

DRAFT SUMMARY
DHCD COMBINED WORKGROUP (WG 1, 2, 3 AND 4) MEETING
2018 Code Change Cycle

August 21, 2019 at 9:30 a.m.
VIRGINIA HOUSING CENTER
4224 Cox Road
Glen Allen, VA

Workgroup 3

Virginia Construction Code

RB310.11 Requiring sprinkler coverage in residential construction

Proponent: Glenn Dean (gad.pompier@gmail.com)

Comments: Mr. Clark speaks in opposition for homebuilders association. Currently, anyone can choose to install sprinklers if they want to. Proposal adds to cost of housing.

Results: Non-Consensus

RB311.3.2 Increase to 8 ¼ in. the floor elevation height for exterior doors

Proponent: Andrew Clark (aclark@hbav.com)

Comments: Rest on reason statement.

Results: Consensus Approval

RB332 Add Appendix Q: Tiny Houses

Proponent: Thom Stanton, Residential Uses Subworkgroup

Comments: Rest on reason statement

Results: Consensus Approval

BAQ104.1.2 Edit the IRC Appendix Q to include provisions from the 2021 Appendix Q

Proponent: Residential Uses Subworkgroup

Comments: Ms. Davis summarizes that this brings in 2021 language to Appendix Q for Tiny Homes

Results: Consensus Approval

RB401.3 Reduce to 1% the grade for impervious surfaces near building foundations

Proponents: Andrew Clark (aclark@hbav.com)

Comments: Proponent summarizes their proposal.

Results: Consensus Approval

RE401.2 Updates reference for REScheck to 2018 and removed the NOTE related to the REScheck modification.

Proponents: Energy Subworkgroup; Eric Lacey (eric@reca-codes.com)

Comments: Ms. Davis summarizes the proposal.

Results: Consensus Approval

RE401.3 Adds a mandatory certificate for building efficiency information

Proponents: Energy Subworkgroup; Eric Lacey (eric@reca-codes.com)

Comments: None

Results: Consensus Approval

RE402.1.2 Improves energy savings by increasing R-values

Proponents: Energy Subworkgroup; Eric Lacey (eric@reca-codes.com)

Comments: Proponent summarizes and explains that this proposal was not included in the consensus items brought forth by the energy subworkgroup. However, there is an agreement by HBAV and energy advocates to convene meetings for continued discussion during the final phase.

Results: Carryover to Final Phase.

RE402.4.1.2 Blower door air testing increase to 3 air changes

Proponents: Eric Lacey (eric@reca-codes.com)

Comments: Ms. Davis summarizes and brings in some last-minute amendments from the energy Subworkgroup to include raising the number of air changes from 3 to 5 and adding language to allow testing to be conducted by a Virginia licensed HVAC contractor, a Virginia licensed Home Inspector, a Virginia licensed design professional, a certified BPI Envelope Professional, or a certified HERS rater, or a certified Duct and Envelope Tightness rater as long as they are trained on the testing equipment. Mr. Lacey summarizes some changes and Mr. Clark speaks in support of this item.

Results: Consensus for Approval as Amended

RE403.3.1 Duct insulation in attics and other portions of the building

Proponents: Richard Grace (richard.grace@fairfaxcounty.gov); Energy Subworkgroup

Comments: Mr. Grace summarizes his proposal and the need to insulate. Mr. Ainsley questions about data to support the need for ductwork insulation and opposes this for rise in housing cost reasons. Ms. Eggerton speaks in favor of the need to insulate to prevent water accumulation in ducts. Several others support that they have witnessed damage due to water accumulation in uninsulated ducts. Mr. Grace requested that this proposal be withdrawn after doing additional research on the proposal at the national level.

Results: Withdrawn

RE403.3.5 Delete ‘building cavities shall not be used as ducts or plenums’

Proponents: Ronald Clements Jr (clementsro@chesterfield.gov)

Comments: Proponent summarizes.

Results: Consensus for Approval

RE503.1.1.1 Replacement fenestration with new fenestration product

Proponents: Energy Subworkgroup; Eric Lacey (eric@reca-codes.com)

Comments: Mr. Lacey summarizes.

Results: Carryover to Final Phase to discuss with other existing building language

RTE3401.1 Delete NEC language from VRC and instead reference the NEC

Proponents: Bryan Holland (Bryan.Holland@NEMA.org)

Comments: None

Results: Non-Consensus

RTE3902.16(1) Arc-fault circuit interrupter protection requirement

Proponents: Haywood Kines (hkines@pwcgov.org)

Comments: Mr. Clark speaks in opposition to this due to cost and insufficient data verifying their effectiveness. Some speak to the statistics that require AFCI in homes as a life-saving equipment. Mr. Ainsley spoke to nuisance tripping that occurs as a worry for requiring these in single-family homes. Mr. Haywood spoke to improvements in AFCI technology that have greatly reduced costs and risks associated with AFCI. Mr. Clark requests additional data for direct evidence to the life-saving factor of these devices. Mr. Iverson speaks in favor of instituting this protection in homes doesn’t have direct life-saving aspects.

Results: Non-Consensus

RTE3902.16(2) Arc-fault circuit interrupter protection requirement

Proponents: Allen Turner (allen.turner@jamescitycountyva.gov)

Comments: Proponent summarizes. This is an alternative to the other AFCI proposal, to garner consensus by adding an exemption for GFCI protected circuits in bathrooms, garages, kitchens, etc. Mr. Clark disapproves due to cost and insufficient data verifying their effectiveness.

Results: Non-Consensus

RTP2717.3 Dishwashing machine pan requirement

Proponents: MATTHEW GUNN

Comments: Ms. Davis summarizes in absence of the proponent. Mr. Clark speaks in opposition and several others also oppose.

Results: Consensus for Disapproval

TP1303.1 Adds CSA B805/ICC standard

Proponents: Richard Grace (richard.grace@fairfaxcounty.gov)

Comments: Proponent summarizes that this is simply an alternative compliance path for rainwater harvesting.

Results: Consensus for Approval

Workgroup 4

Virginia Construction Code

TP202 Adds service sink definition

Proponents: Lee Craft, VPMIA (lee.craft@fairfaxcounty.gov); Richard Grace (richard.grace@fairfaxcounty.gov)

Comments: Proponent summarizes. Mr. Payne recommends striking the word “utility” from the new definition.

Results: Consensus for Approval as Amended (striking the word “utility”)

T2701.1.1 Feeder equipment grounding conductor

Proponents: James Erler (jim@erlerdesign.com); John Lane (redcloudjl@aol.com); Neil Harrington, Smith Mountain Lake Marine Volunteer Fire Rescue (neil.r.harrington@gmail.com)

Comments: Mr. Harrington speaks to what prompted this proposal. Mr. Erler summarized his proposal. Mr. Kines and several others spoke in opposition of this proposal and recommended taking this through the national process and suggested that the 2020 NEC adequately addresses the issue and a possible solution would be to bring in the 2020 NEC requirements. Mr. Witt recommended carrying this over and bring in subject matter experts to address this issue. Mr. Erler suggested that the national recommendations in the 2020 NEC would not resolve the issue in Smith Mountain Lake. Mr. Kines defended the NFPA process. Delegate Byron asked about

the order of the process and supported the proposal. Consensus from proponents to carryover in order to convene a subworkgroup in the final phase to study the issue.

Results: Carryover to Final Phase

TM505.6 Other than Group R (hoods for domestic cooking appliances)

Proponents: Kenney Payne, AIA-VA (kpayne@moseleyarchitects.com)

Comments: Proponent summarizes that current code language mandates a domestic hood. He is attempting to clarify that it is optional.

Results: Consensus for Approval

TM510.7.1.1 Shaft penetrations that penetrate fire-resistance-rated shafts

Proponents: Richard Grace, VPMIA/VBCOA (richard.grace@fairfaxcounty.gov)

Comments: Proponent summarizes that the intent of this proposal is to clarify that firestop systems cannot take the place of required fire dampers.

Results: Consensus for Approval.

TP403.1 Increase number of required water closets in passenger terminals and transportation facilities

Proponents: Cornelia Weiss (koislmeier@yahoo.com)

Comments: Ms. Weiss summarized her proposal. Mr. Payne spoke to the requirements imposed by the language and suggested edits, including consideration of increasing the required number of lavatories as well. A comment was made that this change could affect other transportation facilities and should be vetted at the national level. Mr. Moldovan suggested some changes as well. Some commenters offered to work with the proponent to clean up the proposal to address some of the concerns that had been raised. Mr. Witt recommended carryover to continue edits.

Results: Carryover to Final Phase

TP410.4 Substitution (drinking fountains and water dispensers)

Proponents: Richard Grace (richard.grace@fairfaxcounty.gov)

Comments: Proponent summarized the proposal and the changes made since last time it was discussed. Mr. Clements suggested a change to the language to further clarify the requirement for two fountains, one high and one low. Ms. Eggerton suggested removing “notwithstanding” and that it may be beneficial to carry over this proposal to find language that isn’t confusing. Mr. Grace suggests an edit from the 2021 IPC “Where more than two drinking fountains are required... water dispensers shall be permitted to be substituted for not more than half...” The group agreed to use the 2021 IPC language.

Results: Consensus for Approval as Amended

Workgroup 1

Virginia Construction Code

A108.3 Applicant information, processing with online option

Proponents: Allison Cook (ICC@Allison-Cook.com)

Comments: Ms. Cook summarized her proposal. Mr. Witt supports giving all options available to the customer. Mr. Clark spoke to the reliability or lack thereof to online submittals. Mr. Pharr spoke to the broadband issues in the commonwealth and argued for having online submittals as an option. Ms. Eggerton supported the proposal as an option, even the preferred option. Mr. Lederman (VDEQ) spoke to this being an issue for them as well.

Results: Non-Consensus

A113.8 Final inspection requiring energizing the structure

Proponents: Haywood Kines

Comments: Proponent summarizes his proposal. Mr. Witt gave some history on when power companies could be limited in their ability to support this. Mr. Cornwall asked how alternative power sources would be applicable to this change. Ms. Cook asked if this was a problem that has occurred where building offices were required to conduct final inspections on unpowered structures. Mr. Clements spoke in opposition. A comment was made that the existing provision in the USBC was added to allow a building official to require power when it was appropriate and mandating it for all final inspections would require it even when it is not feasible or appropriate. Mr. Redifer opposed this on the grounds that building offices should have the option to make the decision.

Results: Non-Consensus

A115.2(3) Notice of violation to those other than the permit holder for related work

Proponents: Michael Redifer (redifermd@nnva.gov)

Comments: Proponent summarizes proposal.

Results: Consensus Approval

A115.2(2) Notice of violation to those other than the permit holder for related work

Proponents: Michael Redifer (redifermd@nnva.gov)

Comments: Proponent summarizes proposal.

Results: Withdrawn

A118.1 Creates a VCC section for unsafe buildings

Proponents: Ronald Clements Jr (clementsro@chesterfield.gov)

Comments: Proponent asks for proposals to be carried over.

Results: Carryover to Final Phase

A119.6 Meetings and postponements by electronic means

Proponents: David Beahm (dbeahm@warrencountyva.net); VBCOA Admin Committee

Comments: Proponent summarized his proposal. Remove comma before “if requested”.

Results: Consensus Approval

Virginia Maintenance Code

PM103.2.3 Responsibility for maintenance to tenants and owners of leased buildings

Proponents: W Shaun Pharr (spharr@aoba-metro.org)

Comments: Rests on reason statement. Mr. Pharr defends proposal that this does not supersede or interfere with the Landlord Tenant Act. Mr. Payne spoke to TRB cases about this topic. Mr. Clark spoke to General Assembly implications of this proposal. Theresa asked how they were supposed to get ahold of the owner of a property to determine if it's a failure of the owner or the tenant. Mr. Clements states that the language of this change gives the building official the ability to request information pursuant to a deficiency. Ms. Hale asked about the scope of this change and Mr. Witt clarified for her. Mr. Pharr suggested that he could remove reference to the Residential Landlord Tenant Act and preserve the second part in 103.2.3.1. Ms. Davis summarized to this point. Mr. Witt requested to make 103.2.3 to a Note and reference the Code of Virginia.

“Note: Where an owner states that a tenant is responsible for performing any of the owner’s duties under this code, the code official may request information needed to verify the owner’s statement, as allowed by Section 55-1-1209A.5 of the Code of Virginia.”

Results: Consensus Approval as Amended

PM104.5.3.2 Record of inspection should carry name and certifications of elevator mechanic

Proponents: DHCD Staff

Comments: Ms. Davis summarizes the proposal as a correlation change in the VMC to duplicate the change made in the VCC for elevator inspections.

Results: Consensus Approval

PM105.2 Adds ‘tenant’ to those who can be named by code official for violations

Proponents: W Shaun Pharr (spharr@aoba-metro.org)

Comments: Mr. Pharr summarizes his proposal and references his prior statements related to the Tenant Landlord Act.

Results: Consensus Approval

PM105.4 Adds 'tenant' to owner or other person responsible for Notice of violations

Proponents: W Shaun Pharr (spharr@aoba-metro.org)

Comments: Rest on reason statement and references his prior statements related to the Tenant Landlord Act.

Results: Consensus Approval

PM106 Simply language of unsafe structure

Proponents: Ronald Clements Jr (clementsro@chesterfield.gov)

Comments: Mr. Clements speaks to the need for more time for his proposal and requests to carry over to continue discussions.

Results: Carryover to Final Phase.

Virginia Certification Standards

CS41 Editorial change for certification requirements

Proponents: Building Code Academy Advisory Committee (BCAAC)

Comments: No comments.

Results: Consensus Approval.

Workgroup 2

Virginia Construction Code

B108.1 Emergency supplemental hardware per SB1755

Proponents: DHCD Staff on behalf of the following stakeholders represented at the School Safety Subworkgroup: Virginia Building & Code Officials Association; Virginia Department of Education; Augusta County Public Schools; American Institute of Architects (AIA) Virginia; Virginia Tech

Comments: Ms. Davis recaps both of the two proposals brought forth from Senate Bill 1755 and the review of the use of barricade devices and locks during active shooter and emergency situations. She explained that the two proposals were the same except this proposal put the clarifying language in the body of the code and the alternate proposal puts the language in an appendix that would make it optional for jurisdictions to choose to use them. The concern with

the appendix is that one school district would be able to use an approved device as outlined in the appendix and the school in the next county would receive a notice of violation for using the exact same device. She opened the floor for other committee members to discuss relevant proposals. Ms. Frye stated that she has concerns that the proposal as written does not prohibit barricade devices from being installed on doors with required panic hardware. Mr. Witt stated that there had been four meetings with over twenty hours of discussion. He saw no benefit in rehashing the arguments at this meeting and suggested that both simply be moved forward as non consensus.

Results: Non-Consensus

BO108.1 Appendix O option per SB1755

Proponents: Linda Hale on behalf of VFPA and Steven Sites, Acting State Fire Marshal

Comments: See above. Ms. Davis asked Ms. Hale if the language in the appendix was identical to the other proposal. Ms. Hale stated that it was identical as she simply used the copy and paste to submit her proposal and that it was her intent that it be exactly the same. Mr. Milliken recommends moving the changes in VSFPC section 1010.1.9.3 to 1031. Mr. Payne indicated VA AIA would support the appendix option as well.

Results: Non-Consensus

B202(3) 'Permit holder' definition

Proponents: Michael Redifer (redifermd@nnva.gov)

Comments: Stand on the reason statement. Mr. Witt asked what we would gain from this definition. Ms. Cook clarified how this would help. Mr. Pharr spoke in support. Mr. Beahm indicated how holder could be a distinct term.

Results: Carryover to Final Phase

B307.1(1) Eliminate Permissible fireworks MAQ tables

Proponents: Glenn Dean (gad.pompier@gmail.com)

Comments: Mr. Dean spoke to both his proposals and asked for withdraw on this item and carryover on the next.

Results: Carryover to Final Phase

B307.1(2) Eliminate Consumer fireworks in the MAQ tables

Proponents: Glenn Dean (gad.pompier@gmail.com)

Comments: Mr. Dean spoke to both his proposals. Ms. Davis asked if it was his intent to allow the doubling of quantities in a sprinklered building for consumer fireworks as that is what this proposal would do. Mr. Dean and asked to withdraw this proposal and would focus on the Permissible proposal for the final phase.

Results: Withdrawn

B310.1 Residential Group R (Residential use subworkgroup)

Proponents: Residential Use Subworkgroup

Comments: Ms. Davis summarized how multiple residential uses were consolidated to this proposal and how it may have caused unintended consequences with the new definition of R-1 as it might be interpreted to include vacation rentals. Mr. Brown summarized some of the good work accomplished by this language. Mr. Willham asked a question about transient occupancy and comparing this to IRC language. Mr. Milliken suggests that any change to hospice be reflected in the VSFPC for drills. Mr. Brown indicated this was already done. Ms. Cook asked about transient language in R-uses impacting multi-unit apartments being utilized by AirBNB. Mr. Clements spoke to the work accomplished by the group and that “primarily transient” was the best defining term for limiting the scope of these use groups. Mr. Gerber asked how occupant load definition could be enforced. Mr. Willham recommends adding “more than one dwelling unit” to “ten or more occupants” to further clarify.

Results: Carryover to Final Phase

B310.3(1) Residential Group R-1 for transient occupants

Proponents: Daniel Willham (Daniel.Willham@fairfaxcounty.gov)

Comments: This proposal should be correlated with B310.1.

Results: Carryover to Final Phase

B310.3(2) Residential Group R-1 for transient occupants

Proponents: Daniel Willham (Daniel.Willham@fairfaxcounty.gov)

Comments: This proposal should be correlated with B310.1.

Results: Carryover to Final Phase

B310.8.2 Accessory dwelling unit

Proponents: Residential Use Subworkgroup

Comments: Ms. Davis summarized that the request to visit ADU originated in Northern VA due to the lack of affordable living arrangements. Mr. Clark supports this. Mr. Moldovan speaks to the difficulty in enforcing the provision that the structure must be owner occupied. Mr. Kines indicates that he thinks this is a way to circumvent the requirements of a duplex. Ms. Cook reiterated the need and support for this in northern Virginia. Mr. Moldovan asked how “owner occupied” would impact the building official and he does not want to bring forth a proposal with unenforceable language.

Results: Carryover to Final Phase

B428 Higher education laboratories

Proponents: Kenney Payne, AIA-VA (kpayne@moseleyarchitects.com)

Comments: Mr. Payne defers to Mr. Milliken. Mr. Milliken summarized the proposal and its recent edits.

Results: Consensus Approval with Amendments

B901.5.1 Statement of compliance

Proponents: Andrew Milliken (amilliken@staffordcountyva.gov)

Comments: Mr. Milliken gives a brief summary and indicates that after conversation with other officials he recommends it move forward as non-consensus.

Results: Non-Consensus

B1010.1.9.3(2) Locks and latches

Proponents: Kenney Payne, AIA-VA (kpayne@moseleyarchitects.com)

Comments: Mr. Payne summarizes his proposal and notes little support, and he moves for it to be withdrawn.

Results: Withdrawn

Virginia Statewide Fire Prevention Code

FP103.2.1 (VFSB SFPC Edits)

Proponents: Andrew Milliken (amilliken@staffordcountyva.gov)

Comments: Mr. Witt provided background on the work of this committee. He and the VBCOA Fire Code Committee supports all of the Subworkgroup items submitted on behalf of the Fire Code Edit Committee.

Results: Consensus Approval

FP202(3) Restricted explosives manufacturing definition

Proponents: Glenn Dean (gad.pompier@gmail.com)

Comments: Added the word “is”, an editorial change.

Results: Consensus Approval

FP316.6 Storage underneath bridges and elevated roadways

Proponents: Gerry Maiatico (gmaiatico@warrencountyfire.com)

Comments: Ms. Davis summarizes his proposal. Ms. Hale summarizes the proposal’s intent from the perspective of Mr. Maiatico and specific issues he’s having within his jurisdiction. Ms.

Davis question the ability to regulate VDOT structures and the ability to already cite an unsafe condition.

Results: Consensus Approval

FP609.2 Appropriate ventilation for grease laden vapors

Proponents: Andrew Milliken (amilliken@staffordcountyva.gov)

Comments: Mr. Milliken summarizes his proposal and its applicability. Mr. Witt indicates the history of this code and why it is phrased the way that it is.

Results: Carryover to Final Phase

FP903.5.1 Certification of service personnel for automatic sprinkler systems

Proponents: Joe Boisseau

Comments: Ms. Davis summarized the proposal and Mr. Milliken indicated he had worked with Mr. Boisseau on this proposal.

Results: Consensus for Disapproval

FP907.9 Requiring installation of battery powered smoke alarms in rentals

Proponents: William Andrews (cyur2b@verizon.net)

Comments: None

Results: Consensus for Disapproval

FP1031.2.1 Security devices and egress locks

Proponents: Richard Witt (witr@chesterfield.gov)

Comments: This is an effort to remove construction language that was missed during the last cycle.

Results: Non-Consensus

Virginia Existing Building Code

EB601.4(1) Eliminates a conflict in the VEBC and USBC for energy efficiency

Proponents: Eric Lacey (eric@reca-codes.com)

Comments: Parties agree to continue working on the proposal as part of the overall discussion on existing buildings.

Results: Carryover to Final Phase

EB601.4(2) Energy conservation, delete existing building CE and RE
Proponents: Kenney Payne, AIA-VA (kpayne@moseleyarchitects.com)

Comments: Proponent requests additional time to develop the proposal.

Results: Carry Over to Final Phase

EB601.1(2) Building elements and materials in alterations
Proponents: Ronald Clements Jr (clementsro@chesterfield.gov)

Comments: Mr. Payne summarized his proposal. Ms. Cook indicated that this is not a technical change. Mr. Kines asked about historical structures and Mr. Witt responded that there's a separate section for that.

Results: Consensus Approval

EB904 Delete duplicated language in 904 which is already present in 906
Proponents: Kenney Payne, AIA-VA (kpayne@moseleyarchitects.com)

Comments: Mr. Payne summarizes his proposal.

Results: Consensus Approval

EB1101.18 Smoke and carbon monoxide alarms in old rental residences
Proponents: William Andrews (cyur2b@verizon.net)

Comments: Mr. Andrews stated that smoke and carbon monoxide alarms were included in the Landlord Tenant Act and he's trying to get this into the building codes as a requirement.

Results: Consensus Disapproval

Virginia Maintenance Code

PM302.5 Rodent harborage
Proponents: Gregory Revels (Greg.Revels@henrico.us)

Comments: Mr. Pharr summarized the proposal and indicated that he and Mr. Revels have agreed to a new definition of "Infestation" – *The presence of insects, rodents, vermin or other pests in sufficient number to adversely affect the structure or health, safety and welfare of the occupants.*

Results: Consensus Approval as Amended with new definition

PM602.4 Cooling supply codification of emergency regulation
Proponents: DHCD Staff

Comments: Ms. Davis summarized with the emergency regulations language brought in by order. This codifies the emergency regulations language instead of letting it expire. Mr. Clark supports this on behalf of homebuilders and carries in Delegate Clark's support.

Results: Consensus Approval

PM702.1 General (Means of egress) refer to SFPC and the applicable building code for maintenance.

Proponents: Ronald Clements Jr (clementsro@chesterfield.gov)

Comments: Mr. Clements summarizes his proposal and stated he's compromised with Mr. Milliken on this draft.

Results: Consensus for Approval