SBCA understands that your state is considering adopting and accepting public comments with respect to the residential code. This includes the following language from the International Residential Code (IRC) [IRC-12 R501.3](#) (and also [IRC-15 R302.13](#)):

R501.3 Fire protection of floors.

Floor assemblies, not required elsewhere in this code to be fire-resistance rated, shall be provided with a 1/2-inch (12.7 mm) gypsum wallboard (GWB) membrane, 5/8-inch (16 mm) wood structural panel (WSP) membrane, or equivalent on the underside of the floor framing member.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA13D, or other approved equivalent sprinkler system.
2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.
3. Portions of floor assemblies can be unprotected when complying with the following:
 - 3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet per story
 - 3.2. Fire blocking in accordance with [Section R302.11.1](#) shall be installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

As groups evaluate the issues surrounding this code provision, SBCA recommends that the following action be taken given the potential life safety issues involved:

Floor assemblies.....shall be provided with a 1/2-inch (12.7 mm) gypsum wallboard membrane..... ..or equivalent... on the underside of the floor framing member.”

Exceptions:

~~4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.~~

Both 2012 [test data and analysis](#) by Underwriters Laboratories (UL) and confirmation testing performed in 2015 by SBCA support this action as it relates to life safety. Please see the table at the end of this letter for supportive ASTM E119 test data.

To address all the issues surrounding [IRC-12 R501.3](#) ([IRC-15 R302.13](#)), SBCA has compiled the following resources which provides a summarized set of facts and links to more detailed information:

1. [Answering the Question: What Is Equivalent Protection to a 1/2-inch Gypsum Wallboard Membrane?](#)
2. [SBCA's R501.3 and R302.13 Resource Page](#)

You may also download and review the sets of PowerPoint slides or PDF versions for the states where we have provided presentations at [Fire Protection of Floors](#).

We believe failing to eliminate [IRC-12 R501.3 \(IRC-15 R302.13\)](#) Exception 4 could result in a fire fighter falling through an unprotected 2x10 floor, potentially causing injury or death due to an erroneous assumption the floor adheres to the traditional “20-minute performance rule.” This potential risk is cause for significant concern.

As everyone who has been exposed to this code language is aware, all the considerations surrounding [IRC-12 R501.3 \(IRC-15 R302.13\)](#) are challenging and certainly critical to the floor system markets that have been reliably served by structural building component manufacturers via their supply of I-joists, floor trusses, etc. Adoption of this code language has generally created an artificial market preference for 2x10s (as well as products like Flak Jacket coated I-joists) because they are deemed to be equivalent to a 15-minute membrane time provided by a ½” gypsum wallboard membrane ceiling, as defined by code ([IBC-12 Section 722.6.2](#)). Yet testing shows that they do not reach a 15-minute level of performance.

Please provide us with feedback if you have any thoughts, alternative opinions, recommendations or questions. Thank you so very much again for your consideration of our information.

Respectfully yours,

Kirk Grundahl, P.E.
Executive Director

In March of this year SBCA undertook ASTM E119 standardized fire endurance testing to determine if unprotected 2x10s perform equivalently to trusses, I-joists, etc. protected by ½” GWB, and as such, truly deserve an economically advantaged position in the floor assembly market by providing an equivalently safe floor. SBCA test data follows:

UL ASTM E119, Unprotected Floor Assembly, 100% Design Load Fire Endurance Performance Benchmark Tests

Test Member Recent UL ¹ Test Data	UL Test [% design load]	Time of Total Structural Failure	Time of Failure Load Bearing
2x10 Dimension Lumber	UL Data [100%]	7:04 (min:sec)	7:04 (min:sec)
9-1/2" I-Joist	UL Data [100%]	2:20 (min:sec)	2:20 (min:sec)

SBCA ASTM E119, Unprotected Floor Assembly, 100% Design Load Fire Endurance Performance Benchmark Tests

Test Member March 2015 SBCA Test Data	NGC Test [% design load]	Total Applied Load (psf)	Time to Failure (min:sec)
2x10 Southern Pine (16" o.c.)	NGC FC-853 [100%]	42.0	10:35 (min:sec)
12" Trusses no SPs (24" o.c.) (1)	NGC FC-858 [100%]	48.5	6:54 (min:sec)
9-1/2" Flak Jacket I-joist (19.2" o.c.) (3)	NGC FC-857 [100%]	75.5	6:37 (min:sec)
12" Trusses no SP (24" o.c.) (2)	NGC FC-854 [100%]	48.5	6:02 (min:sec)
9-1/2" I-Joist (19.2" o.c.) (4)	NGC FC-855 [100%]	84.0	4:25 (min:sec)
12" Trusses w/SPs (24" o.c.) (2)	NGC FC-856 [100%]	52.3	3:33 (min:sec)

Notes on this table: (1) SP=splice joint & this test had strong-back to bearing. (2) SP=splice joint & this test had strong-back but NOT to bearing. (3) Flak Jacket was ICC-ES ESR -1153 approved 2013 product from market to be sold inventory. ICC-ES approved design values and holes were incorporated. (4) ICC-ES approved design values and holes were incorporated.

This shows that performance is not markedly different by any unprotected floor assembly types. The two products expected to achieve more than 15-minute performance burn up in 10 minutes or less.

¹ Please see highlighted portions of UL report entitled, [“Improving Fire Safety by Understanding the Performance of Engineered Floor Systems and Providing the Fire Service with Information for Tactical Decision Making](#)