

SUMMARY
DHCD WORKGROUP 1 MEETING
2018 Code Change Cycle

June 23, 2020 at 9:30 a.m.
Virtual - Adobe Connect
<https://vadhcd.adobeconnect.com/workgroup/>

Participants:

- Bob Allen (Henrico County)
- Scott Andrews (AACT)
- Charlie Baker (FEMA)
- David Beahm (self/Warren County)
- Jeffrey Brown (DHCD)
- Ron Clements (Chesterfield County)
- Mr. Csizmadia (VFPA)
- Allison Cook (Arlington County)
- Cindy Davis (DHCD)
- Robby Dawson (NFPA)
- Gregg Fields (VBCOA)
- Sarah A. Foote (DHCD)
- Brian Gentilini (ADTAC)
- Richard Gordon (AOBA)
- Richard Grace (Fairfax County)
- David Hewitt
- Brian Hilderbrand (DHCD)
- Bryan Holland (NEMA)
- Patrick Hughes (City of Chesapeake)
- Christina Jackson (City of Norfolk/VBCOA)
- Haywood Kines (Prince William County, VA International Association of Electrical Inspectors)
- Thomas King (DHCD)
- James Lawrence
- Casey Littlefield (Goochland County/IAEI)
- Travis Luter (DHCD)
- Matthew Mertz
- Paul Messplay IV (DHCD)
- Andrew Milliken (Stafford County Fire)
- Florin Moldovan (DHCD)
- Sandi Morris (DHCD)
- Kenney Payne (AIA Virginia)
- Randy Pearce (City of Emporia)
- Shaun Pharr (AOBA/VAMA))

- Richard Potts (DHCD)
- Rebecca Quinn (FEMA)
- Stephen Reynolds (DHCD)
- Travis Rickman
- Donna Rubino
- Jonathan Sargeant
- David Sharp (BCAAC)
- Ross Shearer (self)
- David Smith (Eaton)
- Randy Smith (Virginia First Technology)
- Craig Toalson (HBAV)
- Dan Willham (Fairfax County)
- Rick Witt (VBCOA)

Workgroup 1

Virginia Construction Code

A101.2 Incorporates the 2020 NFPA 70 (NEC). A101.5

Proponent: Haywood Kines (Prince William County)

Comments:

- Mr. Kines and Ms. Davis (DHCD) discuss how a previous SWG Meeting discussed shock hazards in residential dock areas as related to this proposal. That subworkgroup was unable to come to consensus on how best to address the hazard of electric shock drowning (ESD). This proposal incorporates the new NEC article 555 that addresses residential dock and marina safety. However, Mr. Kines is suggesting bringing in the entire new 2020 NEC and not just Article 555. He would like to see at least Article 555 updated to 2020 standards, but hopefully all of the 2020 code updates would be incorporated since it would be helpful for the industry to have all of them on the most up-to-date code standards.
- Mr. Holland of the National Electrical Manufacturers Association mentions that all of the electrical product safety measures could be updated to 2020 standards; he says all we would be receiving is benefits for bringing all code updates up to the 2020 standards for “code harmonization”. It is harder to find 2017 code updates, so updating to 2020 would reduce confusion and increase safety and consistency. He is in full support.
- Mr. Beahm (representing himself) brings up the fact that there may be potential conflicts if the document has not been thoroughly vetted yet, and that to do a total 2020 update adoption seems premature and causes potential issues with IRC code agreement. He maintains support for updating just Article 555 at this time.
- Mr. Toalson of the Homebuilders Association of Virginia shares the concerns stated

above -that it's a bit too soon and premature.

- Ms. Davis concurs that this would be a huge amount of work, with potential drawbacks, to update all of the pieces to 2020 standards now without a full review first. She is not in support.
- Mr. Smith representing Eaton is in full support with NEC 2020 updates, citing Massachusetts as a state that has already gone ahead with adopting these code updates. He would like to see Virginia adopt these modernized codes as well.
- Additional discussion on the problems with incorporating all of the different residential updates from the 2020 NEC into the Virginia Residential Code. Staff concurred this would be exceedingly difficult to do.

Results: Consensus only incorporating Article 555 from the 2020 NEC

A101.5 State amendment clarification.

Proponent: Kenney Payne, representing AIA Virginia

Comments: None

Results: Consensus for Approval

A101.6 Order of precedence clarification.

Proponent: Kenney Payne, AIA Virginia

Comments: None

Results: Consensus for Approval

A103.1 Removes unnecessary reference to IEBC.

Proponent: Kenney Payne, AIA Virginia

Comments:

- Mr. Littlefield (IAEI) questions how many references to the VEBC the IEBC actually contains. Mr. Payne assures we have the ability to catch all the times it is referenced to make this linguistic change.
- Mr. Beahm (self) proposes we use “VEBC” or “this code” but not both. His preference is VEBC. Mr. Payne is not opposed to this suggestion.
- Mr. Clements (Chesterfield County) suggests we use the same language the VCC uses.
- Ms. Cook (Arlington County) suggests we leave in the language of “existing requirements” in the VCC.

Results: Consensus for Approval as Modified

Modification: Change IEBC to VEBC.

A109.3 Engineering details where dry flood proofing is proposed.

Proponent: Resiliency SWG

Comments:

- Mr. Brown of DHCD speaks on this.
- Mr. Beahm representing himself mentions the cost would increase, though he does not disagree with the change itself.
- Ms. Quinn of FEMA on building codes reminds us that dry-flood proofing tends to fail, and that this proposal offers good clarification.
- Mr. Baker of FEMA Region 3, Ms. Quinn of FEMA, Mr. Littlefield all discuss flood-proofing exemptions in Virginia, federal regulations already in place that require these measures, and agreement with Mr. Beahm's concern with cost increase.
- Mr. Pharr of the Apartment and Office Building Association of Metropolitan Washington (AOBA) and the Virginia Apartment Management Association (VAMA) reminds us that DPOR statutory scheme says that one can build their own home or one for a close relative without using an RDP.
- Mr. Clements (Chesterfield County) reminds us that state law overrides these regulations. We would have to go back to state law to clarify.
- Mr. Beahm reiterates support for this change with the caveat that there will be a cost impact and should be reflected as such.
- Mr. Brown of DHCD reminds us that this section already exists and the proposal is only adding a couple of additional items to the list of details that must be provided on plans.
- Ms. Quinn clarifies that FEMA supports this measure because these structures are "critical to proper design."
- Mr. Payne (AIA Virginia) wishes to clarify whether the word "detail" should be plural, and he questions whether the language should be "proposed" or "provided".
- Ms. Quinn (FEMA) further wishes to clarify whether it is "proposed" and "provided."
- Mr. Pharr of the Apartment and Office Building Association of Metropolitan Washington (AOBA) and the Virginia Apartment Management Association (VAMA) indicates support.
- Mr. Toalson of the Virginia Homebuilders' Association supports this proposal as well.

Results: Consensus for Approval as Modified

Modification: Change "detail" to "details" and "proposed" to "provided".

A113.3 Elevation Certification Requirement

Proponent: Resiliency SWG - supported by many but not all members

Comments:

- Mr. Hughes (City of Chesapeake), Mr. Baker (FEMA), Ms. Quinn (FEMA) and Mr. Littlefield (IAEI) chatted in questions regarding the EC versus VEBC; Mr. Catlett suggests this belongs in the building code.

- Mr. Clark (HBAV) dissents, opposes. Follow-up conversation with Mr. Clark indicated they mistakenly opposed this proposal. The language has been changed to address their concerns and they are now in support. See attached email from Andrew Clark.

Results: Consensus for Approval

A113.8(2) Requirement to energize during final inspection.

Proponent: Haywood Kines of VA International Association of Electrical Inspectors

Comments:

- Mr. Holland (NEMA) speaks in support of this proposal and mentions that the energy codes require some discussion of the systems.
- Mr. Payne of AIA Virginia suggests NOT capitalizing all trade names in the final version.
- Mr. Catlett of Catlett Code Consulting also speaks in support of this proposal.
- Mr. Beahm represents himself and the Admin committee; says Admin committee disapproved of this proposal. He agrees, but raises the issue of plumbing and electrical.
- Mr. Kines clarifies that he included plumbing due to the structures that are not on public utilities and instead use wells (even in Prince William County), and they still need power.
- Mr. Fields of VBCOA Admin Committee is opposed to the proposal because they believe the existing language is sufficient and requires no change.
- Mr. Kines reiterates that it is absolutely necessary to test things in the field and that he stands by his proposed change.
- Mr. Toalson of HBAV opposes this change, believing the existing language is sufficient.
- Mr. Witt representing himself suggests adding an exception to be able to use temporary power; this allows the existing language to provide a compromise to try and reach consensus.
- Mr. Kines disagrees with the compromise, because it doesn't provide wholesale safety.
- Ms. Davis of DHCD brings up the concern that this proposal borders on policing how the building officials do their jobs, which is not in our purview.

Results: Non-consensus

A115.2.1 Notice of violation issued under certain circumstances.

Proponent: Kenney Payne, AIA Virginia

Comments:

- Mr. Beahm (self) dissents.
- Mr. Farrell representing VBCOA provides legislative context; he is not in support.
- Mr. Clements (Chesterfield County) clarifies about what an exact copy might look like for further changes.
- Mr. Pharr (AOBA/VAMA) reaffirms that this is just verbatim what is stated in the Virginia State Code.

- Mr. Fields (VBCOA) and Mr. Catlett (Catlett Consulting) wish to change the Virginia Code, support a legislative change

Results: Withdrawn.

A117.2-18 Moved Buildings and Structures

Proponent: Resiliency SWG

Comments: Mr. Brown of DHCD lends context to how this change will affect flood hazard areas, to make sure that these areas are approved by building code officials.

Results: Consensus for Approval

A118.1 Unsafe buildings and structures in the VCC.

Proponent: Ron Clements (Chesterfield County)

Comments: Withdrawn before Workgroup meeting. Will revisit for next code cycle.

Results: Withdrawn

A119.5 Appeals to the State Review Board

Proponent: Kenney Payne, AIA Virginia

Comments:

- Mr. Beahm (VBCOA admin committee) says the Fire Committee thought changing the days from 14 to 21 may be too long. He isn't sure if the Fire Committee has seen the updated version yet.
- Mr. Pharr (AOBA/VAMA) mentions that more clarity is always a good thing, and this proposal seems to provide that. He isn't sure there is a valid statutory phrase in the Fire Prevention Code.
- Mr. Farrell (VBCOA) indicates that the Admin Committee voted to support this.
- Mr. Catlett (Catlett Consulting) is in favor except for the 21-day appeal language.
- Mr. Pharr (AOBA/VAMA) sees the rationale for the shorter time period, but he is in support for the longer time period and would actually propose 30 days instead of 21.
- Ms. Hale of Loudoun County Fire agrees with Mr. Catlett, for safety reasons.
- Mr. Payne with AIA Virginia discusses earlier dissent from this proposal, but the 14-day time frame is only in cases where there is no local Board.
- Mr. Milliken (Stafford County Fire) mentions that if changed to 21 days, it would be in conflict with a different code.
- Mr. Pharr concurs about a lack of time periods regulated in a statute.
- Mr. Beahm wishes for clarification regarding commentary language - it will stay the same.
- Ms. Davis from DHCD wishes to clarify when the amendment to this proposal can be made, and whether we are checking with the AG.

Results: Consensus, provided we can verify the statutory time allowing 14 days

Virginia Existing Building Code

EB102.2.3 Additions connected with a fire wall.

Proponent: Kenney Payne, AIA Virginia

Comments:

- Mr. Pharr (AOBA/VAMA) wonders if the language could reflect “shall”.
- Mr. Clements (Chesterfield County) clarifies that if this change doesn’t go through, it’s already in place in most ways as long as it’s being interpreted as was originally intended.
- Mr. Catlett (Catlett Consulting) suggests that this change is too stringent: a firewall ought to be treated as a firewall, but he wishes for the flexibility to treat it as a separate entity.
- Ms. Cook (Alexandria) clarifies that if you’re going to put up a firewall, it needs to be in compliance with VCC standards already.
- Mr. Payne agrees - we need the “shall” included in the language.
- Mr. Hughes (City of Chesapeake) suggested “newly constructed” terminology to provide additional clarity.

Results: Consensus for Approval as Modified

Modification: with the addition of the phrasing “newly constructed” (and to put this language in the included note, as well)

Virginia Maintenance Code

PM106 Simplification of the unsafe provisions.

Proponent: Ron Clements (Chesterfield County)

Comments: Withdrawn. Will revisit during next code cycle.

Results: Withdrawn prior to meeting

PM105.2 Notice to owner when they are not the responsible party.

Proponent: Ron Clements, VBCOA legislative committee

Comments:

- AOBA/VAMA support PM105.2; Home Builders Association of Virginia - HBAV supports; VBCOA Admin supports
- Mr. Hughes (City of Chesapeake) thanked Mr. Clements for this legal clarity.
- Ms. Jackson (City of Norfolk) is curious about who will be responsible, seeks clarity - could we ignore the owner? What purpose does this addition serve?
- Mr. Clements wants to give the option to report directly to the owner or to the responsible party if it isn’t the owner.

- Mr. Catlett (Catlett Consulting) maintains that under this provision, it will be required to report to the owner EVEN IF the responsible party is not the owner.
- Mr. Witt (VBCOA) underscores that this provision means we copy the owner in every case.

Results: Consensus for Approval

Virginia Statewide Fire Prevention Code

FP107.2(1) Operational permit for State Regulated Care Facilities (SCFRs).

Proponent: Andrew Milliken, Stafford County Fire Dept.

Comments: All were in support.

Results: Consensus for Approval

FP107.2(2) Operational permit for commercial cooking.

Proponent: Andrew Milliken, Stafford County Fire Dept.

Comments:

- Mr. Pharr (AOBA/VAMA) states that AOBA/VAMA support FP107.2(2)
- Mr. Beahm (Warren County) dissents on the basis that this measure is “too intrusive.”
- Mr. Catlett (Catlett Consulting) mentions that if you have a commercial cooking appliance in your home, you might not be producing enough damaging byproducts (grease and vapors) to cause a safety concern.
- Ms. Hale (Loudoun County Fire) brings up how the commercial businesses still should be subject to scrutiny, even during COVID closures.
- Mr. Witt (VBCOA) asks about whether this covers daycare facilities and church fellowship halls. Mr. Milliken clarifies that those types of facilities, if already covered by preexisting codes, would be exempt from this additional code regulation.
- Mr. Beahm brings up “change of use” and how those who are reviewing the code might find the proposed language and interpretation problematic.
- Mr. Milliken clarifies the exemptions held above.
- Mr. Beahm raises the concern for home businesses, home bakeries in particular.
- Ms. Davis of DHCD asked if creating a VA Department of Health exemption similar to the existing USBC restaurant requirements for farm structures would work. Mr. Beahm is concerned regarding whether the caveat would create the restriction of having to operate as a restaurant.
- Mr. Catlett brings up the Department of Agriculture and catering services and whether using the commercial appliances offsite affects the meaning of the proposal.

- Mr. Farrell (VBCOA) wishes to clarify the meaning of “assembly use group” and brings up three separate classifications elsewhere for this language (restaurant vs. not a restaurant, occupancy limits, etc.)
- Mr. Milliken clarifies that his proposal is not intended to define what an assembly use group is, but it should only cover the equipment that would require a permit. He also clarifies that the localities can also provide more stringent definitions than the proposal outlines, but this is the baseline.
- Ms. Hale suggests adding “open to the public” to limit the application of this proposal.
- Mr. Witt raises a question regarding whether something is inspected and approved, what the continuing issue would be with obtaining a permit. Would it be after inspection?
- Mr. Catlett rephrases Mr. Witt’s question regarding obtaining an operational permit.
- Ms. Davis of DHCD maintains that this process is already in place - that for COO compliance, an occupational permit is already required.

Results: Carryover to August meeting

FP112.5 Application for appeal.

Proponent: Linda Hale, Loudoun County Fire Department

Comments:

- Mr. Pharr (AOBA/VAMA) supports the intent of the code change, but doesn’t think there is a statutory basis for expanding or altering this change. He mentions that there is no language regarding “standing” until much later in the summation. He supports revising this statement with recognition of the VCC.
- Mr. Witt (VBCOA) is concerned about the overreach that may result in this code change, and whether those who enforce code have the right to do what the passage describes.
- Mr. Payne (AIA Virginia) also raises concerns about distance from a homeowner via number of feet to a fireworks stand. He worries about the word “aggrieved” and that AIA Virginia cannot support as written.
- Mr. Milliken (FSB) summarizes that the Fire Services Board is willing to sign off on it with the language amended.
- Ms. Hale takes these semantic concerns into account and suggests the AG take a look at it, with respect to what the TRB would advise.
- Mr. Pharr discusses the interpretation of “aggrieved” in the context of different examples. Semantically he does not support due to the legal language being unspecific, but he supports the spirit of the code change.
- Mr. Allen (Henrico County) would like to clarify the difference between standing and status.
- Ms. Hale is in support of carrying over to August.

Results: Carry over to August meeting; support of the intent, just need to finesse language.

Virginia Amusement Device Regulations

AD20 Adds provisions and incorporates standards for Aerial Adventure Courses.

Proponent: Randy Smith, VA First Technology

Comments:

- Mr. Gentilini, ADTAC Chair and VBCOA are opposed on the basis that this would create “niche certifications and inspections.”
- Mr. Smith wishes to clarify that this is not intended to limit current inspectors’ ability to inspect. If this is a semantic piece, he is confident they can figure it out.
- Mr. Andrews of AACT underscores Mr. Smith’s stance and explanation.

Results: Non-Consensus

AD40(2) Updating standards.

Proponent: ADTAC - Brian Gentilini

Comments: Workgroup is in support of this proposal.

Results: Consensus for Approval

AD75(2) Recommended changes to fees.

Proponent: ADTAC - Brian Gentilini

Comments: Workgroup is in support.

Results: Consensus for Approval

Virginia Certification Standards

CS10 Updates to definitions.

Proponent: BCAAC - David Sharp

Comments: Workgroup is in support.

Results: Consensus for Approval

CS31 Cleans up qualification and examination requirements section.

Proponent: BCAAC - David Sharp

Comments: Workgroup is in support.

Results: Consensus for Approval

CS41 Reduces the time training must have been completed prior to certification.

Proponent: BCAAC - David Sharp

Comments: Workgroup supports.

Results: Consensus for Approval

CS45 Grammatical correction.

Proponent: BCAAC - David Sharp

Comments: Workgroup was in agreement about the grammatical correction.

Results: Consensus for Approval

CS51 Issuance of certificates.

Proponent: BCAAC - David Sharp

Comments:

- Mr. Witt (VBCOA) suggests that the existing language and policy is sufficient, and to leave it alone. He objects to the changing of the hours as being something that is regulatory.
- Mr. Beahm (self) recalls that the lifting of this rule is intended to gain hours/increase hours - he agrees with Mr. Witt to keep the hours at 16.
- Mr. Pearce (City of Emporia) supports the committee's decision.
- Ms. Jackson (City of Norfolk) is concerned about the qualifications for the Active Certificate which have been taken out per this change, and is not in support.
- Mr. Fields (VBCOA) states that the VBCOA Admin Committee disapproves this change - disagree with taking out of regulatory for the reasons previously provided

Results: Non-consensus

CS61 Removes noncompliance notices from this section.

Proponent: BCAAC - David Sharp

Comments: Mr. Csizmadia BCAAC (VFPA Rep) supports committee's changes

Results: Consensus for Approval

Virginia Manufactured Home Safety Regulations

MH20 Specifies federal regulations.

Proponent: DHCD Staff

Comments: None

Results: Consensus for Approval