

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Supplemental Information for the 2015 Code change Cycle to go with Books 5 and 6

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**BEFORE THE
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
OF VIRGINIA**

***In re Virginia Uniform Statewide Building Code (13 VAC 5-63)
Proposed Regulations, 13 VAC5-63-20.D and 13 VAC5-63-80.B***

**Comments of the Virginia Cable Telecommunications Association on
Suggested Revisions to the Uniform Statewide Building Code**

The Virginia Cable Telecommunications Association (“VCTA”), by counsel, hereby submits comments to the Board of Housing and Community Development (“BHCD”) on suggested revisions to the BHCD’s proposed new version of the Virginia Uniform Statewide Building Code (“USBC”).

I. Introduction

Since 1966, the VCTA has served as the trade association for cable television operators in Virginia and their affiliates. As envisioned by the Telecommunications Act of 1996, cable television operators have entered the telecommunications market (through corporate affiliates) as competitive local exchange carriers (“CLECs”) and have become the principal facilities-based competitors to the incumbent local exchange carriers (“ILECs”). Cable television operators in Virginia generally have established separate telephone company subsidiaries or affiliates to obtain CLEC certification from the State Corporation Commission of Virginia.

II. Background

Cable CLECs provide facilities-based competition to ILECs, but deliver their communications signals through various different technologies.

In 2002, a municipal inspection authority in Virginia claimed that a cable CLEC’s method of providing telephone service required a permit under then - existing provisions of the USBC.

The VCTA challenged that local assertion, believing that cable television and cable CLEC installations were exempt under the existing provisions of the USBC; but the VCTA proceeded to offer clarifications to those existing USBC provisions in 2003 which resulted in express exemptions in the USBC for cable CLEC providers.

The 2017 proposed amendments to 13VAC 5-63-20.D and 13 VAC 5-63-80.B revise the same USBC sections that were a concern to the VCTA and other communications providers in 2003.

While the VCTA appreciates the efforts of the BHCD working group studying USBC revisions to update these provisions, some of the changes made do not reflect current communications practices (or current or anticipated technology), and consequently need further minor revisions.

III. Suggested USBC Changes.

While cable and telephone installations of cable CLECs (and their cable television affiliates) are generally already exempt from the USBC, under the proposed language in the new regulations there are risks that new technology and current business and regulatory models could lead to disputes with local authorities over the scope of the exemptions (resulting in appeals to the local boards of building code appeals and eventually to the State Building Code Technical Review Board). The most efficient solution would be to clarify the USBC at this stage in the rulemaking process to reflect new technology and current business and regulatory practices.

A. 13 VAC 5-63-20 D

Wireline vs. wireless service distinction

The draft regulations create a new distinction between wireline and wireless service, essentially separating out wireless service and providing it with a narrower exemption –

specifically that structures supporting wireline services are exempt from the USBC, but structures supporting wireless services will not be exempt from the USBC.

At present, wireline communications services are typically delivered (in the case of aerial installations) by attaching wirelines to utility poles. These utility poles, as supporting structures for wireline communications, are exempt from the USBC.

Wireless communications services today typically use radio signals (for at least part of their transmission paths), delivered by microwave transmitters placed on elevated towers or tall buildings for efficient signal transmissions, or, in the case of mico-wireless facilities, may be mounted on the strand between the utility poles.

As long as the existing utility poles still carry wireline facilities, these poles are presumably exempt structures; but if existing wireline facilities are removed from a pole, or if new utility poles are added which will only be used to mount a wireless antenna (and may be necessary in some cases for improved service coverage), the same utility pole, installed by the same carrier, will lose its USBC exemption if it is used only for wireless purposes. This approach, requiring local permits and consequent delays for broadband deployment, would be contrary to federal and state policy seeking to encourage broadband deployment and will likely give rise to disputes over whether federal pre-exemption of state and local barriers to broadband deployment should apply. It also seems to impose an unnecessary regulatory burden, without any justification. As the attached Reply Comments¹ of the NCTA in an FCC proceeding make clear on pages 2-3, the communications network of the next decade will be a mix of wireless and wireline facilities. Those Reply Comments also note that the FCC needs to take a holistic

¹ See Exhibit C, the April 7, 2017 Reply Comments of the NCTA (The Internet & Television Association) in the Matter of Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies, FCC WT Docket No. 16-421.

approach to encourage communications deployment to facilitate both wired and wireline construction, and keep them on a level playing field.

The 2017 Virginia General Assembly has just enacted legislation to encourage wireless services deployment, 2017 SB 1282 (to become effective July 1, 2017 as Va. Code §§ 15.2-2316.3, 15.2-2316.4, 15.2-2316.5, and 56-484.26 through 56-484.31).

Va. Code §56-484.27A of that new bill provides in pertinent part “No locality... shall impose on wireless service providers or wireless infrastructure providers any restrictions or requirements concerning ...enforcement of the statewide building code and inspections, that are unfair, unreasonable or discriminatory.”

The proposed distinctions in the proposed new USBC treatment of wireline vs. wireless structure, without any rationale or justification, would seem exactly such an unfair, unreasonable and discriminatory burden.

In addition, in Va. Code §58-484.29.C of the new bill one particular type of wireless attachment (a “micro-wireless” facility) is singled out for special protection. “Localities shall not impose any fee or require any application or permit for the installation, placement, maintenance or replacement of micro-wireless facilities...”

The proposed new USBC burden which would be imposed on wireless structures seems both inconsistent with state policy and prohibited by these new statutory provisions.

The better solution would be to do away completely with the proposed wireline-wireless distinction, and keep the existing language of the current USBC unchanged on this point, exempting structures supporting wireline or wireless utility or cable television facilities from the USBC.

An alternative approach would be to exempt at least traditional utility poles from regulation, even when used for wireless service. Towers or buildings on which wireless

installations are made could be regulated as non-exempt structures, but traditional utility poles could continue to be exempt.

This change could be implemented as follows:

13 VAC5-63-20. Section 102

D. Section 102.3 exemptions. The following are exempt from this code:

2. Electrical equipment, transmission equipment, and related wiring used for wireless transmission of radio, broadcast, telecommunications or information service, and supporting structures in the form of traditional utility poles, in accordance with all of the following conditions:

2.1. Buildings housing exempt equipment and wiring and structures (other than traditional utility poles) supporting exempt equipment and wiring shall be subject to the USBC.

B. 13 VAC 5-63-20 D

Ownership and Control of Equipment, Wiring and Supporting Structures

The existing exemption for communications equipment and wiring applies if the “ownership and control” of the equipment and wiring is by the communication service provider or its affiliates. Changes in communications policy and business models already strain the concept of “ownership and control” under this existing language.

A fiber sheath attached to a utility pole will contain multiple fiber optic cables, some of which may be owned by the communications entity which owns the sheath; but other fibers within the sheath may be owned by other regulated communications providers and other fibers by private parties, or governmental entities. Some fibers may be owned outright by third parties, and some may be fibers in which third parties have either exclusive leases or “irrevocable rights

of use”. Arguably the sheath owner can claim that if it owns and controls the external sheath then this constitutes “ownership and control” of the equipment and wiring.

However, the proposed regulations would change this to mandate in Section 102.3.1.1 that “The equipment, wiring and supporting structures are owned and controlled by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates.”

The addition of “supporting structures” to equipment and wiring could suggest that all three factors - equipment, wiring and structure - must be owned by the same entity. In fact, cable television operators rarely own their own utility poles (supporting structures) but rely on federal and state access rights to use utility poles of public utilities.

A single utility pole typically has multiple attachers, with each attachment owned by a different entity. Some attachments (such as a power supply) may serve one attacher, but can potentially serve multiple attachers. As noted earlier, in the case of a fiber optic communications sheath, today there are often multiple owners of rights within that sheath. Federal and state policy obviously encourages colocation of communications assets and sharing of communications facilities, not installation of multiple poles, power supplies and other equipment by every different communications provider.

To avoid any future confusion or disputes over this issue, the easiest approach would be to revise the language as follows:

13 VAC 5-63-20. Section 102

D. Section 102.3 Exemptions. The following are exempt from this code:

1.1 The equipment, wiring and supporting structures are owned or controlled by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates. In the case of communications facilities, only ownership or control of the external

physical features or elements of any wiring or equipment by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates shall be required.

C. 13 VAC 5-63-80 B.1. Section 108 Application for permit

Exemptions for Application for permit – Technology and Service Changes

Section 108.2 repeats in subsection 1 the existing USBC exemption for installation of wiring and equipment, with only a new cross-reference. However, with changes in communications technology and service models, additional clarification to this section is necessary.

First, there is a reference in 13 VAC 5- 63-80.B.1 (ii) to “network powered broadband communications systems”. While “network powered broadband communications systems” represented state of the art CLEC telephone technology in 2003 when the VCTA requested this exemption, in 2017 it is no longer the prevalent technology, with several different technical options available. Striking “network powered”, and leaving “broadband communications systems”, would update this provision properly.

Secondly, while equipment and wiring of communications systems are generally exempt, there is an exclusion for “a component” of nine categories of fire and smoke alarm and door control systems.

The market reality is that today consumers want “whole house” control systems allowing them to remotely monitor and access a variety of functions in a home, including door controls, and with any fire alarm system connected to the whole house monitoring. The language in the regulation that an exemption for wiring and equipment does not apply to “a component” of a fire monitoring system or door control system is less than clear. If a new whole house monitoring system is connected to an existing fire alarm system, or a remote control door lock system is in

the whole house monitoring system, that should not result in a loss of exemption for the entire system.

The National Fire Code has requirements for telephone line monitoring of fire alarm systems (see NFPA 72 summary attached as Exhibit B), and that exception, and a clarification of “component” need to be added.

13 VAC 5-63-80. B.1. should therefore be revised and updated as follows to reflect these points:

1. *Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for ~~network-powered~~ broadband communications systems, or (iii) is exempt under Section 102.3(1) or 102.3(2), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:*

- 1.1. Fire alarm system,*
- 1.2. Fire detection system,*
- 1.3. Fire suppression system,*
- 1.4. Smoke control system,*
- 1.5. Fire protection supervisory system,*
- 1.6. Elevator fire safety control system,*
- 1.7. Access or egress control system or delayed egress locking or latching system,*
- 1.8. Fire damper,*
- 1.9. Door control system.*

Installation of wiring and equipment shall not be deemed to be a component of items 1.1-1.9 when it is i) compliant with NFPA 72 national requirements for telephone lines, as the same may be updated, or ii) is a part of a whole house or whole building monitoring system in which any of items 1.1-1.9 are one of multiple components monitored and controlled, or to which items 1.1-1.9 may be connected.

The text of all suggested USBC changes is attached as Exhibit A.

IV. CONCLUSION

The VCTA urges the BHCD not to delay acting upon these suggestions until the next round of USBC rulemakings, but to modernize and clarify these provisions of the USBC now, to reflect current communications technology and regulatory framework, and to prevent unnecessary disputes between cable CLECs and other communications providers on the one hand, and local building inspection departments on the other hand. The VCTA therefore requests that the BHCD incorporate the VCTA's suggested changes in this round of its USBC rulemaking.

The VCTA appreciates the opportunity to submit these comments and to help ensure that the Virginia USBC reflects current communications technology and practices.

Respectfully submitted,

VIRGINIA CABLE TELECOMMUNICATIONS
ASSOCIATION

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EXHIBIT A

USBC CHANGES RECOMMENDED BY THE VCTA

13 VAC 5-63-20. Section 102

D. Section 102.3 Exemptions. The following are exempt from this code:

1.1 The equipment, wiring and supporting structures are owned or controlled by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates. In the case of communications facilities, only ownership or control of the external physical features or elements of any wiring or equipment by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates shall be required.

13 VAC5-63-20. Section 102

D. Section 102.3 exemptions. The following are exempt from this code:

2. Electrical equipment, transmission equipment, and related wiring used for wireless transmission of radio, broadcast, telecommunications or information service, and supporting structures in the form of traditional utility poles, in accordance with all of the following conditions:

2.1. Buildings housing exempt equipment and wiring and structures (other than traditional utility poles) supporting exempt equipment and wiring shall be subject to the USBC.

13 VAC5-63-80 Section 108.2

B. Section 108.2 Exemptions from application for permit

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for ~~network-powered~~ broadband communications systems, or (iii) is exempt under Section 102.3(1) or 102.3(2), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:

- 1.1. Fire alarm system,
- 1.2. Fire detection system,
- 1.3. Fire suppression system,
- 1.4. Smoke control system,
- 1.5. Fire protection supervisory system,
- 1.6. Elevator fire safety control system,
- 1.7. Access or egress control system or delayed egress locking or latching system,
- 1.8. Fire damper,
- 1.9. Door control system.

Installation of wiring and equipment shall not be deemed to be a component of items 1.1-1.9 when it is i) compliant with NFPA 72 national requirements for telephone lines, as the same may be updated, or ii) is a part of a whole house or whole building monitoring system in which any of items 1.1-1.9 are one of multiple components monitored and controlled, or to which items 1.1-1.9 may be connected.

Key Benefits

- **For NFPA:** Aligns expectations of all affected stakeholders: AHJs, alarm companies, voice providers, consumers and businesses
- **For AHJs:** Eliminates the need to evaluate voice technologies and develop own policies; creates clear accountability
- **For alarm companies:** Provides clear system design criteria that is uniform across all markets
- **For voice providers:** Provides clear expectations of what is required for fire alarm monitoring
- **For customers:** Provides cost saving from voice competition, eliminate additional costs and delays for design workarounds and further approvals, eliminate finger-pointing by alarm and voice providers.

FAQs

- **Isn't 24-hour standby power required since NFPA requires it, and "POTS" lines provide it?** No. NFPA has allowed 8-hour standby power for voice lines since the 1980's, when telcos began using 8 hour batteries in the remote terminal equipment that provides dialtone to homes and commercial buildings. Today, over 50% of all telco lines, nationally, are provided from these remote terminals.
- **Is UL listing required for voice equipment attached to alarm equipment?** Yes. NFPA 72 requires that both communications and fire alarm equipment "be UL listed for its purpose". On-premises voice equipment is UL listed under Telecommunications (UL® 60950). Fire alarm equipment is UL listed under Fire Alarm Systems (UL® 864).
- **How can AHJs or alarm companies confirm that a voice provider meets these requirements?** These parties may contact the voice provider to confirm the service conforms to all NFPA requirements.

For further information, see:

<http://www.nfpa.org/faq.asp?categoryID=925>

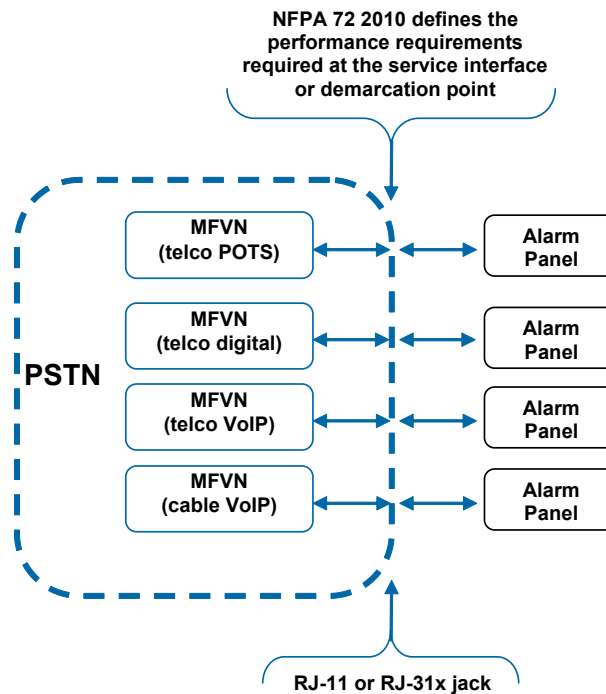
<http://www.nfpa.org/displayContent.asp?categoryID=182>

http://en.wikipedia.org/wiki/Managed_Facilities-based_Voice_Network

NFPA 72 is available from:

www.nfpa.org

NFPA 72 Model for MFVN Compliance



CableLabs® has been actively collaborating with NFPA since 2005 to address this important issue.

For further information, please email:
alarm-issues@cablelabs.com

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SUMMARY OF NEW NFPA 72® NATIONAL REQUIREMENTS FOR TELEPHONE LINES

Managed Facilities-based Voice Networks and the National Fire Code – A Summary of New Rules Approving the Use of Non-Traditional Telephone Lines For Fire Alarm Monitoring



Summary of New Rules

- NFPA 72 now explicitly approves the use of alternative voice technologies (such as VoIP) and providers (such as cable) for fire alarm monitoring.
- All providers, including traditional telephone companies, must meet the same performance requirements.
- All qualified voice providers are considered equivalent for the purposes of NFPA 72.
- 2010 guidance should be adopted by AHJs as soon as practical, since previous editions are silent as to the use of alternative voice technologies for the carriage of alarm signals.

The following table summarizes the requirements found in NFPA 72 2010.

Voice Provider Type	Telco			Cable	Internet
Product Examples	Verizon, AT&T Landline, CenturyLink	Verizon, AT&T Landline	Verizon FiOS, AT&T UVerse	Comcast, TWC, Cox Cable Digital Voice	Vonage, MagicJack, Google Voice
Voice Equipment Location	Central Office	Remote Terminal	Customer Premises	Customer Premises	Customer Premises
Technology Used	Analog	Digital	VoIP	VoIP	VoIP
NFPA 72 MFVN Requirements					
Managed Facilities-based	●	●	●	●	No
Functional equivalence to traditional PSTN line	●	●	●	●	No
Proactive management	●	●	●	●	No
Loop start telephone circuit	●	●	●	●	●
8 hour standby power for voice equipment providing dialtone	●	●	○	●	No
24 hours standby power at the “central office”	●	●	●	●	No
Safeguards to protect from unauthorized access	●	●	○	●	No
Notification to have alarm system re-tested	○	○	○	●	No
Professional installation ensuring line seizure	●	●	●	●	No
Disaster recovery plans	●	●	●	●	No

- indicates conformance to new NFPA requirements
- indicates needs AHJ verification

Background

This information sheet summarizes the requirements for telephone lines recently adopted in NFPA 72 - 2010 Edition (The National Fire Alarm and Signaling Code). NFPA 72 now explicitly allows the use of non-traditional telephone lines and providers. In recent years, NFPA and local AHJs (Authorities Having Jurisdiction) recognized that new technologies, such as VoIP, were increasingly being used to connect to fire alarms. Though competitive voice communication alternatives for telephone service provided many benefits for consumers and businesses, their suitability for fire alarm monitoring needed to be evaluated and new policies developed.

Key concerns were:

- Clear accountability for the reliability of the voice service
- Ability for the alarm panel to “seize” the phone line
- Preservation of the standard PSTN telephone line interface
- Guaranteed carriage of alarm signals across the network
- Operation during power outages and disasters

As NFPA investigated this issue, it became clear that what is important is not the physical characteristics of the communications technology, such as the copper wires, but the qualities and necessary characteristics of the communications technology so as to meet the key concerns. The code needed to accommodate ongoing future voice technology upgrades by both new and existing providers (e.g., telcos upgrading to VoIP). Therefore, the new code does not directly address specific voice communication technologies, but rather contains performance requirements for voice communications technology and providers.

The primary performance requirement is that the voice communication provider own and operate the physical network facilities end-to-end, i.e., from the PSTN interconnection point to the fire alarm system, or DACT (Digital Alarm Communicator Transmitter).

NFPA calls this a managed facilities-based voice network, or MFVN. Only voice services provided by MFVNs are allowed under the code. Internet based voice services do not use MFVNs, so are not allowed. Traditional copper based phone services use MFVNs, so would continue to be allowed.

The existing NFPA-defined practices on how telephone lines shall be connected to fire alarm systems remain unchanged. Once a MFVN line meets NFPA requirements, it can be used anywhere the code refers to “telephone line”.

With this update, NFPA 72 now contains guidance that local authorities can use to address the use of new voice communications technology in their jurisdiction by both existing and new providers. NFPA recommends that all new alarm system installations follow this guidance, even if the local jurisdiction has not yet adopted the 2018 code as earlier editions of the NFPA code do not address this issue.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of	)	
	)	
Streamlining Deployment of Small Cell	)	WT Docket No. 16-421
Infrastructure by Improving Wireless Facilities	)	
Siting Policies	)	
	)	
Mobilitie, LLC Petition for Declaratory Ruling	)	

REPLY COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

April 7, 2017

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of	)	
	)	
Streamlining Deployment of Small Cell	)	WT Docket No. 16-421
Infrastructure by Improving Wireless Facilities	)	
Siting Policies	)	
	)	
Mobilitie, LLC Petition for Declaratory Ruling	)	

REPLY COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these reply comments in the above-referenced proceeding.¹ The Commission’s goal should be to promote the deployment of all types of broadband networks, regardless of the technology used. Accordingly, the Commission should interpret Section 253 in a manner that avoids extreme delays or burdens that would have the effect of prohibiting deployment, irrespective of the technology used by the provider.

INTRODUCTION AND SUMMARY

The record in this proceeding demonstrates that all types of providers are planning significant new deployment of broadband facilities. Most of these networks will provide a variety of services using facilities that incorporate both wireline and wireless technology. Accordingly, the Commission should ensure that its efforts to streamline broadband deployment obligations encourage all providers to deploy new facilities, regardless of technology, rather than limiting its focus solely to the small cell issues addressed in the Mobilitie petition and Wireless Telecommunications Bureau notice.

¹ Public Notice, *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*, WT Docket No. 16-421, DA 16-1427 (rel. Dec. 22, 2016) (Notice); Mobilitie LLC Petition for Declaratory Ruling, WT Docket No. 16-421 (filed Nov. 15, 2016) (Mobilitie Petition).

To that end, there are two concrete steps the Commission can take now under Section 253 to address specific practices that burden and delay deployment. First, the Commission should declare that where a franchised cable operator already has the legal authority to construct and operate facilities in the right-of-way, it is unreasonable for a state or local government to then require that provider to obtain additional licenses or authority (or pay additional right-of-way fees) in order to offer broadband services over those authorized facilities. Second, the Commission should clarify that, when assessing whether state or local government fees for the use of rights-of-way are “competitively neutral and nondiscriminatory” within the meaning of Section 253(c), the inquiry should look beyond fees applicable to specific network technologies and take into account the full scope of fees and obligations already borne by providers, including any revenue-based franchise fees.

I. THE COMMISSION SHOULD TAKE A HOLISTIC APPROACH TO PROMOTING DEPLOYMENT, RATHER THAN LOOKING AT SMALL CELL ISSUES IN ISOLATION

The record establishes that massive deployment of new broadband facilities is expected over the next decade.² Most of these new or upgraded networks will incorporate both wireless and wireline equipment and be capable of providing a range of services subject to a variety of regulatory regimes. For example, the record makes clear that densification of wireless networks will require significant new deployment of both wireless and wireline equipment because “the

² See, e.g., Wireless Infrastructure Association (WIA) Comments at 2 (FCC’s commitment to a “regulatory environment that promotes wireless infrastructure deployment” is “more necessary than ever, as market developments converge to require intensified infrastructure deployment.”); CTIA Comments at 2 (“5G will require dense wireless networks, deployment of hundreds of thousands of new small cells, and expanded backhaul and transport facilities to provide needed capacity and coverage.”); Competitive Carriers Association (CCA) Comments at 5 (“One study estimates that as much as \$275 billion will be invested over the next seven years; \$93 billion is expected to be spent on construction, with the rest allocated toward network equipment, engineering, and planning.”); NTCA Comments at 3 (“Broadband providers of all kinds continue to invest heavily in their networks to help ensure they are prepared to meet the customer demands of the future.”).

backhaul and transport facilities required to connect small cells with core networks and provide customers with reliable Internet connectivity need to be located in ROWs.”³ As NTCA explained, “5G networks are predominantly landline deep fiber networks, with only a very small portion of their network using a wireless technology.”⁴

Similarly, cable operators have plans to upgrade their hybrid-fiber coax networks as well as expand their wireless capabilities. The largest cable operators all have announced that they will be upgrading their wireline networks to include more fiber deployment, including some operators’ plans to move to a fiber-to-the-premises service.⁵ Cable operators also are continuing to explore wireless options as well, using both licensed and unlicensed spectrum.⁶

Regardless of the technologies they use, providers of all types see this new deployment as a huge opportunity that could be constrained by certain overzealous regulation of access to public rights-of-way.⁷ The Mobilitie petition seeks to address some of these concerns through interpretation of key provisions in Section 253 of the Act, and the Public Notice issued by the Wireless Telecommunications Bureau identifies additional areas where federal guidance may

³ CTIA Comments at 2

⁴ NTCA Comments at 3.

⁵ See, e.g., FierceCable, *Cable Capex: Comcast, Charter to Ramp Up Network Spending for Combined \$16B Outlay in 2017* (Mar. 23, 2017, at <http://www.fiercecable.com/cable/cable-capex-top-ops-comcast-and-charter-stabilize-cpe-spending-but-ramp-up-network>); LightReading, *Altice Plans FTTH For Entire US Footprint* (Nov. 30, 2016), at <http://www.lightreading.com/gigabit/fttx/altice-plans-ftth-for-entire-us-footprint/d/d-id/728657>.

⁶ See, e.g., Fortune, *Expect Heavy Combat Between Cable and Wireless in 2017* (Dec. 29, 2016), at <http://fortune.com/2016/12/29/heavy-combat-cable-wireless/>.

⁷ See, e.g., CTIA Comments at 2 (“The tremendous promise of 5G is, however, threatened by a growing web of local siting restrictions and requirements that delay, discourage, or outright block the new infrastructure needed to accommodate the public’s growing demand.”); CCA Comments at 8 (“As evidenced by these examples, state and local siting requirements too often slow deployment significantly or halt broadband projects entirely. Even though some states and localities act promptly and correctly, the aggregate impact of those that do not greatly stifles deployment by carriers of all sizes, and cries out for informed Commission action to reduce state and local barriers to broadband deployment.”); NTCA Comments at 4-5.

help streamline the deployment process, particularly with respect to small cell deployment.⁸

Separately, the Commission will consider proposals at its April agenda meeting to open two proceedings to consider ways in which it might streamline the deployment process for wireline and wireless infrastructure respectively.⁹

Concerns have been raised in the record that certain problematic actions by state and local officials could undermine the Commission's broadband objectives absent expansive federal intervention.¹⁰ Although most of the focus is on wireless deployment, NTCA correctly points out that wireline providers may face similar obstacles.¹¹

In the face of this record, the challenge for the Commission is to streamline deployment requirements where warranted without unduly constraining state and local management of the public rights-of-way or improperly placing a thumb on the scales in favor of one technology or one class of providers over others. NCTA supports Commission efforts to eliminate extreme delays and burdens on deployment, but we encourage the agency not to focus exclusively on small cell deployment. Instead, the Commission should consider right-of-way issues in a more holistic manner that considers the interests of all providers, both new entrants and existing providers, and all types of technologies, both wireless and wireline.

⁸ Mobilitee Petition at 23-35; Notice at 8-14.

⁹ See Blog of Chairman Pai, Infrastructure Month at the FCC (Mar. 30, 2017).

¹⁰ Mobilitee Comments at 1 ("Local governments that erect regulatory barriers to advanced broadband networks forget their charter to serve their citizens. They deprive citizens, visitors, schools, organizations and businesses of the benefits that broadband can deliver. Mobilitee urges the Commission to take immediate, comprehensive actions to remove the regulatory barriers that are obstructing deployment of advanced wireless broadband networks."); WIA Comments at 6 ("WIA members have uniformly reported on the epidemic of significant delays experienced in jurisdictions throughout the country when seeking to deploy small wireless facilities in the public right-of-way.").

¹¹ NTCA Comments at 4 ("Both wireline and wireless providers face challenges in gaining reasonable and timely access to federal and municipal rights-of-way. NTCA's members report that some localities refuse to negotiate ROW access agreements, or needlessly extend the negotiating process. ROW and pole attachments may be looked at as revenue generating and fees for access may be far removed from the cost of providing access.").

In applying this holistic approach, the Commission should account for the fact that many states already are considering legislation that would address small cell deployment issues. Over the past year, bills addressing small cell deployment issues have been enacted in three states (Arizona, Kansas, and Ohio), passed by the legislature in two more (Colorado and Virginia), and are under consideration in 16 additional states.¹² Recent reporting suggests that many states are making progress in identifying solutions that balance the respective interests of all the parties involved.¹³ The Commission generally should be encouraging such efforts where they will promote new deployment without disfavoring existing providers, while leaving room for federal intervention that may be necessary to remove unwarranted or discriminatory regulation as described in the next section.

As a process matter, the Commission has taken a number of steps that are conducive to the type of holistic analysis these issues require. For example, the decision to open new proceedings for both wireline and wireless infrastructure will provide parties an opportunity to raise the fully range of right-of-way issues affecting broadband deployment, although it will be critically important for these two proceedings to be tightly coordinated, rather than proceeding in separate silos with separate personnel. It also will be important for the Commission to incorporate input from the Broadband Deployment Advisory Committee (BDAC) before adopting any new rules.¹⁴ The BDAC has a roster of experts representing all the affected parties

¹² Small cell bills have been introduced in Arkansas, California, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, New York, North Carolina, Rhode Island, Texas, and Washington.

¹³ Communications Daily, *Municipalities, Industry Find Compromise on State Small-Cells Bills* (Mar. 23, 2017) at 9 (“Expect ‘more instances where locals and industry sit down and try and work this stuff out’ [NATOA Executive Director Steve Traylor] emailed Wednesday. ‘There is still a lot of misunderstanding about 5G, the IoT, what densification means, what’s going to happen to rural folks, etc. I think sitting down at the table helps to clear up a lot of the confusion – on both sides.’”).

¹⁴ Public Notice, GN Docket No. 17-83, *FCC Announces the Membership and First Meeting of the Broadband Deployment Advisory Committee*, DA 17-328 (rel. Apr 6, 2017).

and therefore should be well situated to offer input to the Commission on the issues presented in this docket.

II. THE COMMISSION SHOULD INTERPRET SECTION 253(C) IN A MANNER THAT PROMOTES A LEVEL PLAYING FIELD AND AVOIDS EXTREME DELAYS OR BURDENS ON ANY TYPE OF DEPLOYMENT

The Mobilitie petition seeks a declaratory ruling from the Commission interpreting various provisions in Section 253(c) of the Act. In particular, Mobilitie asks the Commission to find that certain fees that have the effect of prohibiting deployment are generally not “reasonable” and “nondiscriminatory” for purposes of that section.¹⁵ As noted above, the Commission’s goal should be to promote broadband deployment by all types of providers regardless of technology.¹⁶ Below we address specific types of state and local requirements that the Commission should use this opportunity to declare unreasonable and discriminatory for purposes of Section 253(c), as well as considerations that should guide the Commission’s inquiry with respect to other practices and requirements.

A. Requiring a Separate Broadband or Telecommunications Franchise or Right-of-Way Fees on a Franchised Cable Operator is Unreasonable

Certain types of fees generally are not reasonable for purposes of Section 253(c). In particular, for companies with existing authority to place equipment in the public right of way (e.g., a franchised cable operator), no additional authority or fees should be required for activities or equipment that does not place any significant new burden on the right-of-way (e.g., providing a new service over existing plant or overlashing on existing strand). Particularly where a cable

¹⁵ Mobilitie Petition at 24-34.

¹⁶ As NTCA explains, “[p]olicies in this area should not favor one class of providers over another and should ensure that private operators are not unduly disadvantaged by an uneven playing field as it relates to government-owned broadband networks.” NTCA Comments at 8.

operator already pays (through its cable franchise fee) for the right to access and utilize the public right-of-way, the addition of broadband or telecommunications services does not impose any additional maintenance or regulatory costs and should not be treated by state or local governments as a revenue-generating opportunity, as such measures needlessly drive up consumer costs, disincentivize broadband adoption, and burden deployment.

Declaring such additional fees unreasonable when applied to providers with existing cable franchises is fully consistent with the Commission's statement in the *Open Internet Order* that reclassification of broadband Internet access service (BIAS) should not serve as justification to require a franchised cable operator to "obtain an additional or modified franchise in connection with the provision of [BIAS], or to pay any new franchising fees in connection with provision of such services."¹⁷ This approach is also good policy. Cable franchises generally contain construction provisions, fees and other protections for the franchisor, and thus already protect legitimate state and local government interests in regulating access to the public rights-of-way and recovering their costs of such regulation. The deployment of new services over franchised cable systems serves the Commission's goal of furthering broadband deployment, while presenting no threat to the existing ability of state and local governments to protect their interests through the operators' franchise agreements.

NCTA is particularly concerned about the implications of a 2016 decision by the Oregon Supreme Court rejecting a challenge to the broadband license fee imposed by the City of Eugene.¹⁸ On top of the five percent franchise fee on video revenue, the City of Eugene has imposed a broadband license fee of seven percent of telecommunications (including broadband)

¹⁷ *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5804, ¶ 433 n. 1285 (2015).

¹⁸ *City of Eugene v. Comcast of Oregon II*, 359 Or. 528 (2015).

revenues,¹⁹ even though adding broadband services to the traditional cable video plant imposes no new burden on the rights-of-way. The city reasons that neither the existing cable franchise nor the franchise provisions in Title VI provided Comcast with a preexisting right to use the public rights-of-way for telecommunications services using facilities it has already deployed.²⁰ The court agreed and found that this broadband license fee was paid in return for a specific privilege granted to Comcast and therefore not considered a tax that would be barred by the Internet Tax Freedom Act.²¹ Of particular relevance here, as part of that analysis the court found that the *Open Internet Order* language cited above was somehow inapplicable because the use of the term “franchising fees” meant the Commission only intended to preclude additional fees on cable service.²² The court separately found that the application of the seven percent broadband license fee did not violate the five percent cap on franchise fees in Title VI of the Communications Act.²³

The Commission should send a strong signal that the Oregon Supreme Court misinterpreted the language in the *Open Internet Order* and Title VI and that the Commission does not support ordinances that materially inhibit the provision of broadband or telecommunications services by imposing excessive fees and discriminating among providers of broadband services.²⁴ The Eugene ordinance’s imposition of a license fee of seven percent of telecommunications (including broadband) revenues – on top of the franchise fee equal to five

¹⁹ *Id.* at 534.

²⁰ *Id.* at 536.

²¹ *See id.* at 539-55.

²² *Id.* at 554-55.

²³ *Id.* at 555-58.

²⁴ The Oregon court expressly stated that its decision did not reach the question of whether the Eugene ordinance was valid under Section 253, so that question remains open for resolution by the Commission. *Id.* at 553 n.14.

percent of cable revenues – needlessly adds to the retail cost of broadband service, impeding deployment and adoption, and is not justified by any additional cost or burden incurred by the city.²⁵ Absent a clear statement from the Commission that such an approach would be presumed to materially inhibit deployment and be neither “fair and reasonable” nor “competitively neutral and nondiscriminatory” under Section 253, we are concerned that other jurisdictions could follow this path and impose new fees on broadband services.²⁶

In addition to clarifying that additional fees are not permitted as a condition of providing broadband or telecommunications services over franchised cable systems, the Commission also should explain that franchised cable operators may not be required to obtain an additional local franchise or state certification to deploy facilities necessary for the provision of additional services. Cable operators have encountered this road block in the State of California, where the California Public Utilities Commission has determined that a cable operator must obtain certification as a facilities-based CMRS carrier before it may install wireless equipment on poles.²⁷ Such a policy is at odds with Section 253(a) because it materially inhibits the ability of cable operators to deliver new and innovative wireless broadband services directly to the public in competition with existing wireless carriers, as well as offer competitive options for small cell and other infrastructure solutions to CMRS providers. Nor is it consistent with the Commission’s precedent interpreting the savings clause in Section 253(b).²⁸ The Commission

²⁵ In addition to the 7% broadband license fee, Eugene imposes a 7% license fee and 2% registration fee on Comcast’s VoIP and Ethernet transport services, as well as its cellular backhaul services. Further deployment of the latter will be a crucial element in supporting the deployment of 5G.

²⁶ A number of Oregon communities already are assessing other non-cable services, such as VoIP and Ethernet.

²⁷ *Decision Denying the Petition to Open a Rulemaking Proceeding to Extend the Right-Of Way Rules Adopted by Decision 16-01-046 to Cable Television Corporations*, Decision 17-02-006 at 17-18 (Feb. 10, 2017).

²⁸ *See, e.g., New England Public Communications Council Petition for Preemption Pursuant to Section 253*, Memorandum Opinion and Order, 11 FCC Rcd 19713, 19722, ¶ 21 (1996).

should make clear that once a provider has permission to deploy facilities in the public right-of-way, a state or local government may not require separate permission for facilities necessary to provide telecommunications or broadband services.

B. Cable Franchise Obligations Should Be a Relevant Consideration in Assessing Whether State or Local Right-of-Way Obligations are Discriminatory

The Mobilitie petition also asks the Commission to find that “competitively neutral and nondiscriminatory” for purposes of Section 253(c) means “charges imposed on a provider for access to rights-of-way that do not exceed the charges that were imposed on other providers for similar access to the rights-of-way.”²⁹ NCTA generally agrees with this principle, although applying it in practice may present challenges.

The difficulty in considering whether any particular obligation has been imposed in a nondiscriminatory manner for purposes of Section 253(c) is that different types of entities may have different rights and obligations in connection with their use of the rights-of-way. For example, cable operators and wireless providers historically have used different technology and been subject to different regulatory regimes. But as noted above, increasingly these companies will be competing for the same customers by offering the same services using similar networks. Accordingly, any assessment of whether fees imposed on wireless providers are “competitively neutral and nondiscriminatory” for purposes of Section 253(c) should consider the full scope of rights and obligations faced by other providers, including the fact that cable operators are subject to revenue-based franchise fees that are paid as a condition of using the public rights-of-way.

²⁹ Mobilitie Petition at 32.

CONCLUSION

For all the reasons explained above, NCTA encourages the Commission to take a holistic approach to right-of-way management that encourages deployment by all providers and all technologies, rather than narrowly focusing on small cell deployment. The Commission should focus on eliminating practices that create undue delays or burdens on deployment by any type of provider. In particular, the Commission should make clear that localities may not require a franchised cable operator to obtain an additional franchise or to pay additional fees in connection with the offering of broadband or telecommunications services or to deploy equipment that places no meaningful new burden on the public right-of-way.

Respectfully submitted,

/s/ Steven F. Morris

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April 7, 2017

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May 26, 2017

Mr. John Ainslie, Chairman
Virginia Board of Housing and Community Development
c/o Virginia Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, Virginia 23219

Comment re: Virginia Uniform Statewide Building Code Update

Dear Chairman Ainslie:

Appalachian Voices is a 501(c)(3) organization committed to protecting the land, air, and water of central and southern Appalachia, in concert with a just and sustainable economy for the region. As energy production can significantly impact the natural resources of Appalachia, our organization takes great interest in policies that affect electricity demand.

The Uniform Statewide Building Code is one of several policies impacting electric demand in the Commonwealth. Building codes that mandate strong energy efficiency measures can figure prominently in meeting our environmental and economic goals, such as the state's commitment to achieving 10 percent retail energy savings by 2020 (2006 baseline).

As highlighted by the Virginia Energy Efficiency Council, if Virginia adopted the 2015 International Energy Conservation Code for new residential buildings — without alterations — Virginia homeowners would save \$2.5 billion by 2040 and the Commonwealth would avoid nearly 16 million metric tons of carbon emissions (U.S. Department of Energy).

Accordingly, Appalachian Voices and 106 of our Virginia members and supporters respectfully submit the following comment:

We support adoption of the 2015 International Energy Conservation Code in Virginia because the energy efficiency measures recommended will increase comfort and lower energy bills for new homeowners. More importantly, energy efficiency reduces peaks in electricity demand, decreasing the times that our utilities run costlier (and typically, dirtier) power stations.



In particular, we support:

- The requirement that 75% of permanent lighting fixtures be highly efficient
- The requirement for insulation on all hot water pipes
- Utilization of the IECC's 2018 Energy Rating Index compliance pathway
- Requiring a mechanical test for both air duct and total building air-tightness (instead of a visual inspection)

In the long run, robust energy efficiency measures will delay and potentially avert the need to build new power stations, saving all Virginia ratepayers money while protecting our climate, air, land and water.

The following pages reflect the names of members and supporters who have signed this comment. There are some customized comments appended at the end. We thank you for your diligence and attention in this process.

Sincerely,

Peter Anderson
Virginia Program Manager



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pbhodge13@gmail.com	Pat	Hodge	Norfolk	VA	23507



Dear Chairman Ainslie,

I support adoption of the 2015 International Energy Conservation Code (Model Code) in Virginia. Let's save energy and save money, with fewer power outages. Thanks for listening.

Sincerely,

Nicole Miller
nicole0103@earthlink.net

Dear Chairman Ainslie,

As an individual who works in energy efficiently testing personally, I implore you to seriously consider these requests:

An adoption of the 2015 International Energy Conservation Code (Model Code) in Virginia because the energy efficiency measures recommended will increase comfort and lower energy bills for new homeowners. More importantly, energy efficiency reduces peaks in electricity demand, decreasing the times that our utilities run costlier (and typically, dirtier) power stations.

In particular, support:

- The requirement that 75% of permanent lighting fixtures be highly efficient
- The requirement for insulation on all hot water pipes
- Utilization of the IECC's 2018 Energy Rating Index compliance pathway
- Requiring a mechanical test for both air duct and total building air-tightness (instead of a visual inspection)

Working in this field, I see how often these buildings fail duct leakage testing requirements. I know Virginians suffer the cost-burden of insufficient requirements for new home construction over the lifetime of the building perhaps through many different families over the decades. The current visual inspection is absolutely insufficient for meeting the needs of Virginia's homeowners and does them indirect harm of having leaky and costly-to-function homes.

Please consider the long-term impacts of this decision.



In the long run, robust energy efficiency measures will delay and potentially avert the need to build new power stations, saving all Virginia ratepayers money while protecting our climate, air, land and water.

Sincerely,

Grant Collier
gr.collier@gmail.com

Dear Chairman Ainslie,

As a conscious energy consumer, I support adoption of the 2015 International Energy Conservation Code (Model Code) in Virginia because the energy efficiency measures recommended will increase comfort and lower energy bills for new homeowners. More importantly, energy efficiency reduces peaks in electricity demand, decreasing the times that our utilities run costlier (and typically, dirtier) power stations.

In particular, we support:

- The requirement that 75% of permanent lighting fixtures be highly efficient
- The requirement for insulation on all hot water pipes
- Utilization of the IECC's 2018 Energy Rating Index compliance pathway
- Requiring a mechanical test for both air duct and total building air-tightness (instead of a visual inspection)

In the long run, robust energy efficiency measures will delay and potentially avert the need to build new power stations, saving all Virginia ratepayers money while protecting our climate, air, land and water.

Sincerely,

Susan Beffel
subeffel@gmail.com

Dear Chairman Ainslie,



We support adoption of the 2015 International Energy Conservation Code (Model Code) in Virginia because the energy efficiency measures recommended will increase comfort and lower energy bills for new homeowners. More importantly, energy efficiency reduces peaks in electricity demand, decreasing the times that our utilities run costlier (and typically, dirtier) power stations.

In particular, we support:

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In the long run, robust energy efficiency measures will delay and potentially avert the need to build new power stations, saving all Virginia ratepayers money while protecting our climate, air, land and water.

This is a case of actions taken now saving costs well into the future. It's easier to build these in rather than adding them on later.

Sincerely,

Christina Cowan
cowanc1028@earthlink.net

Dear Chairman Ainslie,

Yes, I'm sharing a scripted email, but that is only because I am a busy, yet concerned working-class VA citizen. Please review the details of this well thought out comment from those representing other Appalachian voices.

We support adoption of the 2015 International Energy Conservation Code (Model Code) in Virginia because the energy efficiency measures recommended will increase comfort and lower energy bills for new homeowners. More importantly, energy efficiency reduces peaks in electricity demand, decreasing the times that our utilities run costlier (and typically, dirtier) power stations.

In particular, we support:



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- Utilization of the IECC's 2018 Energy Rating Index compliance pathway
- Requiring a mechanical test for both air duct and total building air-tightness (instead of a visual inspection)

In the long run, robust energy efficiency measures will delay and potentially avert the need to build new power stations, saving all Virginia ratepayers money while protecting our climate, air, land and water.

Sincerely,

Chelsea Green
chels_306tn@hotmail.com

Dear Chairman Ainslie,

The most overlooked "renewable energy" is curtailing waste. Please adopt the 2015 International Energy Conservation Code (Model Code) in Virginia because it benefits everyone--cost-savings and greater comfort for residents and reduced demand during peak hours.

In particular, we support:

- The requirement that 75% of permanent lighting fixtures be highly efficient AND, in the case of exterior lighting, that they adhere to quality lighting standards endorsed by the American Medical Association to reduce glare and wasteful over-lighting, and protect vision and visibility and our environment: <http://darksky.org/the-promise-and-challenges-of-led-lighting-a-practical-guide/>

- The requirement for insulation on all hot water pipes
- Utilization of the IECC's 2018 Energy Rating Index compliance pathway
- Requiring a mechanical test for both air duct and total building air-tightness (instead of a visual inspection)

In the long run, robust energy efficiency measures will delay and potentially avert the need to build new power stations, saving all Virginia ratepayers money while protecting our climate, air, land and water.

Sincerely,



Laura Greenleaf
lauragreenleaf@verizon.net

Dear Chairman Ainslie,

I support adoption of the 2015 IECC in Virginia because the energy efficiency measures recommended will lower energy bills for new homeowners while also increasing comfort. More importantly, energy efficiency reduces peaks in electricity demand, which decreases the amount of time that our utility companies run costlier (and typically, dirtier) power stations.

In particular, I support:

- The requirement that 75% of permanent lighting fixtures be highly efficient
- The requirement for insulation on all hot water pipes
- Utilization of the IECC's 2018 Energy Rating Index compliance pathway
- Requiring a mechanical test for both air duct and total building air-tightness (instead of a visual inspection)

More efficient building codes are an easy way to increase building energy efficiency, and they are a "background" measure that doesn't require an individual to perform additional research or make the decision to be efficient. Additionally, in the long run, robust energy efficiency measures will delay (or potentially avert) the need to build new power stations, saving all Virginia ratepayers money while also protecting our climate, atmosphere, and environment.

Sincerely,

Anna Henry
anna.joyce.gayle@gmail.com

Dear Chairman Ainslie,

I support adoption of the 2015 International Energy Conservation Code (Model Code) in Virginia because the energy efficiency measures recommended will increase comfort and lower energy bills for new homeowners. More importantly, energy efficiency reduces peaks in electricity demand, decreasing the times that our utilities run costlier (and typically, dirtier) power stations.



In particular, I support:

- The requirement that 75% of permanent lighting fixtures be highly efficient
- The requirement for insulation on all hot water pipes
- Utilization of the IECC's 2018 Energy Rating Index compliance pathway
- Requiring a mechanical test for both air duct and total building air-tightness (instead of a visual inspection)

I wish these measures had been part of the building code when my own house was built. It would have lowered my energy bills and made the house more comfortable to live in.

In the long run, robust energy efficiency measures will delay and potentially avert the need to build new power stations, saving all Virginia ratepayers money while protecting our climate, air, land and water.

Sincerely,

Lena Lewis
lml@tikva.com

Dear Chairman Ainslie,

Energy conservation in household and industrial construction is a proven way to decrease use of fossil fuels and new energy sources that are coming on line. For that reason, we support the adoption of the 2015 International Energy Conservation Code (Model Code) in Virginia. Besides lowering energy bills and increasing comfort for new homeowners, energy efficiency reduces peaks in electricity demand, decreasing the times that our utilities run costlier (and typically, dirtier) power stations.

We support all of the following:

1. The requirement that 75% of permanent lighting fixtures be highly efficient
2. The requirement for insulation on all hot water pipes.
3. Use of the IECC's 2018 Energy Rating Index compliance pathway.
4. The requirement that a mechanical test be conducted for both air duct and total building air-tightness, instead of a visual inspection.



By investing in energy efficiency in new construction, we can delay and potentially avert the need to build new power stations, saving all Virginians money at the same time as we protect our air, land, water, and climate.

Sincerely,

Kathy Kelly
kellygapva@verizon.net





May 26, 2017

USGBC
2101 L STREET, NW
SUITE 500
WASHINGTON DC 20037
202 828-7422
USGBC.ORG

Mr. John Ainslie, Chair
Board of Housing and Community Development
Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA 23219

FOUNDERS

David Gottfried
Michael Italiano
S. Richard Fedrizzi

RE: Support the inclusion of rigorous energy codes in the final Uniform Statewide Building Code (USBC)

On behalf of the U.S. Green Building Council (USGBC), a 501(c)(3) nonprofit organization committed to a prosperous and sustainable future through cost-efficient and energy-saving green buildings, I urge you to support the inclusion of rigorous energy codes in the final draft of the Uniform Statewide Building Code (USBC).

As the purveyor of the industry leading Leadership in Energy & Environmental Design (LEED) green building program, we are committed to transforming the way buildings and communities are designed, built and operated through high-performance, cost-effective, green buildings that save energy, water and money. The Commonwealth is home to nearly 1,150 LEED certified projects encompassing 140 million square feet of residential, commercial, healthcare, education, retail and public space.

Green building principles have become increasingly integrated into the built environment. With the advent of quantifiable economic and environmental benefits achieved from green buildings, demand has only increased. Additionally, as owners experience reduced operating expenses and increased overall quality in their buildings, and occupants report increased satisfaction and lower costs in their utility bills, market demand has continued to grow.

In order to provide the most benefit to businesses, building owners, building occupants, the growing sector of building professionals in the Commonwealth, and our environment, we would like to offer recommendations as the Department of Housing and Community Development considers the final draft of the USBC.

Support cost-effective efficiency improvements:

The current draft regulations include new efficiency improvements for lighting, hot water pipe insulation, and the creation of the Energy Rating Index (ERI) compliance option. While there is more that can be done, these measures offer significant energy savings potential to Virginians.

We understand a proposal to include mechanical duct testing received broad support at a recent energy subgroup meeting. Consensus reached within this judicious subgroup of builders, code officials and efficiency advocates should be given sincere consideration. If passed, mechanical duct testing will bring Virginia's relevant requirements up to the current 2015 IECC standard. Leaky ducts can reduce the performance efficiency of heating and cooling units by 20 percent, according to the Environmental Protection Agency.¹

In addition to these proposals, we cannot stress enough the importance of proper airtightness, which affects space-conditioning load, building durability, comfort and indoor air quality. Mechanical testing methods (i.e. blower door tests) to calculate building envelope performance

¹ https://www.energystar.gov/index.cfm?c=home_improvement.hm_improvement_ducts_benefits

² See Virginia Energy and cost savings,



are both affordable and accessible, and provide a roadmap to address airtightness improvements that can save consumers money on their energy bills while maintaining a consistent comfort level throughout the building.

Support adoption of the 2018 IECC Energy Rating Index compliance option:

Another proposal that received broad support within the energy subgroup is the adoption of the 2018 IECC Energy Rating Index (ERI) compliance option, instead of adopting the 2015 IECC version. By adopting the 2018 version, builders have greater flexibility and trade-off options, making the ERI pathway more achievable. This option, which relies on the Home Energy Rating System (HERS), offers builders a universally understood standard that easily conveys energy efficiency to owners and occupants and increased flexibility in code compliance.

The ERI compliance option also lends itself to the use of above code building standards like LEED, which prioritizes reduced energy use while encouraging innovation and regional priorities. Using a rigorous methodology ensuring compliance beyond IECC standards, the LEED performance pathway relies on HERS modeling to award energy and atmosphere category credits towards certification. Adopting this compliance proposal would allow municipalities in the Commonwealth to more easily encourage above code standards like LEED.

IECC updates save Virginians money:

According to the Department of Energy (DOE), moving to the 2012 IECC from the 2009 version, as the Commonwealth did in July of 2014, is cost-effective over a 30-year life cycle. On average, Virginia homeowners were estimated to save \$5,836 with the updated IECC, as the reduction to energy bills significantly exceeded increased mortgage costs. Per DOE, after accounting for up-front costs, homeowners were expected to see net positive cash flows in the first year under the 2012 IECC.²

Encourage above code standards like LEED to save Virginians even more money:

Green building systems like LEED can offer significant savings. LEED certified homes are designed to use 30 to 60 percent less energy and are individually tested to minimize envelope and ductwork leakage. Research examining 15 recently constructed or rehabbed communities built to LEED or EarthCraft standards through the Low-Income Housing Tax Credit program, administered by the Virginia Housing Development Authority, were found to use 40 percent less energy than housing built to existing code requirements, saving residents an average of \$648 annually in electricity bills.³

In addition to savings derived from reduced energy and water usage, the housing financing industry is recognizing the benefits of LEED and the positive impact green construction has on real estate portfolios, residents, and our environment. Fannie Mae, Freddie Mac, and the Federal Housing Administration all offer discounted financing solutions for LEED certified buildings. These incentives have saved building owners and developers in the form of reduced mortgage insurance premiums and interest rates.

Create economic development through energy efficiency and innovation:

High performing, energy efficient buildings and green buildings support local jobs. The 2015 Green Building Economic Impact study finds the green building sector of the U.S. construction industry is outpacing overall construction growth in the U.S., accounting for more than 2.3 million

² See Virginia Energy and cost savings,

<https://www.energycodes.gov/sites/default/files/documents/VirginiaResidentialCostEffectiveness.pdf>

³ See Virginia Center for Housing Research report, <http://www.vchr.vt.edu/wp-content/uploads/2015/02/Housing-VA-LIHTC-Study-Full-Report.pdf>



American jobs this year. From 2015-2018, Booz Allen projects LEED certified construction will account for 107,000 total jobs and contribute \$9.39 billion in gross domestic product in Virginia alone.⁴

As noted above, the commonwealth already benefits and is home to nearly 1,150 LEED certified projects encompassing 140 million square feet of residential, commercial, healthcare, education, retail and public space. Studies examining third-party green rating systems like LEED consistently find significant energy and economic savings, in addition to greater asset value for both building owners and financing institutions.

Energy efficient building codes help protect the environment:

Beyond the human health and safety and economic benefits green building offers, the environmental impacts of climate change in Virginia, with 3,315 miles of tidal shoreline,⁵ is cause to act now. Building energy efficiency remains a powerful tool to reduce greenhouse gas emissions. The American Council for an Energy-Efficient Economy places Virginia's energy efficiency standards potential at 23% cumulative energy savings in 2030 relative to 2012 consumption.⁶

Virtually all of Virginia's generated electricity is used in residential, commercial, and industrial buildings, and 60% is generated using fossil fuels (natural gas and coal).⁷ Adopting building codes that promulgate energy efficiency directly reduces greenhouse gas emissions by avoiding the need for electrical generation, as well as primary fuel consumption.

Conclusion:

On behalf of our member organizations and credentialed professionals in the Commonwealth, we urge you to make the most of the current USBC review cycle. The recommendations outlined above are proven measures to further transform Virginia's built environment into one that benefits building owners, building occupants, the growing sector of building professionals in the Commonwealth and our environment.

Thank you for your consideration of these comments. We look forward to working with the Board as we continue advancing building codes that achieve environmental and economic development goals in the Commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Brousse".

Nick Brousse
Advocacy Project Manager
U.S. Green Building Council

⁴ [Booz Allen Hamilton, 2015 Green Building Economic Impact Study, prepared for U.S. Green Building Council, http://go.usgbc.org/2015-Green-Building-Economic-Impact-Study.html](http://go.usgbc.org/2015-Green-Building-Economic-Impact-Study.html). See also <http://www.usgbc.org/articles/new-study-finds-green-construction-major-us-economic-driver>

⁵ <https://coast.noaa.gov/data/docs/states/shorelines.pdf>

⁶ Bloomberg New Energy Finance State Energy Factsheet, prepared for the Business Council for Sustainable Energy, http://www.bcse.org/images/2017%20EF%20Grant/2017-01%20BNEF_BCSE_Virginia%20Energy%20Factsheet.pdf

⁷ See EIA, State Electricity Profile for Virginia, available at <https://www.eia.gov/electricity/state/virginia/index.cfm>

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COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

RICHARD C. (RIP) SULLIVAN, JR.
POST OFFICE BOX 50753
ARLINGTON, VIRGINIA 22205

FORTY-EIGHTH DISTRICT

April 3, 2017

Mr. Bill Shelton
Virginia Department of Housing and Community Development
Main Street Centre
600 East Main Street, Suite 300
Richmond, VA 23219

Dear Mr. Shelton:

Virginia is lagging behind our neighbors when it comes to building code regulations. The Virginia Uniform Statewide Building Code (USBC) looks more like the 2009 IECC model code rather than the 2015 IECC model code. In 2012, substantial improvements were made to the model code to include greater efficiency measures for new homes and existing renovations. The majority of these improvements were not included in the Virginia USBC. If Virginia does not adopt these new standards, we will remain woefully behind our neighbors who have already adopted the 2012 and/or 2015 IECC standards for new homes.

According to a 2012 DOE report, three proposals would have the most significant impact on the Virginia building codes:

- Require testing for whole home air tightness,
- Require testing for air duct leakage, and
- Require insulation on all hot water pipes.

According to a report published by the National Association of Home Builders, the two tests cost less than \$175 each, but can save homeowners thousands of dollars over the time they own the home. Leaky ducts alone can reduce the performance efficiency of heating and cooling units by 20 percent.

A 2013 survey by the National Association of Home Builders reports that nine out of ten homebuyers are willing to pay two to three percent more for a home that includes permanent energy efficiency features.

The Board of Housing and Community Development should consider the total cost of homeownership. With the rigorous efficiency provisions of the 2015 IECC, that cost is reduced – and with that all Virginians enjoy a stronger economy, more stable energy prices, and healthier, more comfortable homes.

Regards,

Delegate Rip Sullivan
48th District of Virginia

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409 East Main Street, Suite 200
Richmond, VA 23219
804.464.VAEE

Mr. John Ainslie, Chair
Board of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA 23219

May 15, 2017

Dear Chairman Ainslie:

I am writing today on behalf of the Virginia Energy Efficiency Council (VAEEC) to support the inclusion of rigorous energy proposals as part of the current draft of the Uniform Statewide Building Code (USBC) and to encourage the Board to consider the total costs of homeownership, including monthly energy bills, when evaluating code proposals.

The VAEEC is the voice for the energy efficiency industry in the Commonwealth. Our members include Fortune 500 companies, small businesses, universities, nonprofits, local governments, state agencies, utilities and individuals. As a 501c3 organization headquartered in Richmond, our goal is to ensure energy efficiency is recognized as an integral part of Virginia's economy and clean energy future.

The VAEEC is currently focused on several program areas, which reflect our role in advancing innovative and effective strategies in the energy efficiency sector: supporting smart energy efficiency policies and programs through the Governor's Executive Committee on Energy Efficiency; working with localities to develop Commercial Property Assessed Clean Energy financing programs; and supporting the inclusion of rigorous energy proposals in the USBC.

And, Governor McAuliffe understands that energy efficiency is an integral part of Virginia's economy. Staff from the State Energy Office presented data to the Governor's Executive Committee on Energy Efficiency showing that full adoption of the 2015 IECC model code is vital for the Commonwealth to meet its goal of reducing energy consumption ten percent by 2020.

Studies also show that rigorous energy codes are among the most cost-effective ways to improve energy efficiency and provide immediate cost savings to new home buyers. According to the Virginia factsheet from the Building Codes Assistance Project, the costs associated with the 2012 International Energy Conservation Code (IECC) would be less than \$2200¹. Amortized over a 30-year mortgage at today's rates, that is less than \$11 a month on the monthly mortgage bill². Couple that cost with the estimated energy bill savings of nearly \$31 a month, and homeowners would actually begin saving nearly \$270 annually, before their second anniversary of home ownership.

In 2012, the IECC model code included substantial efficiency measures for new homes and existing renovations, including an increase for wall and attic insulation, more efficient window and lighting requirements, hot water pipe insulation, and requiring mechanical testing for

¹ <http://bcapcodes.org/wp-content/uploads/2015/11/Virginia-2012-IECC-Analysis.pdf>

² Using the Amortization Schedule Calculator on Bankrate.com

whole home air-tightness and ductwork. Unfortunately, the majority of these improvements were not included in the 2014 Virginia USBC update.

We are pleased to see that the current draft regulations do include several new efficiency improvements for lighting, hot water pipe insulation, and the creation of the Energy Rating Index (ERI) compliance option. However, there is more that can still be done to include more energy savings potential for homeowners. Particularly since some of the new additions in the draft are already addressed under federal manufacturing regulations.

According to a 2012 study done by the Department of Energy (DOE) on the cost-effectiveness of the 2012 IECC on Virginia's USBC states³:

The requirement for high-efficacy lamps, while significant, is somewhat abated by a superseding federal regulation banning the manufacture or import of less efficient lamps at common watt levels that takes effect in 2012 to 2014.

This same DOE report also cited significant opportunities for Virginia by requiring hot water pipe insulation as well as mechanical testing for both air-duct tightness and whole home air-tightness. The inclusion of hot water pipe insulation in the proposed regulations is a welcome addition. However, mechanical testing for both air ducts and the whole home envelope should also be included.

A report published by the National Association of Home Builders states that these two mechanical tests cost less than \$175 each⁴. According to the EPA, leaky ducts can reduce the performance efficiency of heating and cooling units by 20%⁵. Implementing these two proposals would reduce the total cost of housing for new homeowners.

The good news is that a proposal to include mechanical duct testing or "duct blaster testing" received unanimous support at the April 12th energy subgroup meeting, which included efficiency advocates, homebuilders and code officials. This proposal, if passed, will bring Virginia's duct-testing requirements up to the current 2015 IECC standard.

We also support a second proposal from the energy subgroup, which would adopt the 2018 IECC ERI compliance option instead of the 2015 IECC version. By adopting the 2018 version, which received over 80% of the votes from ICC Governmental Member Representatives, homebuilders gain greater flexibility and trade-off options. The new ERI sets the score at 62 instead of 54 for our climate zone (zone 4), making that pathway more achievable. In states that have already adopted the 2015 IECC, homebuilders have been slow to use the ERI

³<https://www.energycodes.gov/sites/default/files/documents/VirginiaResidentialCostEffectiveness.pdf>

⁴<http://www.homeinnovation.com/~media/Files/Reports/Percent%20Energy%20Savings%20012%20IECC%20Cost%20Effectiveness%20Analysis.PDF>

⁵https://www.energystar.gov/index.cfm?c=home_improvement.hm_improvement_ducts_benefits

pathway. By implementing the 2018 version from the onset, Virginia is making the pathway more enticing, which will hopefully result in greater participation.

We support the advancement of these two proposals and respectfully ask the board to include them in the final regulations when they are adopted later this year.

While we support all of the proposals mentioned, we will continue to stress the importance of requiring mechanical testing (i.e. “blower door test”), for whole home air-tightness. Tighter homes save consumers money on their energy bills while maintaining a consistent comfort level, throughout the home, by reducing the potential for air leakage to the outside.

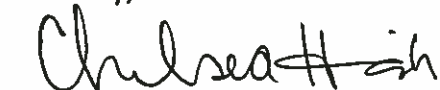
And besides, homeowners want energy efficient homes. In an Energy Pulse survey by the Shelton Group, homebuyers prioritized costs associated with added comfort and energy efficiency over other expenditures⁶. In a 2013 survey by the National Association of Home Builders, 9 out of 10 homebuyers said they were willing to pay 2-3% more for a home that includes permanent energy efficiency features⁷.

Building more efficient homes is also good for the environment. If Virginia adopted the 2015 model code, without alterations, Virginia homeowners would save \$2.5 billion between 2010-2040 and avoid nearly 16 million metric tons of carbon emissions⁸, which is equivalent to saving the amount of energy consumed by 1.6 million homes in a single year⁹.

While we understand that the complete model code will not be adopted during this code update cycle, it is a conversation that we hope to continue with other stakeholders as we move into the next update phase.

Everyone wins when new homes are built to the most cost-effective efficiency standards. This is why VAEEC supports the inclusion of rigorous energy codes in the final draft of the USBC and respectfully encourages the board to take a more holistic approach when debating these proposals in the future.

Sincerely,



Chelsea Harnish
Executive Director

⁶ http://www.builderonline.com/builder-100/marketing-sales/four-reasons-buyers-choose-energy-efficient-homes_o

⁷ https://www.nahb.org/~media/Sites/NAHB/SupportingFiles/8/Wha/WhatHomeBuyersWant_20130430023250.ashx?la=en

⁸ https://www.energycodes.gov/sites/default/files/documents/Impacts_Of_Model_Energy_Codes.pdf

⁹ <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

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SENATE OF VIRGINIA

LYNWOOD W. LEWIS, JR.
6TH SENATORIAL DISTRICT
ALL OF ACCOMACK, NORTHAMPTON,
AND MATHESWICK COUNTIES; AND PART OF
THE CITIES OF NORFOLK AND VIRGINIA BEACH
P.O. BOX 760
ACCOMACK, VIRGINIA 23301



COMMITTEE ASSIGNMENTS:
AGRICULTURE, CONSERVATION AND
NATURAL RESOURCES
EDUCATION AND HEALTH
LOCAL GOVERNMENT

Elizabeth Rafferty
Policy and Legislative Director
Department of Housing and Community Development
600 E Main St, Ste 300
Richmond, VA 23219

Dear Ms. Rafferty:

I am writing you today in support of improved energy efficiency standards in Virginia's residential building codes. While Virginia lags behind adopting more up-to-date national energy efficiency standards, we have the opportunity with this proposed code change to 13 VAC 5-63 to adopt several meaningful improvements.

Why is this important? Virginia families can save money each month on their heating and cooling costs with a more energy efficient home. Smart investment on the front end of home construction or during significant reconstruction provides savings that can be allocated to other family spending. Furthermore, the benefits of energy efficiency extend far beyond reduced energy bills. Homeowners and renters alike can enjoy a greater quality of life and comfort.

That's why I support the inclusion of enhanced energy efficiency measures in our state building code. Making a home more efficient at the onset is significantly cheaper than making those changes later on down the road.

As Virginia evaluates the building code standards for adoption, three proposals would have significant impact on the energy efficiency standard in Virginia building codes and not require major change in how homebuilders construct new homes.

- Require mechanical testing for whole home air tightness,
- Require mechanical testing for air duct leakage and
- Require insulation on hot water pipes

I encourage the Board of Housing and Community Development to support proposals that would include these three key features in the Virginia Uniform Statewide Building Code.

Sincerely,

A handwritten signature in blue ink, reading "Lynwood Lewis, Jr.", is written over a horizontal line.

Lynwood Lewis, Jr.
Member, Senate of Virginia

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SENATE OF VIRGINIA



T. MONTGOMERY MASON

1ST SENATORIAL DISTRICT
ALL OF THE CITY OF WILLIAMSBURG;
PART OF JAMES CITY AND YORK COUNTIES;
AND PART OF THE CITIES OF HAMPTON,
NEWPORT NEWS, AND SUFFOLK

POST OFFICE BOX 232
WILLIAMSBURG, VIRGINIA 23187
DISTRICT: (757) 229-9310
RICHMOND: (804) 696-7501

COMMITTEE ASSIGNMENTS:
AGRICULTURE, CONSERVATION AND
NATURAL RESOURCES
GENERAL LAWS AND TECHNOLOGY
REHABILITATION AND SOCIAL SERVICES

April 25, 2017

Ms. Elizabeth Rafferty
Director of Policy
Virginia Board of Housing and Community Development
Main Street Centre
600 East Main Street, Suite 300
Richmond, VA 23219

Dear Ms. Rafferty,

The Virginia Board of Housing and Community Development is reviewing the biannual amendments to Virginia's residential building codes. Several of the proposals submitted include changes to improve energy efficiency standards. The Board has the opportunity with this code change to adopt several meaningful improvements to show how new buildings are tested for energy efficiency. Specifically, methods by which a homeowner can be certain the systems are working properly and the structure does not have excess air leakage.

One of the proposals I am interested in is requiring mechanical testing for air duct leakage. Leaks in forced air duct systems are a major source of energy waste that can account for a significant amount of energy loss. Homeowners have higher heating and cooling bills with inefficient duct systems. Duct leakage can impede the system from doing their jobs properly, allowing allergens and pollutants to impair air quality within the home.

I encourage the Board to adopt proposals such as the mechanical duct testing to improve the energy efficiency of new home construction. Ensuring systems operate properly from the start saves money and reduce needless energy waste.

Sincerely,


Senator T. Montgomery Mason
Senate of Virginia
1st District

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707 EAST FRANKLIN STREET • RICHMOND, VIRGINIA 23219
Phone 804/643-2797 • Fax 804/780-2482 • Email hbavmail@hbav.com • Web Site <http://www.hbav.com>

May 15, 2017

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 of the Home Builders Association of Virginia. HBAV is a 3,200-member statewide organization of home builders and firms that provide products and services to the housing industry of 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.

HBAV would first like to remind the Board of the results of a Study of the Economic Impact of the Housing Industry, which was conducted in September, 2016 by four (4) state universities (VCU, GMU, Virginia Tech and W&M) at the request of the Virginia Secretary of Commerce and Trade, Maurice Jones. Importantly, the attached Study revealed that the Housing Industry in Virginia:

Is the 6th Largest Private Sector Industry in Virginia
Employs 314,299 Virginians
Creates \$47.8 Billion in Economic Impact
Generates \$1,665,701,000 in Local and State Taxes.

HBAV shares this important information to encourage the Board to further promote the housing climate in Virginia...not take actions that might limit its Economic Impact or Employment in the Commonwealth.

HBAV would also take this occasion to remind the Board that the Single Family Housing Market is far from recovering from the historic housing crisis of 2009. In fact, as the industry began 2017, nearly eight (8) years after the crisis began, single family housing starts in Virginia are only at a level equal to 50% of a normal start level, or approximately 20,000 new homes. At the height of the housing boom in Virginia, the home builders in the Commonwealth were producing new housing at levels exceeding 50,000 new homes per year. Industry experts believe 40,000 single family housing starts would be a normal year based on historical data.

HBAV shares this data because it is important for the housing policy makers in Virginia to know that the industry in Virginia is still fragile, and would consequently, ask that the Board take no actions that would add unnecessary new costs or do further harm to the

home building industry in Virginia. The home building industry needs your support at this critical time, if it is to continue to employ hard working Virginians and provide affordable housing to our citizens.

With regard to the Proposed Regulatory Action published in the Virginia Register of Regulations (Volume 33-Issue 13, dated February 20, 2017), HBAV supports the following proposed Amendments:

13VAC5-63-210 T 37 and T 38: Relocates the interior passageway requirements for new homes (former subdivision T 14) and clarifies the text. Removes difficult to apply language involving doors at the end of a hallway. The overall goal of the provision is to provide doors for wheelchair users on the main level of new dwellings.

13VAC5-63-210 T 45 and T 46: Adds tables permitting the use of No. 2 (quality) southern yellow pine (wood) of appropriate spans to be used in the framing of homes. The tables in the existing regulation (2012 edition) inadvertently omitted spans for No. 2 pine and only permitted No. 1 quality, which is not readily available by wood distributors.

13VAC5-63-210 T 61: Deletes former subdivision T 94 that required only 50% of new lamps (light bulbs) to be high efficacy (efficiency) bulbs. This deletion will allow the provisions of the IRC to be applicable, which require 75% of new bulbs to be high efficiency.

13VAC5-63-210 T 69: Adds new provisions to permit the use of a corrugated gas tubing with coatings to prevent lightning arcs from causing holes in the tubing. The product has undergone the approval process through the National Fuel Gas Code and the American National Standards Institute standard writing process.

13VAC5-63-210 T 74: As submitted by the Virginia State Corporation Commission, a new provision is added to require a tracer wire to be installed in the ditch with nonmetallic water service piping to new homes. This will enable other utilities to locate the water service line when installing additional underground lines and prevent the possible inadvertent rupturing of the water service line. There was a case where a gas line crossed a water service line that was not pressurized yet and gas traveled up the water service line and caused an explosion in the house it served. Tracer wire is already required by the USBC for nonmetallic sewer lines.

With regard to your consideration of future Amendments to the Uniform Statewide Building Code, HBAV supports the Compromise of the Workgroup 2 – Sub-Workgroup on Energy Efficiency Codes, which included the major energy efficiency advocates in Virginia and building industry representatives, which would introduce an optional

and balanced Energy Rating Index (ERI) to the USBC for the first time. The ERI has already been approved for the 2018 IECC and would require those home builders that would choose to utilize the ERI to test both ducts and the whole house for air leakage tightness. The Compromise would also require all ducts in all other new homes to be tested for air tightness, provided the test could be conducted by an HVAC contractor and exempts all ducts located with the thermal envelope from testing. The final provisions of the Compromise would be the withdrawal of Amendments to increase ceiling insulation and wall insulation in new homes and require whole house testing for air leakage in new homes and reduce the air changes per hour requirement from 5 to 3 during consideration of the 2015 USBC.

HBAV would also take this occasion to congratulate BHCD Chairman John Ainslie, and his Benchmark Building Corporation subsidiary for receiving a "Top Ten High Performance Home of the Year Award" at the 8th Annual Sustainable Leadership Awards on April 20th in Richmond. Mr. Ainslie's company "voluntarily" constructed the highly energy efficient, above Code home, just like thousands of other, above Code new homes and existing homes in Virginia are being constructed and rehabilitated every year in the Commonwealth. His voluntary action further demonstrates that additional energy efficiency Code mandates are not necessary for Virginia to make progress on the energy efficiency front.

Finally, 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."

Thank you for this opportunity to comment.

Best regards,

A handwritten signature in black ink, appearing to read "Michael L. Toalson", written in a cursive style.

Michael L. Toalson
Chief Executive Officer



2015 ECONOMIC IMPACT OF THE VIRGINIA HOUSING INDUSTRY

\$47.8 Billion Economic Activity



\$23.3 Billion Value Added to Gross State Product



314,299 Jobs



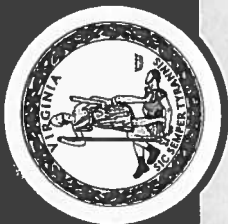
\$1.66 Billion State and Local Taxes



\$14.2 Billion Labor Income

6th
LARGEST PRIVATE
SECTOR INDUSTRY
by Direct Output

This research was commissioned by the Governor's Housing Policy Advisory Council, whose members provided invaluable guidance and information to the research project. The full report and companion research projects for Assessing the Importance of Housing for Virginia's Economy can be accessed at www.virginiahousingpolicy.com.



2015 ECONOMIC IMPACT OF THE VIRGINIA HOUSING INDUSTRY



LARGEST PRIVATE-SECTOR INDUSTRIES IN VIRGINIA

(by direct output)

#1	Federal Contracting (including DOD)	\$ 100.4 billion
#2	Healthcare Services	\$ 44.3 billion
#3	Retail	\$ 36.6 billion
#4	Wholesale	\$ 30.3 billion
#5	Non-Residential Construction	\$ 30.1 billion
#6	Housing	\$ 28.1 billion
#7	Transportation & Warehousing	\$ 24.6 billion
#8	Food & Beverage Product Manufacturing	\$ 16.9 billion

Sources: GVA's Center for Regional Analysis; GDP: BLS, 2011

WHAT IS INCLUDED

Construction (includes trades)

- Single Family
- Multi-Family
- Manufactured Housing
- Residential Remodeling

Real Estate Services

- Sales Brokerage
- Residential Property Management
- Property Appraisers
- Residential Building Inspectors

Finance

- Mortgage Brokers
- Lending Institutions
- Loan Servicing

Insurance

- Brokers
- Carriers
- Title Insurance

Transportation

- Household Goods Movers

Legal

- Title and Abstract Services
- Real Estate Transaction Support

Residential Services

- Interior Design
- Landscaping
- Pest control
- Cleaning
- Waste Management
- Appliance Repair
- Furniture Repair

Retail

- Home Centers (DIY only, other in construction)
- Home Furnishings and Household Goods
- Appliances

Organizations

- Non-Profit Housing-Focused Entities
- Independent Agencies (VHDA)
- Home Owners' Associations

Domestic Staff

- Maids
- Gardeners

Virginia Coalition of Housing and Economic Development Researchers



This research was performed by the Center for Regional Analysis at George Mason University as a part of the Virginia Coalition of Housing and Economic Development Researchers, which includes Virginia Tech, Virginia Commonwealth University, and William and Mary.

PHASE I

Economic Impacts of Virginia's Housing Industry

Prepared for:

Virginia Housing Policy Advisory Council
October 2016

A Product of the:

Virginia Coalition of Housing and Economic Development Researchers



Authored by:

Terry L. Clower, Ph.D. & Mark White, Ph.D.,
Center for Regional Analysis, George Mason University

PHASE I

Executive Summary

This report presents the findings of our economic impact analysis of the Commonwealth of Virginia's housing industry. This project is a component of a larger research effort for the Virginia Housing Policy Advisory Council entitled *Addressing the Importance of Housing for Virginia's Economy*. The study responds to Governor McAuliffe's Executive Order 32 recognizing "the sustained economic and social vitality of communities throughout the Commonwealth of Virginia depends upon the quality, availability, and affordability of housing. Housing is, and will remain, a key policy priority with far-reaching economic and social consequences." Conducting the research is the Virginia Coalition of Housing and Economic Development Researchers, which includes Virginia Tech, George Mason University, Virginia Commonwealth University, and the College of William and Mary. The research reported here was led by the Center for Regional Analysis at George Mason University. Key study characteristics include the following assumptions and findings:

- The Virginia Housing Industry is a diversified group of economic sectors representing construction and the housing components of finance, retail trade, transportation, professional services, and residential services including:
 - Construction:* Single family, multifamily, other residences, renovation & repair
 - Finance:* Banks, other lending institutions (real estate), mortgage brokers
 - Insurance:* Property insurance carriers and brokers, title insurance
 - Transport:* Household goods movers
 - Agencies:* Non-profit and other non-governmental agencies supporting housing
 - Real Estate:* Sales brokers, property management, appraisers, inspectors, conveyance services, title services, lawyers
 - Retail Trade:* Lumber yards, building materials, home centers (DIY only), household goods and furnishings, appliances
 - Services:* Interior design, home security, pest control, maid services, landscaping, waste collection, furniture and appliance repair, home owners' associations, household domestic staff.
- The analysis is based on the IMPLAN economic input-output model. Data for this analysis comes from the IMPLAN model, Chmura Economics, IBIS Worldwide, and industry sources. The model is adjusted to prevent double counting cross-sector business activities.
- Virginia's housing industry generated \$47.8 billion in economic activity in 2015. This activity supported over 314,000 jobs paying almost \$14.2 billion in salaries, wages, and benefits (see Table ES1).
- Based on direct expenditures only, the Housing Industry is the 6th largest private sector industry in the Commonwealth of Virginia (see Table ES2).

PHASE I

Table ES1
Economic Impacts of Virginia's Housing Industry
2015

Description	Impact
Output (transactions)	\$ 47,814,092,000
Value Added (gross state product)	\$ 23,269,525,000
Labor Income (salaries, wages, benefits)	\$ 14,197,085,000
Jobs	314,299
State and Local Taxes	\$ 1,665,701,000

Sources: GMU Center for Regional Analysis, Chmura Economics, IBIS World, industry sources, IMPLAN.

Table ES2
Virginia's Largest Private Sector Industries
2015

Industry	Direct Output
Federal Procurement Spending (FY15)	\$ 100.4 billion
Defense Spending	\$ 65.0 billion
Healthcare Services	\$ 44.3 billion
Retail	\$ 36.6 billion
Wholesale	\$ 30.3 billion
Non-Residential Construction	\$ 30.1 billion
Housing (construction, real estate services, household services)	\$ 28.1 billion
Transportation & Warehousing	\$ 24.6 billion
Food & Beverage Product Manufacturing	\$ 16.9 billion
Tobacco	\$ 11.7 billion

Sources: IMPLAN, ODU (2015)

The housing industry is one of the largest contributors to the Virginia economy by creating \$47.8 billion in economic activity in 2015. This activity supported over 314,000 jobs paying more than \$14 billion in annual wages, salaries, and benefits. About 8 percent of Virginia's jobs (including agricultural and government employment) are related to private sector housing activities. As much as the housing industry contributes to the state economy, having an efficient housing market that can supply housing products to all Virginia residents is key to economic development efforts and the vitality of Virginia communities. These issues comprise the key subject matter for the other components of our study: *Addressing the Importance of Housing for Virginia's Economy*.

PHASE I

Introduction

This report presents the findings of our economic impact analysis of the Commonwealth of Virginia's housing industry, which is a component of a larger research effort for the Virginia Housing Policy Advisory Council (HPAC) entitled *Assessing the Importance of Housing for Virginia's Economy*. The study responds to Governor McAuliffe's Executive Order 32 recognizing "the sustained economic and social vitality of communities throughout the Commonwealth of Virginia depends upon the quality, availability, and affordability of housing. Housing is, and will remain, a key policy priority with far-reaching economic and social consequences." The HPAC is a volunteer group representing private, non-profit, and public sector entities with an interest in housing. Support for this research is provided by the Office of the Secretary of Commerce and Trade, the Office of the Secretary for Health and Human Services, the Virginia Department of Housing and Community Development, and the Virginia Housing Development Authority. Conducting the research is the Virginia Coalition of Housing and Economic Development Researchers, which includes Virginia Tech, George Mason University, Virginia Commonwealth University, and the College of William and Mary. The research reported here is led by the Center for Regional Analysis at George Mason University

Assessing the Importance of Housing for Virginia's Economy is a multi-phased, comprehensive examination of current and future trends and issues to illuminate the role that housing plays in economic vitality and competitiveness across the Commonwealth. The study team is a unique collaboration of the state's leading university-based experts on housing, economic growth and development, and transportation. The research program is separated into three interlocking focus areas that address housing's impact on economic performance and competitiveness, community vitality, and household well-being. This 2-year study will be completed in Summer 2017.

Housing plays a critical role in economic and community development, and housing quality can significantly influence health and education outcomes, as well as access to economic opportunity. The availability of appropriate, affordable workforce housing is key to attracting workers, which in turn attracts business investment. Challenges of having enough affordable housing to accommodate a wide range of household income cohorts creates systematic stress on transportation networks, lowers the perceived quality of life for a community, and weakens competitive positioning for attracting and retaining businesses to the state and its regions. Just as challenging for some regions is the need to have housing stock with the quality and amenities that homeowners demand. Yet, even with increasing recognition about the linkages between housing and prosperity there is relatively less awareness about how the housing industry contributes to job creation and economic activity. This study begins by addressing this information gap on the value of housing to the state's economy.

For purposes of this analysis, we define the housing industry as private sector activities directly related to providing housing and residential-based services. The following section provides additional detail on how we defined the housing industry for this analysis. In general, housing includes the construction of new residential units, renovation and repair of existing units, professional services related to the housing market, and services provided to residences. The research employs data from a variety of sources and uses state-of-the-art modeling approaches.

PHASE I

Methodology

Determining the economic activities to include in the analysis is the first step in determining an industry's economic impact. Industries are defined according to the North American Industry Classification System (NAICS), which categorizes industries based on their primary product or activity. Table 1 below shows the industries selected for this study in consultation with the HPAC. It should be noted that certain industry activities do not appear in the list that have a role in the production and maintenance of housing such as plumbers, electricians, and other trades. Based on the way the data are organized, these trade activities are captured in the output estimates for the construction and remodeling industry sectors; therefore, they are not listed separately. Similarly, companies that specialize in disaster recovery, such as firms that provide flood cleanup services, are also included in the construction/repair industry category.

Our data sources for construction sector activity separate residential-based activities from other construction sectors, such as building roads, office buildings, hospitals, and other infrastructure and commercial buildings. However, most of the service industry sectors included provides services to residential and non-residential customers. Therefore, we obtained industry-specific market information that allowed us to estimate the proportion of total industry activity focused specifically on residential markets. If a market segment was ambiguous regarding the residential-nonresidential split, we excluded that portion of industry activities from our analysis. This means that we have likely undercounted some of the business activities associated with support for residential units making our total impact estimates more conservative. Details on the proportion of industry activity included in this analysis can be found in the Technical Appendix.

Importantly, the activities included in this impact assessment do not include public agencies, such as the Virginia Department of Housing and Community Development and the U.S. Department of Housing and Urban Development. Given that these agencies support jobs and economic activity in the state, our approach offers conservative estimates of the housing industry's total impacts. The analysis includes government sponsored entities including Freddie Mac, and the Virginia Housing Development Authority. In addition, we include non-profit entities directly related to housing.

This analysis utilizes an economic input-output modeling approach to assess the direct, indirect, and induced economic impacts of housing related industries in Virginia. Direct effects capture the economic value of spending in the subject industry, such as a home builder buying materials from a lumber yard, a real estate agent renting office space, or a home pest control company hiring an accounting firm. Indirect effects represent upstream, supply chain spending by businesses. For example, the lumber yard purchases materials from manufacturers and trucking services. In turn, the trucking company hires a janitorial service to clean their offices. Induced effects estimate the impacts of employees of these businesses spending a portion of their earnings for goods and services in the state economy. At each stage of spending, the model estimates the proportion of spending that leaves the state economy. For example, the fuel used for construction equipment is not refined in Virginia, therefore little of purchase value of fuel is counted in our analysis.

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Table 1: Industries Included in Impact Analysis

Description	notes
Construction	
Single Family Home New Construction	Includes trades (plumbers/electricians/etc)
Multi-Family Home New Construction	Includes trades
Other New Residential Structures/Units	Trailers, includes trades
Maintenance & Repair Residential	includes related trades and services (disaster recovery)
Retail	
Household Furniture/Good Sales	
Appliance Retailers	
Lumber and Building Materials Retail	Only include DIY sales, other sales in construction
Transportation	
Household Goods Movers	Residential only
Finance	
Banks, Thrifts, Other	Residential lending
Real Estate Loans & Collateralized Debt	Real estate lending specialists, includes Freddie, other
Mortgage Brokers	Residential mortgages
Insurance	
Property & Casualty Insurance	Carriers, homeowners/renters only
Title Insurance	
Insurance Brokers	
Real Estate	
Real Estate Sales Brokerage	Based on total and estimated commissions
Property Management	Residential property management
Real Estate Appraisal	
Law Firms	Estimated portion of market for household real estate
Conveyance/Title Services (legal)	Individual only, services to builders in construction
Building Inspectors	Home, not including new home construction
Services	
Interior Design	Residential
Home Security	Estimate residential
Pest Control	Residential
Janitorial/Maid Services	Residential
Lawn and Landscape, Arborists	Residential (may not include architects
Waste Collection	Residential including junk removal
Agencies/Non-Profits	VHDA, non-profit developers, other
Appliance Repair	Households
Furniture Repair	Residential
Home Owners Associations	Not including some service activities of HOAs
Household Domestic Staff	Maids, gardeners. Not nannies

PHASE I

When conducting an industry study with multiple components, it is necessary to adjust the input-output analysis to prevent double counting. For example, the induced effects of single family home construction include a carpenter purchasing her own home. Similarly, that carpenter purchases furniture, pest control, and others services included in this analysis. Therefore, we have adjusted the induced impacts to prevent double counting. Similarly, we removed indirect effects that cross over in the construction sectors due to potential double counting. Not all of the indirect effects among the construction sectors are really duplicative, but there is no clear way to parse out this particular effect therefore, we take the conservative approach of not counting any indirect effects among the construction sectors.

The analysis presented here used the IMPLAN economic input-output model developed by MIG, Inc. The IMPLAN model is widely used in academic and professional research. Inputs into the model can include estimates of industry sales or industry employment. The model provides estimates of direct output (sales) for industry sectors. However, due to the sector coding scheme used in the IMPLAN model, we used other data sources for non-construction industry activity inputs. For real estate brokers, we employed data obtained with the support and advice of the Virginia Association of Realtors. For other non-construction sectors we used estimates of statewide employment by industry from Chmura Economics and adjusted total employment based on industry market data from IBIS World and industry resources.

Findings

Based on the data described above, the housing industry generated \$47.8 billion in economic activity in the Commonwealth of Virginia in 2015 (see Table 2). This level of impact boosted total gross state product by about \$23.3 billion and supported over 314,000 jobs paying over \$14 billion in salaries, wages, and benefits. The business activities and transactions supporting the housing industry provided substantial support to state and local taxing jurisdictions with revenues approaching \$1.7 billion in 2015.

Table 2: Economic Impacts of the Virginia Housing Industry, 2015

Description	Impact
Output (transactions)	\$ 47,814,092,000
Value Added (gross state product)	\$ 23,269,525,000
Labor Income (salaries, wages, benefits)	\$ 14,197,085,000
Jobs	314,299
State and Local Taxes	\$ 1,665,701,000

Sources: GMU Center for Regional Analysis, Chmura Economics, IBIS World, industry sources, IMPLAN.

The impacts presented here are impressive, but leave a question regarding comparative scale. While we do not offer an assessment of the total economic impacts of all industries in the Commonwealth, it is useful to consider how the housing industry stacks up against the state's other major industries. Using the data from this analysis, IMPLAN, and other industry reports, we compared direct outputs across the largest industry sectors. As shown in Table 2, federal procurement spending, including Department of Defense spending, in the private sector generated over \$100 billion in direct economic activity. It is the largest single contributor to the

PHASE I

state economy.¹ As is well known, this has historically been one of Virginia's economic strengths, but recession, sequestration, and some military base realignments has forced the state to boost other industrial sectors to promote future growth. The importance of having a healthy, diversified housing market providing affordable opportunities for workers across the economic spectrum is addressed throughout this research project.

The data presented show that the Housing Industry is Virginia's 6th largest private sector industry. Interestingly, non-residential construction is the 5th largest industry, which in part is driven by housing induced demand for infrastructure. Retail and Wholesale Trade and Healthcare Services are also among the largest sectors. Also appearing on this list are Transportation and Warehousing, reflecting the importance of the state's many transportation assets, and traditional food production and tobacco industries.

Table 3: Virginia's Largest Private Sector Industries

Industry	Direct Output
Federal Procurement Spending (FY15)	\$ 100.4 billion
Defense Spending	\$ 65.0 billion
Healthcare Services	\$ 44.3 billion
Retail	\$ 36.6 billion
Wholesale	\$ 30.3 billion
Non-Residential Construction	\$ 30.1 billion
Housing (construction, real estate services, household services)	\$ 28.1 billion
Transportation & Warehousing	\$ 24.6 billion
Food & Beverage Product Manufacturing	\$ 16.9 billion
Tobacco	\$ 11.7 billion

Sources: IMPLAN, ODU (2015)

Conclusions

The housing industry is one of the largest contributors to Virginia's economy, as it created \$47.8 billion in economic activity in 2015. This activity supports over 314,000 jobs paying more than \$14 billion in annual wages, salaries, and benefits. About 8 percent of all jobs in Virginia (including agricultural and government employment) are related to private sector housing activities. As important as the housing industry is to the state's economy, having an efficient housing market than can supply housing products to all Virginia residents is key to economic development efforts and the vitality of all Virginia communities. These issues are discussed in greater detail in other components of our study: *Addressing the Importance of Housing for Virginia's Economy*.

¹ Data presented on federal spending represent fiscal year 2015, which is not the same as calendar year data used for other measures. However, the data support an assessment of the magnitude of contributions from this sector of the economy. The data presented are sourced from Old Dominion University's State of the Commonwealth report for 2015.

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TECHNICAL APPENDIX

The following offers details regarding key assumptions and methodologies employed in estimating the economic impact of the housing industry on the Commonwealth of Virginia.

- Input-Output Model: IMPLAN
 - Trade Flow model
 - Type SAM multipliers (social accounting matrix)
- Data sources
 - Industry output for construction sectors from IMPLAN model
 - Output for residential real estate brokers estimated based on the value of total recorded home sales in Virginia for 2015 multiplied by 5.2%, which is the estimated brokerage fees for all transactions. Source of information is the Virginia Association of Realtors.
 - Other industry sector inputs are based on headcount employment. Headcount employment by sector come from the Jobs EQ databased provided by Chmura Economics. The Virginia Housing Development Authority provided FTE jobs data for their organization, which was converted to headcount jobs using an industry-specific adjustment factor found in the IMPLAN data set.
- Input Data Adjustment
 - For industries that include residential and non-residential activities, such as interior design work, we only counted that proportion of industry activity representing services or sales to residential households. Market segmentation is based on data from IBIS World and other industry sources.
- Model Output Adjustment
 - Because we used inputs from multiple sectors of the economy, it is necessary to adjust the IMPLAN model outputs to avoid double counting impacts in the indirect and induced components.
 - For any industry that appears as a direct effect, we remove crossover induced effects so this household spending is not counted twice.
 - We also adjust indirect effects where a home builder may purchase certain residential services as a part of the building process – pre-finish termite treatments as an example.
 - All remaining induced impacts by the proportion of total industry activity associated with the housing industry (6.3%) to prevent double counting household spending effects.

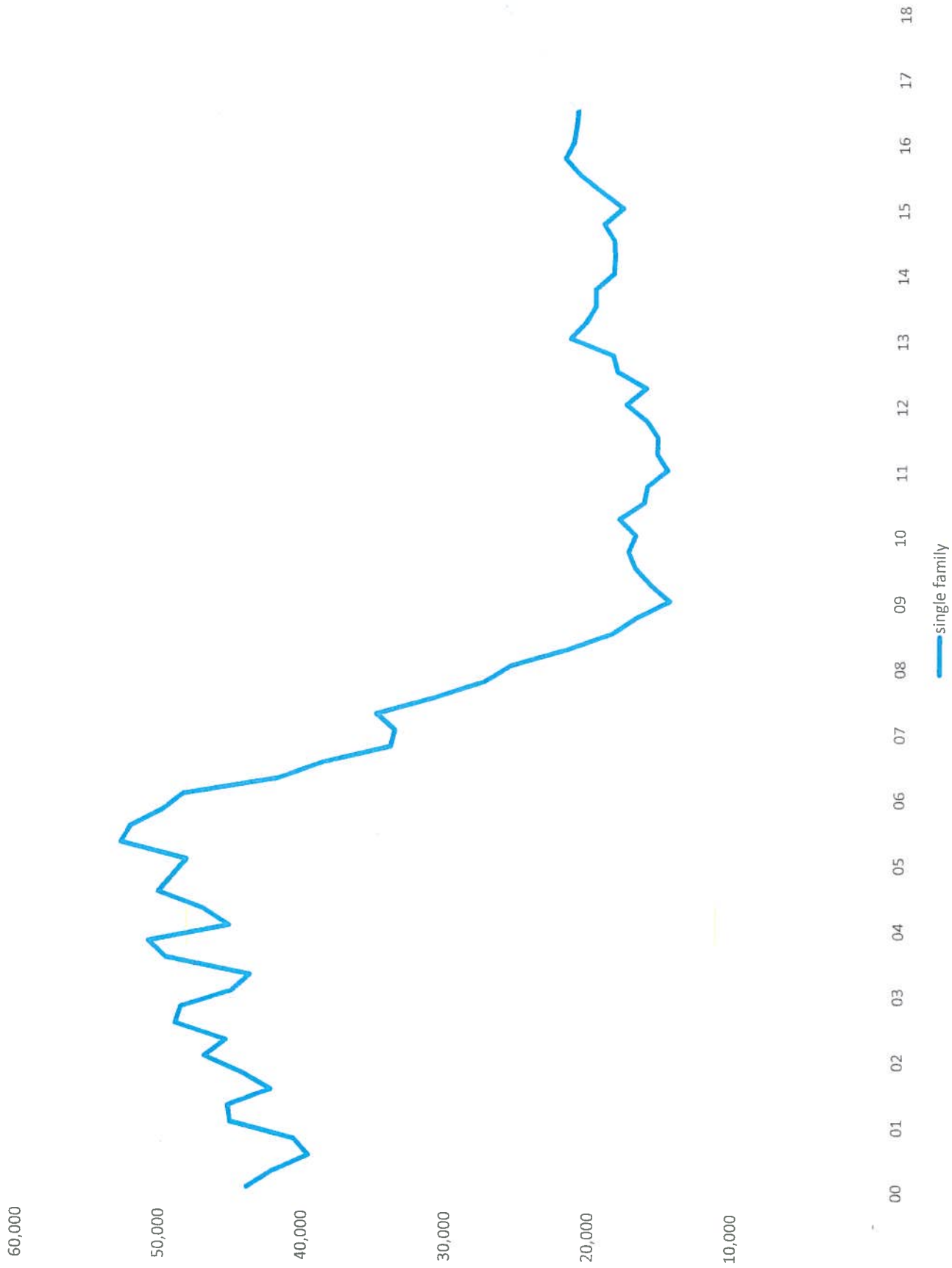
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Industries and Assumptions Used in Modeling the Economic Impacts of the Housing Industry

NAICS	IMPLAN	Description	Jobs	Value (000s)	Adjustment	Input	Notes
236115	59	SF new construction	10,210	\$ 5,390,708		\$ 5,390,708	Includes trades
236116	60	MF new construction	758	\$ 1,244,643		\$ 1,244,643	Includes trades
236117	61	Other new construction	2,619	\$ 8,105,171		\$ 8,105,171	Includes trades
236118	63	Maintenance & repair residential	14,805	\$ 2,611,078		\$ 2,611,078	Includes trades
442299	397	household furniture sales	11,332		0.61	6,913	households, also includes 442110
443141	398	appliance retailers	819		0.881	722	
444110	399	lumber and building materials retail	18,689		0.1	1,869	DIY only
484210	411	movers	5,352		0.605	3,238	residential
522120	433	Savings banks & thrifts	351		0.43	151	43% residential mortgage, 4.3% home equity
522292	434	real estate loans and collateralized debt	7,875		0.317	2,496	Fannie, FHLMC, real estate lending
522310	434	loan brokers	1,703		0.805	1,371	residential mortgages
524126	437	property & casualty insurance	13,920		0.151	2,102	homeowners
524127	437	title insurance	1,782		1	1,782	estimate, 27.6% includes cars, homes & renters
524210	438	insurance brokers	17,941		0.13	2,332	
531210	440	real estate sales brokerage	15,362	\$ 1,813,240		\$ 1,813,240	2015 total sales (\$34.87 b) X 5.2%
531311	440	property management	11,621		1	11,621	residential property management
531320	440	real estate appraisal	1,153		0.265	306	
541110	447	law firms	25,023		0.024	601	29.1% households X 8.1% real estate = 2.4%
541191	447	conveyance/title services (legal)	1,463		0.426	623	42.6% individual
541350	449	building inspectors	721		0.283	204	home, n/inc 5.5% new construction
541410	450	interior design	1,385		0.468	648	residential
561621	467	home security	4,150		0.5	2,075	Estimate based on industry avgs
561710	468	pest control	3,561		0.683	2,432	
561720	468	janitorial	47,852		0.083	3,972	residential
561730	469	lawn and landscape	27,145		0.74	20,087	residential, includes arborists
562111	471	waste collection	3,997		0.353	1,411	residential
624229	486	agencies	378		1	378	VHDA 378 headcount jobs*
811412	508	appliance repair	670		0.75	503	households
811420	508	furniture repair	528		0.455	240	residential
813990	516	home owners' associations	2,822		0.647	1,826	n/inc amenities mgmt. (pools, etc)
814110	517	maids, nannies, gardeners	10,302		0.372	3,832	house cleaners, gardeners

* IMPLAN jobs are expressed as headcount jobs. Conversion factor for FTE from the IMPLAN model for VHDA is 328 FTEs / 0.867383279 = 378

HISTORY: Virginia Single Family Housing Starts



Credit: Robert Denk, Chief Economist, National Association of Home Builders

ORIGINAL

1
2 VIRGINIA:
3
4
5

6 BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

7 Public Hearing
8
9

10
11
12
13 May 15, 2016 at 10:00 a.m.
14

15 John Ainslie, Chairman

16 and Board Members
17
18
19
20

21 When heard at:
22 4224 Cox Road
23 Glen Allen, Virginia

24 CRANE-SNEAD & ASSOCIATES, INC.
25 4914 Fitzhugh Avenue - Suite 203
Richmond, Virginia 23230
Tel. No. (804) 355-4335

CRANE-SNEAD & ASSOCIATES, INC.

1
2 NOTE: The public hearing was called
3 to begin at 10:00 a.m.
4

5 MR. CHAIRMAN: Good morning. My name
6 is John Ainslie. I currently serve as the Chairman of
7 the Virginia Board of Housing and Community
8 Development. The Board is holding a public hearing
9 today to receive comments regarding the proposed
10 regulations.

11 At this point, it is my pleasure to
12 welcome the members of the Board of Housing and
13 Community Development and the Virginia Fire Services
14 Board that are present here today.

15 Before we begin to receive comment, I
16 would like to explain how the hearing will be
17 conducted. Anyone wishing to speak can sign in at the
18 registration desk near the door. Comments offered by
19 a previous speaker need not be repeated. The speaker
20 may establish their position on any point simply by
21 referring to the earlier statement which expresses his
22 or her position.

23 We ask that each speaker limit
24 remarks to three minutes due to the number of people
25 we expect to comment on various issues.

CRANE-SNEAD & ASSOCIATES, INC.

1 We welcome the submission of written
2 statements. In such cases, oral comments are not
3 necessary.

4 The Board will review all written
5 materials that are submitted. If you have a written
6 statement, please leave them with Kyle Flanders. He
7 is back there.

8 We will receive public comment for
9 proposed regulations in this order; First, the
10 Virginia Statewide Fire Prevention Code. Next,
11 Virginia Amusement Device Regulations. Followed by
12 the Virginia Industrialized Building Safety
13 Regulations. And lastly, the Uniform Statewide
14 Building Code.

15 I now open the public hearing and
16 call the first speaker.

17 MR. CHAIRMAN: John Caufield.

18 MR. CAUFIELD: John Cauffield. I am
19 the Mid-Atlantic Regional Director for the National
20 Fire Protection Association.

21 NFPA has been around for about 120
22 years. One of the two primary standards development
23 organizations in the country, along with ICC: I
24 recognize that ICC is the predominant code here in
25 Virginia. Nonetheless, there are a multitude of

1 references to NFPA codes and standards of which there
2 are over 300 NFPA codes and standards.

3 I have two very simple points. One
4 is, given the volume and the weight of what is being
5 considered here, I really wonder why this process is
6 going so quickly.

7 NFPA and ICC each take 18 to 24
8 months of thorough review by a highly proficient
9 technical experts representing a wide cross-section of
10 interested parties, if you will. There is robust
11 debate. And I'm not suggesting that any of that is
12 not happening here. But this whole process is a
13 pretty significant change in my opinion. It is being
14 done in a rushed manner in my opinion.

15 Ultimately, as I read this and
16 understand it, you are going to have basically two
17 codes. You're going to have the Virginia State Fire
18 Protection Code, and you're going to that the IFC,
19 International Fire Code. That's where a lot of the
20 references are.

21 The problem there is one of
22 unintended consequences largely. Both NFPA and ICC
23 have several hundred page documents that are just
24 about the fire code. Then there is the whole issue of
25 which code is subservient to the other. That is

1 pretty clear in my reading of this.

2 However, go back to the unintended
3 consequences. Many of these sort of touch points
4 about general subject areas require some pretty deep
5 analysis to figure out where there are touch points,
6 where there is competing interest.

7 I will point to the NFPA process. We
8 have something called technical quality. When we have
9 competing codes or partner codes that are meant to
10 work in conjunction with each other, the committee is
11 solely designated to review some of these touch points
12 and flush out the details before the process is good
13 to go. I don't see that kind of process going on here
14 in the Virginia deliberations.

15 I would suggest that, absent that,
16 you're creating a whole lot of unintended
17 consequences. It is kind of hard to put that genie
18 back in the bottle when the process has concluded.

19 I would urge you to take some
20 thought, give this some consideration. Think about
21 this. Look at something like a correlating committee
22 to really figure out where these touch points are.
23 With two codes, you're going to have competing issues.
24 Thank you.

25 MR. CHAIRMAN: Thank you.

1 BOARD MEMBER: Glenn Dean.

2 MR. DEAN: Good morning. My name is
3 Glenn Dean. I am representing myself simply because I
4 have a longstanding interest in this subject,
5 Statewide Fire Prevention Code.

6 It is a me-too, as far as
7 Mr. Caufield, as far as ill intended consequences,
8 because I think I spoke to that about a year ago.

9 Also a year ago, I posed the
10 question, and I'll paraphrase, in asking, where is the
11 problem? Nobody has been able to formally identify,
12 quantify a problem with the Statewide Fire Prevention
13 Code in its current form.

14 I know about the proposed
15 regulations. No harm, no foul there. But since then,
16 there has been a series of meetings that I've been
17 exposed to that basically wants to, and use whatever
18 descriptor you want, gut the fire code, rewrite the
19 fire code, remove unenforceable conditions. Pick one.
20 Doesn't matter.

21 The problem with it is, again, as
22 Mr. Caufield spoke of was the speed and the unintended
23 consequence that arise from that.

24 I want to focus on where is the
25 problem. Now, I know the Board of Housing and

1 Community Development has directed that this be done,
2 but it is based on what? Where is the quantifiable
3 identified problem?

4 Now, we probably could all hold up
5 instances of problems with the code, be it the
6 building code, maintenance code, industrialized
7 building fire code or whatever. Pick one. In order
8 to come close to formally identifying and quantifying
9 the problem, whatever that problem may be, I'd ask you
10 to take a look at the history of the State Technical
11 Review Board. What code comes before the TRB most
12 frequently, and based on what?

13 Now, if you want to talk about the
14 complexity of the respective codes, the complexity of
15 the building code versus the complexity of the fire
16 code versus the complexity of the maintenance code,
17 you know, there may be some correlation there,
18 relationship ratio or whatever the case may be.

19 All right. Let's take it down
20 between the maintenance code and the fire code. How
21 many times has the question or an issue come before
22 TRB based on the maintenance code versus the fire
23 code? Now, due to sheer volume, most frequently it is
24 going to be the building code. But I would submit to
25 you that that is probably the closest that you're

1 gonna get to formally quantifying or identifying
2 problems in these respective codes.

3 I would submit to you that it is
4 really insufficient to undertake this kind of effort.
5 Thank you.

6 MR. CHAIRMAN: Next speaker, David
7 Beam.

8 MR. BEAM: Morning. With all due
9 respect, first, I represent VBCOA. I serve as
10 president currently in Virginia Building Code
11 Officials Association. With all due respect, two of
12 the things that have been said previously, the State
13 of Virginia recognizes one code, the Uniform Statewide
14 Building Code. It doesn't recognize the IFC. It
15 adopts the IFS into the codes. It does not actually
16 say that the IFS is the State code. So there is only
17 one code. There's not two.

18 As far as the issue, as far as
19 problems, the problems have been identified. Whether
20 somebody chooses to understand those problems or agree
21 with those problems, we can debate and argue that all
22 day long.

23 The biggest issue that this Board put
24 before VHCD in quite some time was back July 28, 2014
25 where it asked VHCD to go through and remove all

1 unenforceable language out of the codes. All of the
2 codes. Not just the Statewide Fire Prevention Code,
3 but the IRC, the IBC, the DMC, all of the codes. That
4 was a directive that VHCD started shortly thereafter.

5 We haven't rushed this process. The
6 process started in 2014. There were over ten meetings
7 sat down by VHDC with a representation of all
8 statewide partners, all partners who were concerned.
9 Of those meetings, approximately 50 percent of those
10 were fire prevention people, fire codes.

11 The process not that is undertaking
12 is the Fire Services Board, which is fine. There have
13 actually been some corrections that have been needed
14 to be made by the Fire Services Board.

15 VHCD has recognized those. We are
16 still working with workgroups to get those taken care
17 of. It was that that actually, seemed to have
18 actually been missed by VHCD that were still
19 unenforceable language.

20 The process needs to go forward. We
21 are currently at the end of the code change process.
22 These changes need to be taken care of now. We don't
23 need to delay this process any further.

24 There may be unintended consequences,
25 but I seriously doubt that there is anything that

1 would preclude from adopting the codes as they are by
2 VHCD at this point in time. Thank you very much.

3 INDIVIDUAL: Can we ask questions:

4 MR. CHAIRMAN: Today is just a
5 hearing. Unless you need somebody to clarify
6 something, there will be future meetings for
7 questions.

8 MR. CHAIRMAN: Next speaker is Greg
9 Fields.

10 MR. FIELDS: Good morning. Greg
11 Fields, First Vice President of VBCOA. I represent
12 VBCOA. For a matter of time, I just wanted to echo
13 what President Beam has said. He had some good
14 comments there, and I want to go on his testimony.

15 At the same time, there's numerous
16 conflicts in going through these codes, multiple times
17 trying to go through these things, all parties were
18 involved in this. I urge you just not to delay this
19 any further. Let's move forward on this. Thank you.

20 MR. CHAIRMAN: Next speaker, Rick
21 Witt.

22 MR. WITT: Good morning.
23 Mr. Chairman and members of the Board, I appreciate
24 the opportunity to speak today. I represent the VBCOA
25 Fire Code. We want to reiterate our support for the

1 proposed code change to remove not-enforceable
2 language from the Virginia Fire Prevention Code.

3 This fall, this proposed change will
4 have undergone over two years of review. There should
5 be no reason to withhold this based on anyone's
6 suggestion that they didn't have enough time to
7 consider the change or that it reduce public safety.
8 I thank you for time. I'd be glad to answer any
9 questions you have.

10 MR. DAWSON/BOARD MEMBER: One
11 clarifying question. How many fire officials are on
12 the VBCOA Fire Code committed?

13 MR. WITT: One. That is one of many
14 committees. They have a lot of committees.

15 MR. CHAIRMAN: Thank you.

16 Next speaker, Linda Hale.

17 MS. HALE: Good morning. I'm the
18 Chief Fire Marshal of Loudon County. I've been an
19 active participant in this particular code change, and
20 I've been before many of you before speaking to this.

21 First of all, I'd like to be able to
22 thank you for your time and dedication to the fire and
23 life safety in the promulgation of the Statewide Fire
24 Prevention Code.

25 Someone previously stated that there

1 is only one code in Virginia, and that nothing
2 actually adopted the IFC. I would disagree with that.

3 Virginia Code 27-94 actually
4 promulgates and adopts the Statewide Fire Prevention
5 Code. The basis of that actually is the IFC. It is
6 correct that we don't enforce the IFC, but it would be
7 incorrect to state that we don't ultimately adopt
8 portions of it.

9 As you are aware, there has been an
10 effort under way since October of 2015 to remove the
11 unenforceable items specifically from the Statewide
12 Fire Prevention Code. That's what I'm here to speak
13 of, not of the process that went through the
14 maintenance code.

15 This project has been led by staff of
16 the Department of Housing and Community Development.
17 This process concluded in the summer of 2016. The
18 first draft of these changes were posted on CDP
19 Virginia on Tuesday, September 20th, 2016.

20 Throughout this process, many from
21 fire service, including myself, continue to raise the
22 staunch concern that this process was and is
23 continuing to move too fast. There will be unintended
24 consequences by the removal of other enforceable
25 items. This was and is not, a remark against those

1 proposing these changes, but rather the speed and
2 isolation of which these changes were made.

3 November 3rd, 2016, Secretary
4 Haymore, in consult with the Board of Housing and
5 Community Development, DHDC staff and many of you
6 heard these concerns and agreed to provide additional
7 time for input and review.

8 Following direction of the Then
9 Chairman of the Board of Housing and Community
10 Development, which you are all very familiar, the Fire
11 Services Board's Codes and Standards Committee, which
12 includes members of the Virginia Building and Code
13 Officials Association, tackled the project of bringing
14 together members of the Fire Service and Building Code
15 Enforcement to remove the unenforceable items from the
16 Statewide Fire Prevention Code in conjunction with
17 DHDC and several of the other fire services.

18 This process has been far slower,
19 more meticulous, inclusive and driven for positive
20 change, as opposed to meeting a deadline.

21 When a member of the building code
22 enforcement is unable to attend or must leave, the
23 meeting ends, so that full input from all perspective
24 may be achieved. While extremely and slow, this
25 process is working.

1 The Fire Service Board's Codes and
2 Standards Committee started this process in November
3 of 2016, and has continued to work to date.

4 To date, there have been nearly
5 completed through Chapter 9 of a 47 chapter document.

6 April 25th, 2016, the first six
7 chapters were submitted by the Fire Services Board
8 Codes and Standards Committee to prepare to discuss
9 and uphold the VHCD sponsored Fire Code Edit
10 Workgroup, so that what had previously been proposed
11 by VHCD staff could be compared.

12 Some of you were present at this
13 meeting and witnessed firsthand how the positive
14 results could be achieved. This process yielded many
15 great discussions and sense of changes, far more than
16 had previously been achieved. And for once, I
17 personally saw a positive through a well-vetted
18 process for these changes.

19 This process of comparing the Fire
20 Services Board Codes and Standards Committee and VHCD
21 staff proposal is working, albeit extremely
22 time-consuming and overwhelming.

23 It is not physically possible for the
24 Fire Services Board Codes and Standards Committee to
25 complete the remaining 37 chapters before the deadline

1 of May 26, 2017 so the changes may be included in the
2 Virginia Register.

3 With the current scrutiny that each
4 section is being addressed, a more likely timeframe
5 for completion would be late this fall.

6 The grave concerns that the removal
7 of unenforceable items is not an urgent or emergent
8 matter for the Statewide Fire Prevention Code. That
9 sense of forcing changes through may cause an
10 emergency with the changes that have not yet been
11 well-vetted.

12 I am again asking that this process
13 be extended in the 2018 code adoption process. It was
14 working, and they continue to make positive strides
15 forward following the direction of the Board of
16 Housing and Community Development to remove the
17 unenforceable items. Thank you.

18 MR. NEXTMAN: There are no more
19 people signed up. Is there anyone else who would like
20 to speak to the Fire Prevention Code prior to us
21 moving on to the next regulations.

22 Yes, sir. Step forward and state
23 your name.

24 MR. FURR: My name is Russell Furr,
25 Fire Official for the City of Alexandria. I would

1 just like to echo some of the previous comments that I
2 do feel this process is going through unreasonable
3 fast for the amount of code sections that are being
4 considered.

5 This code has been vetted through
6 this process for a number of years with no issues. We
7 already have a process in place for challenges to the
8 code and the way it is applied to the Technical Review
9 Board.

10 Again, as previously stated, with the
11 number of codes being considered for elimination or
12 revision, I do believe it is reasonable to delay,
13 especially ones that are non-consensus to another code
14 cycle or leave the existing code in place. Thank you.

15 MR. NEXT MAN: Anybody else before we
16 move on?

17 Seeing none, we will now move to the
18 Virginia Amusement Device. We have no speakers signed
19 up. Is there anyone in the audience that would like
20 to speak to that code?

21 MR. CHAIRMAN: Seeing none, we will
22 move on to Industrialized Buildings. We have no
23 speakers signed up for that. Is there anyone in the
24 audience who would like to speak to the Industrialized
25 Building Safety Regulations?

1 Seeing none, we will move on to the
2 Virginia Uniform Statewide Building Code.

3 First speaker is Ross Shearer.

4 MR. SHEARER: Morning. I'm Ross
5 Shearer. I have lived here for over 30 years. I'm
6 here to address you about the purpose of the energy
7 code section. Why does the Commonwealth have building
8 codes, energy conservation, and efficiency section in
9 particular, Section 3699 of the Code of Virginia
10 answers that question stating who its beneficiaries
11 are and by what manner they are to be served, provide
12 the provisions of the Code shall protect the health,
13 safety and welfare of the residents of the
14 Commonwealth, that houses be constructed,
15 rehabilitated, maintained with the least possible cost
16 consistent with recognized standards for health,
17 safety and energy conservation. The Board have due
18 authority to accept its standards as recommended by
19 the nationally recognized organization, including the
20 standards of the National Code.

21 The code currently being proposed
22 ignores and dismisses the primary elements recommended
23 by the International Code Council on energy
24 conservation. Thus, both the current code and
25 slightly amended one proposed fail to fulfill the

1 purpose of Section 3699 of the Code of Virginia to
2 protect the welfare by having due regard for ICC
3 recommendations.

4 I propose Amendment, Paragraph 102.1
5 of the Uniform State Building Code to clarify that
6 revealing the least cost possible consistent with
7 recognized standards of energy conservation includes
8 user operating costs for the energy requirement
9 maintaining comfort. The recommendations of the ICC's
10 International Energy and Conservation Code are cost
11 effective and will save Virginia money thereby
12 significantly reduces economic disruption that leads
13 to mortgage defaults.

14 I came here today to ask for proposed
15 stated purpose of code by acting to adopt the energy
16 saving code amendments proposed by others, as well as
17 my proposed clarification. Most important of the
18 proposed amendments are those to eliminate individual
19 inspections, requirement of mechanical complex traits,
20 reduce the leaky traits and to improve ceiling and
21 interior wall insulation to match or exceed the IBCC's
22 model code. Thank you very much.

23 MR. CHAIRMAN: Next is Tim Stevens.

24 MR. STEVENS: Members of the Board,
25 good morning. My name is Tim Stevens. I'm a resident

1 of the City of Falls Church. I serve as Chair of
2 their Energy Transition Subcommittee. I'm also a
3 member of their planning commission.

4 I am here today because I'm concerned
5 that individuals buying new homes in Virginia are
6 getting a lesser product than persons buying new homes
7 in neighboring states. This is due to our having a
8 Uniform State Building Code that does not incorporate
9 all of the energy saving elements contained in the
10 2012, 2015 International Energy Conservation Code.

11 As a consequence, individuals of
12 Virginia don't automatically get things such as R49
13 insulation in their attic, mechanical blowers to
14 insure the key HVAC elements are installed. No duct
15 blaster test to insure the leakage is limited. As a
16 consequence, they are likely to pay quite a bit more
17 in operating costs while in the house than neighbors
18 in Maryland or D.C. We in the community incur the
19 higher costs associated with the extra greenhouse gas
20 emissions that come from less energy efficient homes.

21 So I ask that you look beyond the
22 argument that lower first costs are what is really
23 important and tend to the broader benefits that come
24 from using the standards of the 2012 and 2015
25 International Energy Conservation Code to achieve

1 energy efficient new residential homes in Virginia.

2 Recently, I purchased a townhouse in
3 Savannah, Georgia. While Georgia is not particularly
4 known for regulatory leadership, they do require a
5 blower door test for new residential construction. So
6 I asked for and received results of the blower door
7 test for my unit. It shows that my unit achieves
8 roughly three air changes per hour. With that test, I
9 get the added knowledge that my future energy bills
10 will be lower than they would be with a house that
11 leaked more air. We should have a blower door test as
12 part of our code.

13 Also, recently the City of Falls
14 Church, like many cities around the US and around the
15 globe, passed a resolution setting a charge that by
16 2050 the citywide greenhouse emissions would be 80
17 percent than the 2005 levels. This is a lofty and
18 worthwhile goal. But without the help of a solid
19 statewide residential building code, it will be nearly
20 impossible to meet that goal. Thank you.

21 MR. CHAIRMAN: Next speaker is Zack
22 Miller.

23 MR. MILLER: Good morning, members of
24 the Board. I'm Zack Miller. I'm the Policy Director
25 with the Virginia Housing Alliance. This morning I

1 have brief comment on the building code on behalf of
2 the VHA and the members of its Multifamily Energy
3 Efficiency Coalition. We support stronger energy
4 efficiency standards in Virginia's building code
5 because we believe that efficiency is a reliable, cost
6 effective way to make housing more affordable to
7 Virginians at all income levels, renters and
8 homeowners alike.

9 I'd like to highlight the result of
10 the 2015 study that some of you may already be
11 familiar with, a study from Housing Virginia and
12 Virginia Tech's Center for Housing Research. It
13 looked at actual utility usage data in 15 low income
14 housing tax credit projects across the state that were
15 built or renovated to the EarthCraft standards,
16 program provided by Viridiant. The EarthCraft program
17 standards includes blower door tests, duct leakage
18 tests, higher R values in wall assemblies and many
19 other smart building techniques that are included in
20 the 2015 IECC, but not in our current draft of the
21 2015 USBC.

22 The study was the first of its kind
23 in Virginia, and found that on average by building to
24 the EarthCraft standard, these apartments conceived 40
25 percent less energy than standard construction, and

1 actually outperformed the program's projected energy
2 models by 17 percent on average. Translated to 2014
3 energy costs, these apartments were saving the average
4 resident \$54 a month or \$648 annually.

5 This seemingly modest amount
6 constitutes almost 10 percent of the total housing
7 cost for extremely low income renters. So it makes a
8 real difference in their lives and on their family
9 budgets.

10 Now, Phase 2 of this study, which
11 will be released this summer, has continued to look at
12 those units and has found sustained and actually
13 slightly increased energy savings over three years of
14 data now being analyzed.

15 Also, the study reviewed costs and
16 found the difference in the total cost between green
17 and non-green low income house and tax credit
18 developments not to be statistically significant. The
19 result of this study suggests that we can indeed rely
20 on efficiency measures such as those prescribed by the
21 2015 IECC to reliably provide Virginians with homes
22 that are more affordable, and incidentally, as the
23 other speaker mentioned, more comfortable and more
24 healthy.

25 Energy efficient construction, as

1 I've mentioned, also carries substantial benefits for
2 homeowners as well. Just one example, 2013 study from
3 the University of North Carolina Center for Community
4 Capital, compared mortgage default rates in a sample
5 of 71,000 Energy Star and non-Energy Star homes,
6 including many in Virginia. This study found that
7 default risks are on average 32 percent lower in the
8 energy efficient homes, while accounting for loan,
9 household and other neighborhood characteristics.

10 Finally, energy modeling by U.S. DOE
11 estimates that had Virginia adopted the 2012 IECC in
12 it's last code cycle, occupants of average new homes
13 in Virginia would have enjoyed a net annual cash flow
14 savings of \$272 starting from Year 1, and a life cycle
15 cost savings of \$5,836 over the course of a 30 year
16 mortgage.

17 With all this in mind, I ask the
18 Board strongly consider the long-term benefits and
19 stronger efficiency standards the USBC would deliver
20 to owners and renters living in these houses over the
21 course of the lifespan of these buildings. Thank you
22 very much.

23 MR. CHAIRMAN: Next speaker, Chelsea
24 Harnish.

25 MS. HARNISH: Good morning. My name

1 is Chelsea Harnish. I'm here today on behalf of the
2 Virginia Energy Efficiency Council to support the
3 inclusion of rigorous energy proposals as part of the
4 current draft of the Uniform Statewide Building Code.

5 The VAEEC is the voice an energy
6 efficiency industry of the Commonwealth. Our members
7 include Fortune 500 companies, small businesses,
8 universities, non-profits, local government, state
9 agencies, utilities and individuals.

10 As a 501c3 organization based in
11 Richmond, our goal is to insure energy efficiency is
12 recognized as an integral part of Virginia's economy
13 and management.

14 Governor McAuliffe understands that
15 energy efficiency is an integral part of Virginia's
16 economy. Staff from the State Energy Office presented
17 me and to the Governor's Executive Committee of Energy
18 Efficiency showing that adoption of the 2015 IEC Model
19 Code is vital for the Commonwealth to meet its goal of
20 reducing energy consumption ten percent by 2020.

21 We are pleased to see several new
22 efficiency improvements for lighting, hot water pipe
23 insulation and the creation of the Energy Rating Index
24 or ERI compliance option in the draft USBC.

25 According to a DOE report, requiring

1 hot water pipe insulation, as well as mechanical
2 testing for both air duct tightness and building
3 tightness are significant opportunities for Virginia.

4 According to the EPA, leaky ducts can
5 reduce the performance efficiency of heating and
6 cooling units by 20 percent.

7 The good news is that a proposal to
8 include mechanical duct testing received unanimous
9 support by a recent energy subgroup meeting, which
10 include efficiency applicants, homebuilders and code
11 officials. This proposal, if passed, will bring
12 Virginia's duct testing requirement up to the current
13 2015 IECC standard.

14 We also support a second proposal
15 from the energy subgroup which would adopt the 2018
16 IECC compliance option, instead of the 2015 version.
17 This newer version gives homebuilders greater
18 flexibility and tradeoff options which is important
19 since homebuilders in states that have already adopted
20 the 2015 IECC have been slow to use this pathway.

21 By implementing the 2018 version,
22 Virginia is making the ERA pathway more enticing,
23 which will hopefully resolve in greater participation.

24 We support the advancement of these
25 two proposals and respectfully ask the Board to

1 include them in the final regulations when they are
2 adopted later this year.

3 We also want to stress the importance
4 of requiring mechanical testing for building and flow
5 of air tightness. Proper air tightness helps
6 consumers save money on their energy bills while
7 maintaining consistent comfort level throughout the
8 home by reducing the potential for air leakage to the
9 outside.

10 Everyone wins when new homes are
11 built to the most cost effective efficiency standards.
12 This is why the VAEEC support inclusion of these
13 proposals in the final draft. Thank you.

14 MR. CHAIRMAN: Thank you.

15 Next is Nick Brousse. I hope I
16 pronounced that correctly.

17 MR. BROUSSE: You did. That is very
18 impressive, especially with my handwriting on the
19 sign-in sheet. Thank you for the opportunity to speak
20 this morning. My name is Nick Brousse. I'm speaking
21 on behalf of the U.S. Green Building Council and as a
22 resident of Virginia from Fredericksburg.

23 The U.S. Green Building Council is
24 the premier of the elite green building standard. It
25 is an above code standard that uses high performance

1 measures, and cost effective energy efficiency
2 strategies to produce green buildings. You might
3 think to yourself, can that work in Virginia? The
4 answer is yes. We have nearly 1200 certified projects
5 in the state of Virginia encompassing 140 million
6 square feet in every corner of Virginia, not just
7 Northern Virginia. Every corner. Down near Bristol,
8 Virginia. We're all over the place.

9 I will attach my name to the comments
10 made before me. And in the interest of time, I will
11 not speak to those, and also in self-preservation as I
12 can not speak to those as eloquently as the speakers
13 before me.

14 Just pay particular attention to the
15 study from Virginia Tech that was mentioned and
16 projects using low income tax credits. That study
17 researched both EarthCraft and LEED Certified
18 Buildings. It did find 40 percent energy reductions
19 which weighed into real savings for low income
20 families.

21 Secondly, I will say another industry
22 that is Araci[sp], above code standards of energy
23 efficiency in the environment is, I think, the only
24 other industry in the U.S. that may be more judicious
25 when considering changes to anything than the

1 buildings industry. That is the mortgage financing
2 industry. They now offer in multi-family sector
3 incentives like reduced interest rates, higher capital
4 loans for above code certifications. That adds to the
5 value of these programs, the quality, and also the
6 occupant experience.

7 Lastly, I will say that many of the
8 basic energy efficiency measures that the USGBC draft,
9 we implore you to find ways like ERI to include ways
10 that lend itself to the use of above code
11 certifications like LEED. ERI uses the home energy
12 rating system, which is a performance measure in LEED.
13 That just enables more flexibility to achieve better
14 results and energy efficiency. Thank you very much.

15 MR. CHAIRMAN: Thank you.

16 Next speaker Mike Tolsin.

17 MR. TOLSIN: Good morning, members of
18 the Board. I'm Mike Tolsin. I'm Chief Executive
19 Officer of the Homebuilder's Association of Virginia.
20 For those of you who may not know, HBAV is one of the
21 largest big business organizations in the state. We
22 represent over 3200 homebuilders and companies that
23 provide products and services of the housing industry.

24 I'd like to start my comments this
25 morning by sharing with you the facts that the housing

1 industry in Virginia is a major component of the
2 economy of the Commonwealth. Something kind of
3 important to employment and jobs in Virginia.

4 I share that the Secretary of
5 Commerce and Trade recently ordered a study on the
6 economic impact of housing. That study was conducted
7 by VCU, George Mason University, Virginia Tech, and
8 William and Mary, and concluded that the housing
9 industry is the sixth largest private sector in the
10 Commonwealth of Virginia. It creates 314,299 jobs for
11 Virginia. It creates \$47.8 billion in economic
12 activity in the state. It generates \$1.6 billion in
13 local taxes and fees. I think that is important to
14 point out to you today because the decisions that
15 you're going to be making will clearly impact whether
16 this industry continues to prosper and promote growth
17 in Virginia or whether it impacts the unemployment
18 trends in the Commonwealth.

19 I'd also share with you that, as I
20 speak to you today, the housing industry is still
21 fragile. We are only producing new housing at a rate
22 equal to about 60 percent of what we consider a normal
23 market in Virginia, which would be about 40,000 new
24 homes across the Commonwealth. I share that news with
25 you to ask you to please make decisions that will

1 support the industry and not create impediments to
2 Virginia growth.

3 There's been a lot of conversation
4 this morning about energy efficiency. I guess one of
5 my first comments would be to encourage you to adopt
6 the workgroup, subgroup on energy recommendation for a
7 compromise. That compromise, as others have
8 suggested, would bring forward the 2018 energy rating
9 index. That would generate, mostly be used by our
10 national builders in Virginia, which are building
11 about 50 percent of the new homes in the Commonwealth.
12 It does include a requirement that all new homes have
13 to have ducts tested and the whole house tested. That
14 will be a big step in a movement toward high efficient
15 energy in new homes. Likewise, that compromise would
16 require all new homes in the Commonwealth to have the
17 ducts tested. We think that is a small, but good and
18 important incremental step with regard to energy
19 efficiency in the Commonwealth.

20 While I'm here, I'd like to commend
21 Chairman John Ainslie, as you all may know, John and
22 his company was just honored at the EarthCraft or
23 Meridian Home award program. One of the homes they
24 constructed was one of the ten most energy efficiency
25 homes constructed in the Commonwealth. I point that

1 out to you because John and his company, like many
2 builders in Virginia, are voluntarily building above
3 code energy efficient homes. They don't have to be
4 mandated by the Commonwealth.

5 With that said, I just point out that
6 HBAV does support the edits to the fire code. We
7 believe it is important to eliminate ambiguity between
8 the two codes, and suggest that that process should
9 move forward. Thank you for this opportunity. I'll
10 be glad to hear comments.

11 MR. CHAIRMAN: Thank you.

12 Next speaker, Andrew Grigsby.

13 MR. GRIGSBY: I have handouts. Can I
14 give handouts to everyone?

15 Good morning. My name is Andrew
16 Grigsby. I am currently the Executive Director of
17 LEAP, Local Energy Alliance Program, with offices in
18 Charlottesville and Fairfax. I'm also on the Board of
19 Virginia Energy Efficiency Council. I've spent most
20 of my adult life in the homebuilding industry, and I
21 care deeply about it. I also, for some years, was an
22 adjunct professor in a community college in building
23 science to hundreds of folks across the Commonwealth
24 teaching them smarter building techniques.

25 The first document I have shared with

1 you is text of the state law establishing the building
2 code, which I think provides some clarity on several
3 issues that are before you relative to the appropriate
4 level of energy conservation described by this code.

5 In the first paragraph, you will see
6 that twice the law stipulates that the building code
7 shall be considered maintenance, the operation of the
8 building.

9 One cannot maintain a building if one
10 can not pay the full cost of ownership. In service to
11 public welfare and the least possible cost clause
12 below, the construction code should seek to minimize
13 the overall cost of ownership, not just cost to build.

14 To follow that, further down, for
15 example, if pipes freeze and burst because of the
16 inability to pay heating costs, then the goal of
17 maintenance has not been served.

18 The absolute least cost, as is
19 referenced there and highlighted, would, for example,
20 include no attic insulation. If we are building at
21 the least cost, we would not insulate at all. That,
22 obviously, is ridiculous.

23 So the challenge here is to identify
24 what is the most cost effective amount of attic
25 insulation. And the Department of Energy studies

1 there, one was prepared five years ago, comparing to
2 the then 2009 Virginia Code to the 2012 IECC update.
3 Then the second one in orange compares the 2012 to the
4 2015. They clearly establish that the levels of
5 insulation and other high performance building
6 techniques included there provide a lower total cost
7 of ownership in spades, compared to what is currently
8 the law in Virginia.

9 It is also clear that the law
10 stipulates that our building codes shall be consistent
11 with recognized standards. Virginia's many amendments
12 to the 2012 IECC made by our code, in our code, are
13 very inconsistent with the IECC standard.

14 Further, Virginia law is clear that
15 our building codes shall consider energy conservation.
16 One of four key main variables contributing to public
17 welfare.

18 In the second paragraph there, B, you
19 will see that, again, the law calls out the National
20 Building, the International Energy Conservation Code
21 as something we should pay due regard to and provides
22 the least cost.

23 Paragraph C refers to required levels
24 of performance that, where possible, the code should
25 seek data rather than subjective inspections. Blower

1 door test data, duct leakage data provide objective
2 measures and do away with all of the problems in
3 subjective inspection. Not all of the inspections
4 provide data. Here is where we can get data.

5 Finally, we have been presented with
6 evidence that the current method of meeting
7 established thresholds for air changes and ducting
8 which have not been met. There is an easy way to
9 resolve this, adopt the 2015 without change. Thank
10 you for your time.

11 MR. CHAIRMAN: Thank you.

12 Next, we have Michael Hogan.

13 MR. HOGAN: Good morning. Thank you
14 for allowing me to speak. I'm Michael Hogan with Edge
15 Energy. I am actually one of the people that goes out
16 and tests these different areas and things like that.

17 I have been in the building industry
18 most of my career. I went from carrying lumber all
19 the way to regional manager. I've seen it all.
20 Couple years ago, I got the opportunity to learn
21 building science. I realized that we can do things
22 just a slight bit different so that we can make the
23 homes more efficient, comfort, you know, like
24 everybody said before.

25 There's a couple of things that they

1 were talking about earlier that they said were going
2 to add costs and people might get laid off. That's
3 not actually the case. We're going to add costs, but
4 we can also take money off. As you know, if you build
5 the home very efficient, you don't have to put in as
6 big a HVAC system. You can notch that down. That
7 covers some of the cost of the actual work being done
8 to seal up the home.

9 The only other thing I'd like to say,
10 because everybody said a lot more eloquently than I
11 can, it is, you can't see these things that are
12 missing. You have to test for them. You can't just
13 say, okay, that is going to go through six air
14 changes. You can't see those things. Doing the
15 testing makes a huge difference, and helps people
16 understand where the leaks are and to get them better.

17 We have one of our people go outside,
18 and they test all the time, and 60 percent of the
19 blower doors do not pass. Houses leak over that. And
20 we have to help them get to it and show them where the
21 leaks are.

22 I encourage you to pass it, the
23 energy code without changes. Thank you.

24 MR. CHAIRMAN: Thank you. Next
25 speaker, Robert Champ.

1 MR. CHAMP: Good morning. Robert
2 Champ with Edge Energy. I been up here many times. I
3 am not going to repeat what everyone else said. I'm
4 just speaking because right now is the time when my
5 job gets pretty busy. With weather heating up, I get
6 a lot of calls from homeowners who purchased a home
7 within two or three years, and they're having problems
8 with moisture issues. My job is to go and perform
9 energy audit and tests to find out what the problem
10 is. Once I get to the bottom of it, basically what I
11 have to do is explain to the homeowner that the home
12 was not tested previously because it wasn't code. So
13 the problem is that the ducts are leaking and causing
14 moisture issues inside of the drywall. So I have to
15 explain to the customer that they have to spend
16 thousands of dollars now to cut open drywall, even
17 though they just purchased this home a year and a
18 half, two years ago, and have to get everything fixed.

19 What I propose is, if we was having
20 these tests done before the drywall was hung, same way
21 someone is building a home, you have to do inspection
22 on plumbing, electrical, framing. You can't just go
23 out and say like, oh, yeah, I put the duct work in and
24 pass it. I think a third party should come out and
25 test the duct work to make sure that the home is

1 sealed up well. Because once the drywall is put up,
2 these ducts are in there for as long as the home is
3 built.

4 You can put a new HVAC system in
5 there, but if the ducts are not sealed, you're
6 basically just wasting money and wasting the
7 customer's time.

8 I strongly encourage you all to adopt
9 the code because a lot of the homes that I'm testing,
10 whether in Virginia or neighboring states -- I'm
11 currently under contract right now with the Department
12 of Energy where I'm going to a neighboring state to
13 perform duct tests, blower door, every county in the
14 state. What I find is that Virginia is behind. We
15 are failing in blower door and duct tests. It may not
16 be by a lot, but it is still failing. I encourage, as
17 a resident of Virginia and a homeowner, I encourage
18 you to adopt the code just basically for the sake of
19 your kids, grandkids, and yourself. I don't want to
20 be the person to come out to your home and have to
21 tell you that you need to spend \$3,000-\$4,000, even
22 though you just purchased a new home because it wasn't
23 tested. It was just visibly inspected. Thank you for
24 your time.

25 MR. CHAIRMAN: Thank you.

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1 Next speaker, John Semmelhack.

2 MR. SEMMELHACK: Just have some
3 materials. Good morning. My name is John Semmelhack.
4 I am the owner of a building science consulting
5 company called Think Little based in Charlottesville,
6 Virginia.

7 I just want to share with you today
8 some, some real world testing results. Blower door
9 testing and duct leakage testing here in Virginia. My
10 company only works with builders who are trying to
11 beat above code green building certification programs.
12 All of these programs require blower door testing and
13 duct testing, and have certain thresholds that are
14 required for each building to meet.

15 Over the past two and a half years,
16 we're showing you the data from 2015, 2016, 2017 on
17 the front blue and red pie charts. Slightly over 200
18 houses that we tested in those roughly two and a half
19 years.

20 On the right, over half of the houses
21 failed to meet the six percent leakage target, which
22 is currently the optional testing requirement that is
23 in the Virginia Building Code. On the blower door
24 side, nearly 1/4 of the houses failed to meet five air
25 changes per hour, optional blower door testing

1 requirement that is in the Virginia code.

2 So these are all builders and trade
3 contractors who know that they are going to be tested
4 and know what the standard is. And yet sometimes they
5 still fail to meet the standard. We work with them to
6 resolve the issues and retest, and get below that
7 threshold. So it seems pretty clear to me that a
8 visual compliance option is not going to allow us to
9 achieve nearly the same results.

10 Therefore, I urge you to require
11 blower door testing and duct leakage testing, and
12 eliminate the visual compliance option from both of
13 those in the code. Thank you.

14 MR. CHAIRMAN: Thank you. Next
15 speaker, Benjamin Knopp.

16 MR. KNOPP: Morning, members of the
17 Board. Thank you for the opportunity. I am Benjamin
18 Knopp. I also work at Think Little. I'm a resident
19 of Virginia. I live three miles away. I'm a renter.
20 I'd like to point out a few more things from this data
21 that I helped to collect myself.

22 If you look on the back, this is all
23 our data graphed out. Every single data point is on
24 this chart. If you look to the right-hand side of the
25 charts, both charts, you will see some pretty high

1 numbers that are failing by very very large figures.
2 Some of these that I have tested, from a visual
3 inspection, I would have passed them, because they
4 looked great. But in some cases there was blocking
5 that was not sealed. It was hidden, that I'm sure
6 would also affect fire prevention as well.

7 In cases of duct systems, it would be
8 an entire duct run that was just not connected. So
9 air was just leaking into the attic, into the crawl
10 space, into the wall assemblies, which we've heard
11 causes moisture problems.

12 If homeowners or even renters like
13 myself believe that in buying or renting a new home
14 they are getting something that is equivalent to five
15 air changes per hour or six percent duct leakage, and
16 in many cases we see that they're not getting what
17 they believe they're paying for.

18 If you think that it is just too hard
19 to hit these numbers, I would urge you to look over on
20 the left-hand side of the chart where we have some
21 builders and HVAC contractors who routinely build
22 buildings that test at 0.5 air changes per hour or
23 less. We've tested down to .3 air changes per hour.
24 And on the duct systems, HVAC contractors who
25 routinely install duct work that is less than one

1 percent total leakage. It is all using the right
2 materials and installing them per manufacturer
3 recommendations.

4 I would urge you to adopt the IECC
5 code with out changes. Thank you.

6 MR. CHAIRMAN: Yes, JP?

7 JP: Question. What does this
8 represent, time?

9 MR. KNOPP: No. These are individual
10 tests.

11 JP: You graphed out which ones were
12 low and high in this? It doesn't represent the amount
13 of time. It just shows the number of houses.

14 MR. KNOPP: Each line is a system or
15 a house.

16 MR. CHAIRMAN: Thank you. Next
17 speaker is Katie Henderson.

18 MS. HENDERSON: Good morning. Thank
19 you for the opportunity to speak here. I am the
20 Building Services Manager at Efficient Home. I'm home
21 also a resident of Fairfax County. Our company
22 provides blower door, duct blast testing, ratings and
23 Energy Star certification.

24 I just want to provide a little more
25 data to help support the option of eliminating the

1 visual inspection option and supporting mechanical
2 testing.

3 In 2016, our company rated 313 homes
4 in Virginia. Again, these are all builders that are
5 purposefully doing above and beyond going for HERS or
6 Energy Star. Of 72 of those blower door tests, first
7 try failed. Approximately a 23 percent fail rate.

8 There's two ways to do duct testing.
9 You can test before the drywall is up, and you can
10 test at final. Of the homes that we tested before
11 drywall went up, when you can still fix easily, we
12 had a 22 percent fail rate. Ducts tested at final, we
13 had a staggering 96 percent fail rate. This is
14 something that is really too late, the visual
15 inspection, you're past that point. People are
16 getting to this point and the ducts are still leaking.

17 I have also heard that the cost of
18 these tests has become an issue in some people's
19 minds. Just to provide sort of a starting point, we
20 start at \$250, for a one time one trip test, and then
21 depending on the volume, go down from there. These
22 are really cost effective tests, really able to save a
23 lot of money in the long run. Thank you.

24 MR. DAWSON: Question. You mentioned
25 22 percent failed at rough-in and 96 percent failed at

1 final. That wasn't a repeat test? That was original?

2 MS. HENDERSON: Correct. Yes. So at
3 final, to add a little more clarification, you are
4 then also including if they are not sealed to the
5 drywall and other things that are included.

6 MR. DAWSON: Curious if you tested at
7 rough and final.

8 MS. HENDERSON: Typically not.
9 Typically, builders will choose one or the other.

10 MR. CHAIRMAN: Thank you.

11 Next, we have Dana Wiggins.

12 MS. WIGGINS: Good morning. My name
13 is Dana Wiggings. I am with Virginia Poverty Law
14 Center. As advocates for low income households in
15 Virginia, we at the Poverty Law Center encourage this
16 board to adopt the 2012 IECC measures. The reason for
17 that is that for many low income households, it is not
18 about the initial cost or the 30 year mortgage. If
19 you're buying a home and you're a low income
20 homeowner, you're really concerned about the monthly
21 costs that you are going to be paying out every month.
22 For me, when I got to talk to low income homeowners
23 who are soon to be homeowners, and actually today I'm
24 about to go speak to a group of folks in a class for
25 Habitat for Humanity homes. I do this quite often. I

1 do this a lot, talking to soon to be homeowners, all
2 low income, all who this is their lifetime dream.
3 Many of them, they have waited a long time. They've
4 saved. Had to clean up their credit. They have to do
5 all these things in order to buy this home. That
6 \$2200 extra for this on the lifetime of their 30 year
7 mortgage is sort of much smaller, sort of \$8 extra on
8 that 30 year mortgage, as opposed to the \$30 extra to
9 save a month or \$50 extra in the Virginia tax study
10 that could be saved per month in terms of energy
11 efficiency costs, which means a lot more to them on
12 the everyday basis.

13 The things that I talk to them about
14 today will be how do to make sure that they are
15 thinking about, not just can they afford the monthly
16 payment of the home, but can they afford to maintain
17 the home. Are they actually setting aside enough
18 money for maintenance and repairs and for utilities.
19 The fluctuation in utilities. I talk to them about
20 all of those things. It is not necessarily -- We care
21 a little bit about energy efficiency, but for us, the
22 most important thing is the end cost for the consumer.
23 For them, it is really about those lifetime costs.

24 If we adopt those more energy
25 efficient measures, that actually ends up paying off

1 dividend for them in the long run.

2 For people who get Habitat for
3 Humanity homes, from Better Housing Coalition or
4 project homes or many of these other services around
5 the state, if they are a low income homeowner, they're
6 getting these certified or EarthCraft certified homes.
7 These are important. The reason that these programs
8 provide this is because these kinds of energy
9 efficiency measures that go above and beyond really
10 make a huge difference to the end cost for the user.
11 For low income homeowners, that end cost is very very
12 important. They are always, even if they are able to
13 buy a home, they are always on a limited budget. So
14 we want to make sure they are successful homeowners,
15 that they stay in their homes, and that they can
16 afford it for their lifetime. For many of them, this
17 is their one and only home. They don't actually plan
18 to move and upgrade into a new home. This is the home
19 that they'll be in for their lifetime. Thank you for
20 hearing my comments.

21 MR. CHAIRMAN: Thank you.

22 Next is Casey Murphy.

23 MR. MURPHY: Thank you for giving me
24 the opportunity to present. My name is Casey Murphy,
25 Vice President of Quality Systems and Pearl

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1 Certification. We are a national company
2 headquartered in Virginia. We partner with real
3 estate agents, raters and contractors to certify new
4 and existing homes high performing features.

5 I'm here to support two key
6 provisions. First, code provisions such as duct
7 tightness and building tightness should not only be
8 stated in terms of required level of performance, but
9 that a builder holding trade for a third party should
10 measure a document results of those performance tests
11 on every new home.

12 Second, our value level should be at
13 30 with 2015 IECC Model codes.

14 I base these conclusions on my 25
15 years of experience in the building industry. For the
16 first ten years of my career, I was a carpenter and
17 eventual owner of a small family-owned company. I saw
18 that there was tremendous variability in quality, not
19 just within my own company, within my own crews,
20 within my own subs, but with other building trades as
21 well. That is inevitable whenever it comes to
22 building homes. I also so the impacts of that. Ducts
23 completely disconnected in the attics. Chases that
24 are completely missed.

25 I also learned that as a certified

1 project manager and also as a building owner, we
2 measure what we care about. It is one of the
3 fundamentals of a quality management system.

4 We measure budgeted versus actual
5 costs. We measure warranty claims. We track issues.
6 We measure time of construction.

7 The fact that we have the ability to
8 readily measure key performance such as duct leakage
9 and building leakage, but often choose not to is
10 telling, in terms of where we spend our time measuring
11 performance.

12 Later, I became a home performance
13 contractor, much like Mike. There, I started to learn
14 about building science and impacts of health, comfort
15 and quality of life when homes don't perform as
16 intended.

17 I will single out leaky ducts as one
18 example. That can not only lead to considerable
19 energy waste, but it could impact the health and
20 safety of the occupants. It could pull in
21 contaminants from the attic, from the crawl spaces.
22 It could exacerbate allergies. It can trigger asthma.
23 Even though this impacts every home occupant, it is
24 especially for young families who are often first time
25 home buyers.

1 I also learned as home performance
2 contractor that you don't really know until you
3 measure. You can follow the standard work
4 specifications. You can have trained individuals in
5 the homes. Until you actually test, you don't really
6 know.

7 This chart that Think Little put
8 together is fantastic. I mean, don't you want to know
9 as a building owner, as a code official, which of the
10 homes are on the far right. If we're not measuring,
11 then we're saying that it is not a high priority for
12 us.

13 I also learned doing it right the
14 first time pales in comparison. Insulating roofs, and
15 especially walls and foundations, it is much more cost
16 effective when built, not retrofitted.

17 For the last ten years, I've been
18 supporting EPA and Energy Star Program. I've learned
19 that issues I saw individually are actually seen
20 across the country. As a previous speaker said, 20
21 percent or more of airflow is often times lost due to
22 leaky ducts.

23 I've also heard the success stories
24 across the country as people originally fearful of
25 change and of the transparency and accountability

1 performance testing provides gave way to appreciation
2 that they are providing better goods and services for
3 their customers.

4 So I encourage you to adopt those
5 amendments. They will bring Virginia closer with the
6 2012 and 2015 IECC Model Codes. Thank you.

7 MR. CHAIRMAN: Next we have Monica
8 Rokacki.

9 MS. ROKACKI: Rokacki. It's a hard
10 one. Thanks very much for the opportunity to address
11 this Board. Before I get started, my background is in
12 architecture. I've designed and project administered
13 probably over a hundred homes and commercial
14 facilities.

15 I can tell you right now that homes
16 are the most complicated building type because so much
17 happens there. Families live there. All ages. They
18 sleep there, etc. Therefore, the intent of the
19 building code, why we're all here listening to
20 everyone, their comments and expertise is because of
21 the intent of the code.

22 The intent of the code is to
23 safeguard health, life and limb for the property and
24 public welfare. The codes work together.

25 When we're talking about the energy

1 code separate from the mechanical code, separate from
2 the fire code, we are unnecessarily siloizing the
3 intent of the code and the ways to achieve it. A
4 building is a system. The code is a system as well.

5 From a risk management standpoint,
6 which essentially is what the code is, this visual
7 possibility for rating a home or for qualifying a home
8 simply can't work. As everyone has said, if we aren't
9 measuring it, we simply don't know. We have, in my
10 company, which I started as a result of simply not
11 knowing how the homes I designed were working, which
12 is called Better Building Works, we have done over 200
13 blower door tests on new and existing homes.

14 I've realized, first of all, we're in
15 a mixed humid climate regime. That means, solutions
16 in the summer are not necessarily good for solutions
17 in the winter. Just insulating, or just doing duct
18 blasters, or just doing pipe insulation simply won't
19 work. But the blower door test, I think is the
20 linchpin that holds it all together.

21 In our testing, which pretty much
22 mimics what other's data has formed, we're seeing
23 about half of the homes are too leaky and half are not
24 leaky enough. Both provide problems. In the
25 mechanical code, if a home is below .30 air changes

1 per hour then you are required to provide mechanical
2 ventilation. Well, if you don't know where it is, how
3 can you set that ventilation level.

4 Having too much ventilation in a
5 mixed humid environment will produce too much
6 humidity, having leaky ducts will distribute that
7 humidity and create mold, and essentially your duct
8 system is now a pollutant distribution machine.

9 We firmly recommend that the IECC
10 Energy Code be adopted in its entirety. We believe it
11 is the only way to meet the intent of the code. And
12 by the way, it adds to the appraisal value of the
13 house and it lowers the risk for the builder. Thank
14 you very much.

15 MR. CHAIRMAN: Nobody else has signed
16 up. Before we close the public comment period, I'd
17 like to ask is there anyone else in the audience that
18 would like to speak to any one of the four codes that
19 we're talking about today.

20 Step up.

21 MR. THOMPSON: My name is Tommy
22 Thompson. I'd like to speak on improving the energy
23 code. I recently retired from the Division of Energy
24 in the Department of Mines Minerals and Energy where I
25 worked on energy efficiency for state facilities.

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1 Two points. First of all, the return
2 on investment for the energy efficient investment
3 makes it just a slam dunk.

4 Second point is, whether you're a
5 democrat or a republican, everybody is pro energy
6 efficiency. I don't see any downside.

7 MR. CHAIRMAN: Thank you. Your name
8 was on here, but it looked as if it was crossed out.

9 MR. THOMPSON: Well, I was gonna talk
10 and I wasn't gonna talk.

11 MR. CHAIRMAN: Is there anyone else
12 in the audience before we close?

13 Step up.

14 UNIDENTIFIED: Morning. I was hoping
15 that I would have one of the representatives from the
16 energy code committee that we have for VBCOA. Since
17 they were not here, I'd like to make sure you
18 understand, VBCOA was part of the subgroup work
19 committee that agreed on the change that is going to
20 be submitted for the 2015 code change. That is the
21 one that people have spoken to in reference where we
22 would require some of the ducts to be tested. Not
23 blower door tested, but tested. That is something
24 that we do believe is going to increase the efficiency
25 of the systems.

1 Couple things I do want to go back
2 over. I'm not here making money. Many of the
3 individuals that are here will benefit monetarily from
4 this. Whether they would agree with that or not, we
5 could argue that again.

6 One of the things that I do want to
7 make sure of is to say during the subgroup committee,
8 one of the members spoke today, indicated that during
9 the final test, many of them had failed, but the
10 people he works for, the contractors he works for, if
11 he comes in ahead of time to do a visual inspection,
12 those houses do not fail after that.

13 The fallacy of a visual inspection
14 not being efficient enough, they've already kind of
15 done that. They've done the visual inspection, and
16 that inspection has actually helped the system achieve
17 the efficiency required. Thank you very much.

18 MR. CHAIRMAN: Thank you. Is there
19 anybody else?

20 Step up.

21 UNIDENTIFIED: Good morning. I'm
22 Sherry (Inaudible) Building Official. I want to talk
23 to the changes that have been performed to the fire
24 code. Some of you may know I have had issue with
25 individuals in the fire marshal's office. We've been

1 able to work through them, and we've corrected it.
2 But there was an interpretation that I think the new
3 edit eliminates so that there won't be confusion in
4 the future. Thank you.

5 MR. CHAIRMAN: Thank you.

6 Seeing none, this hearing is now
7 concluded. All comments will be taken under
8 advisement by the Board.

9 I'd like to re-emphasize that any
10 written statements received will be considered by the
11 board.

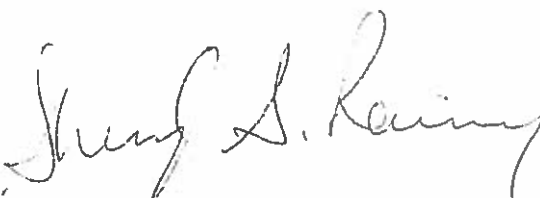
12 CONCLUDED

1
2 CERTIFICATE OF COURT REPORTER
3
4
5

6 I, Sheryl S. Rainey, hereby certify that I,
7 having been duly sworn, was the court reporter in the
8 Board of Housing and Community Development Hearing, on
9 May 15, 2017, at the time of the hearing herein.

10 I further certify that the foregoing
11 transcript is a true and accurate record of the
12 testimony and other incidents of the hearing herein,
13 to the best of my ability.

14 Given under my hand this 26th day of May,
15 2017.

16
17 
18

19 Sheryl S. Rainey
Court Reporter

20 My Commission Expires: April 30, 2018
21 #260655
22
23
24
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**Loudoun County, Virginia
Department of Fire and Rescue
Fire Marshal's Office**



23675 Belmont Ridge Road, Suite 150
Brambleton Virginia 20148
Phone 703-737-8600 Fax 703-737-8595

May 15, 2017

Board of Housing and Community Development
Fire Service's Board

Dear Board Members,

Thank You for your time and dedication to fire and life safety, and the promulgation of the Statewide Fire Prevention Code (SFPC). As you are aware there has been an effort underway since October, 2015 to remove unenforceable items from the SFPC. This project had been led by staff of the Department of Housing and Community Development (DHCD). The process concluded in the summer of 2016 and the first draft of these changes were posted on cdpVA Tuesday September 20, 2016.

Throughout this process many from the fire service, including myself, continued to raise the staunch concern that this process was, and is, continuing to move too fast, and that there will be unintended consequences by the removal of what are enforceable items. This was, and is not, a remark against those proposing these changes, but rather the speed and isolation of which these changes were made.

November 3, 2016 Secretary Haymore, in consult with the BHCD and DHCD staff heard these concerns and agreed to provide additional time for input and review.

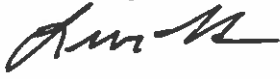
Following the direction of then Chairman Cladderbuck of the BHCD, the Fire Services Board's Codes and Standards Committee (FSB CSC), which includes members of the Virginia Building and Code Officials Association (VBCOA) tackled the project of bringing together members of the fire service and building code enforcement to remove the unenforceable items from the SFPC. This process has been far slower, more meticulous, inclusive, and driven for positive change as opposed to meeting a deadline. When a member of the building code enforcement/VBCOA is unable to attend or must leave the meeting ends so that full input from all perspectives may be achieved. While extremely grueling and slow, this process is working.

The FSB CSC started this process November 2016 and ~~has~~ continues its work today. To date they have nearly completed through chapter 9, of a 47 chapter document. April 25, 2017 the first six (6) chapters submitted by the FSB CSC was compared and discussed, at a full DHCD sponsored fire code edit workgroup, to what had been previously proposed by the DHCD staff. Some of you were present at this meeting, and witnessed first hand the positive results. This process yielded many great discussions and consensus changes, far more than had previously achieved, and for once I personally saw a positive through a well vetted process for these consensus changes.

This process of comparing the FSB CSC and the DHCD staff proposals is working, albeit extremely time consuming, and over whelming. It is not physically possible for the FSB CSC to complete the remaining 37 chapters before the deadline of May 26, 2017, so that the changes may be included in the Virginia Register. And with the current scrutiny that each section is being addressed a more likely timeframe for completion would be this late this fall.

The grave concern is that the removal of unenforceable items is not an urgent or emergent matter and that the consequences of forcing changes through may cause an emergency with the changes that have not yet been well vetted. I am again asking that this process be extended into the 2018 code adoption process, so that what is working may continue to make positive strides forward, following the direction of the BHCD to remove the unenforceable items.

Thank you

A handwritten signature in dark ink, appearing to read 'Linda Hale', written in a cursive style.

Sincerely,

Linda Hale
Chief Fire Marshal
Loudoun County Fire Marshal's Office

USBC

Andrew

Grgsby

The Code of Virginia: § 36-99. Provisions of Code; modifications.

<http://law.lis.virginia.gov/vacode/title36/chapter6/section36-99/>

- 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.**
- B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association. Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying

Commented [AG1]: Twice in the opening paragraph the law stipulates that the building code shall consider maintenance – the operation of the building. One cannot maintain a building if one cannot pay the full cost of ownership. In service to public welfare and the "least possible cost" clause, the construction code should seek to minimize the overall cost of ownership, not just the cost to build.

Commented [AG2]: If, for example, the pipes freeze and burst because of inability to pay heating costs, then the goal of maintenance has not been served, neither has least cost nor public welfare.

Commented [AG3]: The absolute least cost to construct would include, for example, no attic insulation. But we include attic insulation as a cost-effective measure to benefit owners and occupants. We ought, then, to include the most cost-effective amount of attic insulation. US DOE research establishes that amount: the IECC proscribes insulation levels that obtain a lower total cost of ownership.

Commented [AG4]: The law stipulates that our Building Code shall be consistent with recognized standards. Virginia's many amendments to the 2012 IECC made our code very in-consistent with that standard.

Commented [AG5]: Current Virginia law is clear that our building code shall consider energy conservation as one of four key variables contributing to the public welfare.

Commented [AG6]: Again, the law stipulates that our code follow national standards. National Lab analysis establishes that the current IECC offers the best investment (cash-flow positive month one) for new home buyers.

within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

- C. Where practical, the Code provisions shall be stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. When generally recognized standards of performance are not available, such provisions shall provide for acceptance of materials and methods whose performance has been found by the local building department, on the basis of reliable test and evaluation data, presented by the proponent, to be substantially equal in safety to those specified.

Commented [AG7]: Air changes per hour (the blower door test) and percentage of duct leakage are measurable levels of performance that provide objectivity and firm data. They should replace the very subjective visual "verification" which cannot establish whether a home or duct system meets the standard stated in the building code -- and thus fails this clear requirement of Virginia law. Testing also creates metrics that contractors can use to improve quality and accountability. One must measure to manage.

- D. The Board, upon a finding that sufficient allegations exist regarding failures noted in several localities of performance standards by either building materials, methods, or design, may conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods or designs in the Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia Register of Regulations. Any amendments to regulations adopted pursuant to this subsection shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

Commented [AG8]: Virginia HERS raters have data showing that new homes routinely fail to meet Virginia's current ACH50 and duct leakage thresholds. These data were first presented to the July 11, 2016 "sub-workgroup" meeting. These data also were offered during the public comment period at the September 2016 BHCD meeting.

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Virginia

Energy and Cost Savings for New Single- and Multifamily Homes:

**2012 IECC as
Compared to
the 2009 Virginia
Construction Code**



Building Energy Codes

Virginia Energy and Cost Savings for New Single- and Multifamily Homes: 2012 IECC as Compared to the 2009 Virginia Construction Code

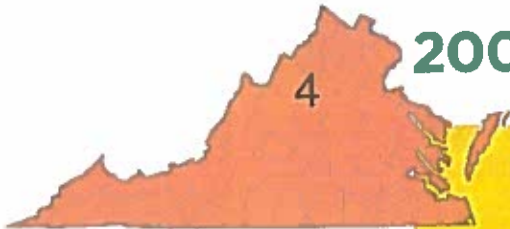
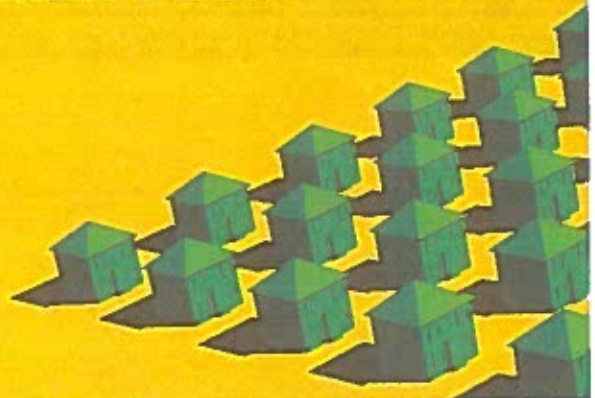


Figure 1. Virginia Climate Zones

The 2012 International Energy Conservation Code (IECC) yields positive benefits for Virginia homeowners.

Moving to the 2012 IECC from the current Virginia Construction Code is cost-effective over a 30-year life cycle. On average, Virginia homeowners will save \$5,836 with the 2012 IECC.

Each year, the reduction to energy bills will significantly exceed increased mortgage costs. After accounting for up-front costs and additional costs financed in the mortgage, homeowners should see net positive cash flows (i.e., cumulative savings exceeding cumulative cash outlays) in 1 year for the 2012 IECC. Average annual energy savings are \$388 for the 2012 IECC.



Highlights

Cost-effectiveness against a Virginia Construction Code baseline:

- Life-cycle cost savings, averaged across building types, are \$5,836 for the 2012 IECC
- Simple payback period is 5.2 years for the 2012 IECC

Consumer savings compared to a Virginia Construction Code baseline:

- Households save an average of \$388 per year on energy costs with the 2012 IECC
- Net annual consumer savings, including energy savings, mortgage cost increases, and other associated costs in the first year of ownership, average \$272 for the 2012 IECC
- Energy costs, on average, are 27.4% lower for the 2012 IECC

Cost-Effectiveness

The U.S. Department of Energy (DOE) evaluates the energy codes based on three measures of cost-effectiveness:

- **Life-Cycle Cost:** Full accounting over a 30-year period of the cost savings, considering energy savings, the initial investment financed through increased mortgage costs, tax impacts, and residual values of energy efficiency measures
- **Cash Flow:** Net annual cost outlay (i.e., difference between annual energy cost savings and increased annual costs for mortgage payments, etc.)
- **Simple Paybac:** Number of years required for energy cost savings to exceed the incremental first costs of a new code

Life-cycle cost is the primary measure by which DOE assesses the cost-effectiveness of the IECC. These savings assume that initial costs are mortgaged, that homeowners take advantage of the mortgage interest deductions, and that long-lived efficiency measures retain a residual value after the 30-year analysis period. As shown in Table 1, life-cycle cost savings are \$5,836 for the 2012 IECC compared to the Virginia Construction Code.

Table 1. Average Life-Cycle Cost Savings from Compliance with the 2012 IECC, Relative to the Virginia Construction Code

	Life-Cycle Cost Savings (\$)	Net Positive Cash Flow (Years)	Simple Payback (Years)
2012 IECC	\$5,836	1	5.2

Consumer Savings

Annual consumer cash flows impact the affordability of energy-efficient homes. Based on this analysis, Virginia homeowners, on average, should see average annual energy cost savings of \$388 and achieve a net cumulative savings that accounts for an increased

down payment in addition to energy costs, mortgage costs, and tax-related costs and benefits in 1 year when comparing the 2012 IECC to the 2009 Virginia Construction Code. Table 2 summarizes these results.

Table 2. Impacts to Consumers' Cash Flow from Compliance with the 2012 IECC Compared to the Virginia Construction Code

	Consumers' Cash Flow (Average)	2012 IECC
A	Down payment and other up-front costs	\$215
B	Annual energy savings (year one)	\$388
C	Annual mortgage increase	\$117
D	Net annual cost of mortgage interest deductions, mortgage insurance, and property taxes (year one)	-\$1
$E = [B - (C + D)]$	Net annual cash flow savings (year one)	\$272
$F = [A/E]$	Years to positive savings, including up-front cost impacts	1

The U.S. Department of Energy (DOE) provides estimates of energy and cost savings from code adoption:

- **National:** Energy cost savings (only)
- **Climate Zone:** Energy cost savings, life-cycle cost savings, and consumer cash flows
- **State:** Energy cost savings, life-cycle cost savings, consumer cash flows, and simple paybacks

For more information on how these estimates were developed, visit the DOE Building Energy Codes website: www.energycodes.gov/development/residential

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Building Energy Codes

For information on Building Energy Codes, visit www.energycodes.gov

BUILDING TECHNOLOGIES PROGRAM

April 2012 PNNL-21346

Technical Appendix A

Methodology

An overview of the methodology used to calculate these impacts is provided below. Further information as to how these estimates were developed is available at the U.S. Department of Energy's (DOE) Building Energy Codes website.¹

Cost-Effectiveness

Pacific Northwest National Laboratory (PNNL) calculated three cost-effectiveness metrics in comparing the 2012 International Energy Conservation Code (IECC) to the 2009 Virginia Construction Code (referred to herein as the Virginia state code). These are:

- Life-Cycle Cost (LCC): Full accounting over a 30-year period of the cost savings, considering energy savings, the initial investment financed through increased mortgage costs, tax impacts, and residual values of energy efficiency measures
- Cash Flow: Net annual cost outlay (i.e., difference between annual energy cost savings and increased annual costs for mortgage payments, etc.)
- Simple Payback: Number of years required for energy cost savings to exceed the incremental first costs of a new code

LCC is a robust cost-benefit metric that sums the costs and benefits of a code change over a specified time period. LCC is a well-known approach to assessing cost-effectiveness. DOE uses LCC for determining the cost-effectiveness of code change proposals, and for the code as a whole, because it is the most straightforward approach to achieving the desired balance of short- and long-term perspectives.

The financial and economic parameters used for these calculations are as follows:

- New home mortgage parameters:
 - 5.0% mortgage interest rate (fixed rate)
 - Loan fees equal to 0.7% of the mortgage amount
 - 30-year loan term
 - 10% down payment
- Other rates and economic parameters:
 - 5% nominal discount rate (equal to mortgage rate)
 - 1.6% inflation rate
 - 25% marginal federal income tax and 5.75% marginal state income tax
 - 0.9% property tax
 - Insulation has 60-year life with linear depreciation resulting in a 50% residual value at the end of the 30-year period
 - Windows, duct sealing, and envelope sealing have a 30-year life and hence no residual value at the end of the analysis period
 - Light bulbs have a 6-year life and are replaced four times during the 30-year analysis period

¹ www.energycodes.gov/development/residential

Energy and Economic Analysis

This analysis determined the energy savings and economic impacts of the 2012 IECC compared to the Virginia state code. Energy usage was modeled using DOE's EnergyPlus™ software for two building types:

1. Single-Family: A two-story home with a 30-ft by 40-ft rectangular shape, 2,400 ft² of floor area excluding the basement, and windows that cover 15% of the wall area, equally distributed on all sides of the house
2. Multifamily: A three-story building with 18 units (6 units per floor), each unit having conditioned floor area of 1,200 ft² and window area equal to approximately 10% of the conditioned floor area, equally distributed on all sides of the building

Each of these building types, single-family and apartment/condo in a multifamily building, has four unique foundation types:

1. Slab on grade
2. Heated basement
3. Unheated basement
4. Crawlspac

Each building type also has four unique heating system types:

1. Natural gas
2. Heat pump
3. Electric resistance
4. Oil

This results in 16 unique scenarios (4 x 4) per building type.

PNNL incorporated the prescriptive requirements of the 2006, 2009, and 2012 IECC when modeling the impacts of changes to the code. Whenever possible, PNNL uses DOE's EnergyPlus model software to simulate changes to code requirements. However, in some cases, alternative methods are employed to estimate the effects of a given change. As an example, in order to give full consideration of the impacts of the 2012 IECC requirement for insulating hot water pipes (or shortening the pipe lengths), a separate estimate was developed for hot water pipe insulation requirements in the 2012 IECC, which results in a 10% savings in water heating energy use (Klein 2012).

Energy and economic impacts were determined separately for each unique scenario, including the single-family and multifamily buildings, the four unique foundation types, and the four unique heating system types. However, the cost-effectiveness results are reported as a single overall state average. To determine this average, first the results were combined across foundation types and heating system types for single-family and multifamily prototypes as shown in Table A.1 and Table A.2 (single-family and multifamily have the same shares for foundation types). For example, the primary heating system type in new residential units in Virginia is a heat pump. Therefore, the combined average energy usage calculations were proportionally weighted to account for the predominance of heat pump heating. Then single-family and multifamily results were combined to determine a state average weighted by housing starts from 2010 U.S. Census data as shown in Table A.3.

Table A.1. Heating Equipment Shares

Heating System	Percent Share	
	Single-Family	Multifamily
Natural gas	19	24.2
Heat pump	78.9	74.9
Electric resistance	2	1.1
Oil	0.1	0

Table A.2. Foundation Type Shares

Foundation Type	Slab on Grade	Heated Basement	Unheated Basement	Crawlspace
Percent share	33.2	24.2	9.8	32.8

Table A.3. Construction by Building Type

	Housing Starts	
	Single-Family	Multifamily
	13,820	1,948

Differences Between the 2006 IECC, the 2009 IECC, and the 2012 IECC

The Virginia state code is based on the 2009 IECC but does not require duct pressure testing. All versions of the IECC have requirements that apply uniformly to all climate zones, and other requirements that vary by climate zone. Highlights of the mandatory requirements across all buildings include:

- Building envelope must be caulked and sealed. The 2012 IECC adds a requirement that the building must be tested and a level of leakage that is no more than a maximum limit must be achieved.
- Ducts and air handlers must be sealed. Testing against specified maximum leakage rates is required in the 2012 IECC if any ducts pass outside the conditioned space (e.g., in attics, unheated basements). Supply and return ducts in attics, and all ducts in crawlspaces, unheated basements, garages, or otherwise outside the building envelope must be insulated.
- For both the Virginia state code and the 2012 IECC, a minimum percentage of the lighting bulbs or fixtures in the dwelling must be high-efficacy lighting.
- A certificate listing insulation levels and other energy efficiency measures must be posted on or near the electric service panel.

A comparison of significant IECC requirements is contained in Table A.4 and Table A.5. Of these, the most significant changes in the 2012 IECC compared to the Virginia state code are the requirements for pressure testing of the building envelope and ducts/air handlers, and for insulating service hot water pipes. The requirement for high-efficacy lamps, while significant, is somewhat abated by a superseding federal regulation banning the manufacture or import of less efficient lamps at common watt levels that takes effect in 2012 to 2014.

Table A.4. Comparison of Major Requirements That Do Not Vary by Climate Zone

Requirement	Virginia State Code	2012 IECC
Building envelope sealing	Caulked and sealed, verified by visual inspection against a more detailed checklist	Caulked and sealed, verified by visual inspection and a pressure test against a leakage requirement
Ducts and air handlers	Sealed, verified by visual inspection	Sealed, verified by visual inspection, and pressure tested against a specified leakage requirement, or all ducts must be inside building envelope
Supply ducts in attics	R-8	R-8
Return ducts in attics and all ducts in crawlspaces, unheated basements, garages, or otherwise outside the building envelope	R-6	R-6
Insulation on hot water pipes for service water heating systems	None	R-3 except where pipe run length is below a diameter-dependent threshold
Insulation on hot water pipes for hydronic (boiler) space heating systems	R-3	R-3
High-efficacy lamps (percent of lighting in the home)	50% of lamps	75% of lamps or 75% of fixtures
Certificate of insulation levels and other energy efficiency measures	Yes	Yes

Requirements such as insulation levels and fenestration (window, door, and skylights) U-factors can vary by the eight zones in the United States. Table A.5 shows these requirements. Virginia has one climate zone (Zone 4) as defined in the IECC.

Table A.5. Comparison of Major Requirements That Vary by Climate Zone

Climate Zone	IECC	Ceiling (R-value)	Skylight (U-factor)	Fenestration (Windows and Doors)		Components				Tested Max Air Leakage Rate (air changes per hour)	Slab*** (R-value and depth)	Crawl Space** (R-value)
				U-factor	SHGC	Wood Frame Wall (R-value)	Mass Wall* (R-value)	Floor (R-value)	Basement Wall** (R-value)			
1	2009	30	0.75	NR	0.3	13	3/4	13	NR	NR	NR	NR
	2012	30	0.75	NR	0.25	13	3/4	13	NR	5	NR	NR
2	2009	30	0.75	0.65	0.3	13	4/6	13	NR	NR	NR	NR
	2012	38	0.65	0.4	0.25	13	4/6	13	NR	5	NR	NR
3	2009	30	0.65	0.5	0.3	13	5/8	19	5/13****	NR	NR	5/13
	2012	38	0.55	0.35	0.25	20	8/13	19	5/13****	3	NR	5/13
4	2009	38	0.6	0.35	NR	13	5/10	19	10/13	NR	10, 2 ft	10/13
	2012	49	0.55	0.35	0.40	20	8/13	19	10/13	3	10, 2 ft	10/13
5	2009	38	0.6	0.35	NR	20	13/17	30	15/19	NR	10, 2 ft	10/13
	2012	49	0.55	0.32	NR	20	15/19	30	15/19	3	10, 2 ft	15/19
6	2009	49	0.6	0.35	NR	20	15/19	30	15/19	NR	10, 4 ft	10/13
	2012	49	0.55	0.32	NR	20+5	15/19	30	15/19	3	10, 4 ft	15/19
7 and 8	2009	49	0.6	0.35	NR	21	19/21	38	15/19	NR	10, 4 ft	10/13
	2012	49	0.55	0.32	NR	20+5	19/21	38	15/19	3	10, 4 ft	15/19

* The second number applies when more than half the insulation is on the interior side of the high mass material in the wall.

** The first number is for continuous insulation (e.g., a board or blanket directly on the foundation wall) and the second number is for cavity insulation (i.e., if there is a furred-out wall built against the foundation wall). Only one of these two has to be met.

*** The first number is R-value. The second value refers to the vertical depth of the insulation around the perimeter.

**** Basement wall insulation is not required in the warm-humid region of Zone 3 in the southeastern United States.

NR = not required

SHGC = solar heat gain coefficient

While exemptions or allowances in the code in are not included in this analysis, the code does allow for some of these depending on the compliance path. Examples include the following:

- One door and 15 ft² of window area are exempt
- Skylight U-factors are allowed to be higher than window U-factors
- Five hundred square feet or 20% of ceiling area of a cathedral ceiling, whichever is less, is allowed to have R-30 insulation in climate zones where more than R-30 is required for other ceilings

Incremental First Costs

Table A.6 shows the costs of implementing the prescriptive measures of the new code. Costs are provided for both the reference home and apartment/condo moving from the Virginia state code to the 2012 IECC. The costs derive from estimates assembled by Faithful + Gould (2012) and a number of other sources.² The original cost data were based on a national average. The costs are adjusted downwards by 11.3% (multiplied by 0.887) to reflect local construction costs based on location factors provided by Faithful + Gould (2011).

Table A.6. Total Construction Cost Increase for the 2012 IECC Compared to the Virginia State Code

2,400 ft ² House	1,200 ft ² Apartment/Condo
\$2,138	\$1,120

Results

Life-Cycle Cost

Table A.7 shows the LCC savings (discounted present value) of the 2012 IECC over the 30-year analysis period. These savings assume that initial costs are mortgaged, that homeowners take advantage of the mortgage interest tax deductions, and that efficiency measures retain a residual value at the end of the 30 years. As shown in Table A.7, life-cycle cost savings are \$5,836 for the 2012 IECC.

Table A.7. Life-Cycle Cost Savings Compared to the Virginia State Code

	State Average
2012 IECC	\$5,836

Cash Flow

Because most houses are financed, consumers will be very interested in the financial impacts of buying a home that complies with the 2012 IECC requirements compared to the Virginia state code. Mortgages spread the payment for the cost of a house over a long period of time (the simple payback fails to account for the impacts of mortgages). In this analysis, a 30-year fixed-rate mortgage was assumed. It was also assumed that homebuyers will deduct the interest portion of the payments from their income taxes.

² The Faithful + Gould cost data and other cost data for energy efficiency measures are available on the "BC3" website at <http://bc3.pnnl.gov/>.

Table A.8 shows the impacts to consumers' cash flow resulting from the improvements in the 2012 IECC. Up-front costs include the down payment and loan fees. The annual values shown in the table are for the first year.

The savings from income tax deductions for the mortgage interest will slowly decrease over time while energy savings are expected to increase over time because of escalating energy prices. These tables also include increases in annual property taxes because of the higher assessed house values. The net annual cash flow includes energy costs, mortgage payments, mortgage tax deductions, and property taxes but not the up-front costs. The time to positive cash flow includes all costs and benefits, including the down payment and other up-front costs.

As shown in Table A.8, on average, there is a net positive cash flow to the consumer of \$272 per year beginning in year one for the 2012 IECC. Positive cumulative savings, including payment of up-front costs, are achieved in 1 year.

Table A.8. Impacts to Consumers' Cash Flow from Compliance with the 2012 IECC Compared to the Virginia State Code

	Cost/Benefit	State Average
A	Down payment and other up-front costs	\$215
B	Annual energy savings (year one)	\$388
C	Annual mortgage increase	\$117
D	Net annual cost of mortgage interest deductions, mortgage insurance, and property taxes (year one)	-\$1
E		
=	Net annual cash flow savings (year one)	\$272
[B-(C+D)]		
F		
=	Years to positive savings, including up-front cost impacts	1
[A/E]		

Note: Item D includes mortgage interest deductions, mortgage insurance, and property taxes for the first year. Deductions can partially or completely offset insurance and tax costs. As such, the "net" result appears relatively small or is sometimes even negative.

Simple Payback

Table A.9 shows the simple payback period, which consists of the construction cost increase divided by first-year energy cost savings. This calculation yields the number of years required for the energy cost savings to pay back the initial investment. Simple payback does not consider financing of the initial costs through a mortgage or favored tax treatment of mortgages.

As Table A.9 shows, the simple payback period from moving to the 2012 IECC from the Virginia state code averages 5.2 years.

Table A.9. Simple Payback Period, Relative to the Virginia State Code (Years)

Code	State Average
2012 IECC	5.2

Energy Cost Savings

All fuel prices were obtained from the DOE Energy Information Administration and are recent residential prices specific to Virginia (DOE 2012a, 2012b, 2012c). For this analysis, natural gas fuel prices were set to \$1.077/therm. Electricity prices were set to \$0.098/kWh for space heating and \$0.108/kWh for air conditioning. Oil prices were set to \$23.7/MBtu. Energy prices are assumed to escalate at the rates published in DOE's *Annual Energy Outlook* (DOE 2012d).

Table A.10 shows the estimated annual energy costs, including heating, cooling, water heating, and lighting per home that result from meeting the requirements in the Virginia state code and 2012 IECC. Table A.11 shows the total energy cost savings as both a net dollar savings and as a percentage of the total energy use.³ Results are averaged across home type (single- and multifamily), foundation type, and heating system type.

Table A.10. Annual Energy Costs for Virginia State Code and IECC 2012

	Virginia State Code					2012 IECC				
	Heating	Cooling	Water Heating	Lighting	Total	Heating	Cooling	Water Heating	Lighting	Total
State average	\$579	\$354	\$323	\$161	\$1,417	\$308	\$295	\$290	\$136	\$1,029

As can be seen from Table A.11, annual energy cost savings for the 2012 IECC compared to the Virginia state code average \$388. On a percentage basis, energy cost savings are 27.4% with the 2012 IECC.

Table A.11. Total Energy Cost Savings Compared to the Virginia State Code

	2012 IECC
	Savings (\$/yr)
State Average	\$388
	Percent Savings
	27.4

³ The percent savings is the annual energy cost savings for heating, cooling, water heating, and lighting divided by the total baseline annual energy cost for heating, cooling, water heating, and lighting.

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Cost-Effectiveness Analysis of the Residential Provisions of the 2015 IECC for Virginia

February 2016

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Prepared for the U.S. Department of Energy
under Contract DE-AC05-76RL01830

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Pacific Northwest National Laboratory
Richland, Washington 99352

***Authors' Note**

The present report is a revision of a previous report of the same name published in October 2015. The previous report was revised to update numbers reported in certain results tables.

Acronyms and Abbreviations

BC3	Building Component Cost Community
BECF	Building Energy Codes Program
CPI	Consumer Price Index
DOE	U.S. Department of Energy
EIA	Energy Information Administration
ERI	Energy Rating Index
ICC	International Code Council
IECC	International Energy Conservation Code
LCC	Life-Cycle Cost
NAHB	National Association of Home Builders
PNNL	Pacific Northwest National Laboratory

Highlights

The 2015 IECC provides cost-effective savings for residential buildings in Virginia. Moving to the 2015 IECC from the 2012 IECC base code is cost-effective for residential buildings in all climate zones in Virginia.

The average statewide economic impact (per dwelling unit) of upgrading to the 2015 IECC is shown in the table below based on typical cost-effectiveness metrics.¹

Metric	Compared to the 2012 IECC
Life-cycle cost savings of the 2015 IECC	\$101.81
Simple payback period of the 2015 IECC	0.9 years
Net annual consumer cash flow in year 1 of the 2015 IECC ²	\$5.95
Annual (first year) energy cost savings of the 2015 IECC (\$)	\$6.24
Annual (first year) energy cost savings of the 2015 IECC (%)	0.4%

¹ A weighted average is calculated across all climate zones in the state.

² The annual cash flow is defined as the net difference between annual energy savings and annual cash outlays (mortgage payments, etc.), including all tax effects but excluding up-front costs (mortgage down payment, loan fees, etc). First-year net cash flow is reported; subsequent years' cash flow will differ due to the effects of inflation and fuel price escalation, changing income tax effects as the mortgage interest payments decline, etc.

Cost-Effectiveness Results for the 2015 IECC for Virginia

This section summarizes the cost-effectiveness analysis in terms of three primary economic metrics:

- **Life-Cycle Cost (LCC):** Full accounting over a 30-year period of the cost savings, considering energy savings, the initial investment financed through increased mortgage costs, tax impacts, and residual values of energy efficiency measures
- **Consumer Cash Flow:** Net annual cost outlay (i.e., difference between annual energy cost savings and increased annual costs for mortgage payments, etc.)
- **Simple Payback Period:** Number of years required for energy cost savings to exceed the incremental first costs of a new code, ignoring inflation and fuel price escalation rates

LCC savings is the primary metric used by the U.S. Department of Energy (DOE) to assess the economic impact of residential building energy codes. Simple payback period and the Consumer Cash Flow analysis are reported to provide additional information to stakeholders. Both the LCC savings and the year-by-year cash flow values from which it is calculated assume that initial costs are mortgaged, that homeowners take advantage of mortgage interest tax deductions, that individual efficiency measures are replaced with like measures at the end of their useful lifetimes, and that efficiency measures may retain a residual value at the end of the 30-year analysis period.

1. Life-Cycle Cost

The Life-Cycle Cost (LCC) analysis computes overall cost savings per dwelling unit resulting from implementing the efficiency improvements of a new energy code. LCC savings are based on the net change in overall cash flows (energy savings minus additional costs) resulting from implementing a new energy code. LCC savings are summed over an analysis period of 30 years. Future cash flows are discounted to "present values" using a discount rate that accounts for the changing value of money over time. LCC savings is the economic metric used by DOE for decision making purposes.

Table 1 shows the LCC savings (discounted present value) over the 30-year analysis period for the 2015 IECC compared to the 2012 IECC.

Table 1. Life-Cycle Cost Savings of the 2015 IECC compared to the 2012 IECC

Climate Zone	Life-Cycle Cost Savings (\$)
4A	\$101.81

2. Consumer Cash Flow

The Consumer Cash Flow results are derived from the year-by-year calculations that underlie the Life-Cycle Cost savings values shown above. The specific cash flow values shown here allow an assessment of how annual cost outlays are compensated by annual energy savings and the time required

for cumulative energy savings to exceed cumulative costs, including both increased mortgage payments and the down payment and other up-front costs.

Table 2 shows the per-dwelling-unit impact of the improvements in the 2015 IECC on Consumer Cash Flow compared to the 2012 IECC.

Table 2. Consumer Cash Flow from Compliance with the 2015 IECC Compared to the 2012 IECC

	Cost/Benefit	4A
A	Down payment and other up-front costs	\$0.52
B	Annual energy savings (year one)	\$6.24
C	Annual mortgage increase	\$0.29
D	Net annual cost of mortgage interest deductions, mortgage insurance, and property taxes (year one)	\$0.00
E = [B-(C+D)]	Net annual cash flow savings (year one)	\$5.95
F = [A/E]	Years to positive savings, including up-front cost impacts	0.09
Note: Item D includes mortgage interest deductions, mortgage insurance, and property taxes for the first year. Deductions can partially or completely offset insurance and tax costs. As such, the "net" result appears relatively small or is sometimes even negative.		

3. Simple Payback Period

The simple payback period is a straightforward metric including only the costs and benefits directly related to the implementation of energy-saving measures associated with a code change. It represents the number of years required for the energy savings to pay for the cost of the measures, without regard for changes in fuel prices, tax effects, measure replacements, resale values, etc. The simple payback period is useful for its ease of calculation and understandability. Because it focuses on the two primary characterizations of a code change—cost and energy performance—it allows an assessment of cost effectiveness that is easy to compare with other investment options and requires a minimum of input data. DOE reports the simple payback period because it is a familiar metric used in many contexts. However, because it ignores many of the longer-term factors in the economic performance of an energy-efficiency investment, DOE does not use the payback period as a primary indicator of cost effectiveness for its own decision-making purposes.

Table 3 shows the simple payback period for the 2015 IECC for Virginia. The simple payback period is calculated by dividing the incremental construction cost by the first-year energy cost savings assuming time-zero fuel prices. It estimates the number of years required for the energy cost savings to pay back the incremental cost investment without consideration of financing of the initial costs through a mortgage, the favored tax treatment of mortgages, the useful lifetimes of individual efficiency measures, or future escalation of fuel prices.

Table 3. Simple Payback Period for the 2015 IECC Compared to the 2012 IECC

Climate Zone	Payback Period (Years)
4A	0.9

Overview of the Cost-Effectiveness Analysis Methodology

This analysis was conducted by Pacific Northwest National Laboratory (PNNL) in support of the U.S. Department of Energy's (DOE) Building Energy Codes Program. DOE supports the development and implementation of energy efficient and cost-effective residential and commercial building energy codes. These codes help adopting states and localities establish minimum requirements for energy-efficient building design and construction, as well as ensure significant energy savings and avoided greenhouse gas emissions.

The present analysis evaluates the cost-effectiveness of the prescriptive path of the 2015 edition of the International Energy Conservation Code (IECC), relative to the 2012 IECC. The analysis covers one- and two-family dwelling units, town-homes, and low-rise multifamily residential buildings covered by the residential provisions of the 2015 IECC. The IECC's simulated performance path and the new Energy Rating Index (ERI) path included in the 2015 IECC are not in the scope of this analysis due to the large variety of building configurations those paths allow. While buildings complying via these paths are generally considered to provide equal or better savings compared to the prescriptive requirements, the intent of these paths is to provide additional design flexibility at a cost dictated by the builder or homeowner. DOE has established a methodology for determining energy savings and cost-effectiveness of various residential building energy codes (Taylor et al. 2012). The LCC analysis described in that methodology balances upfront costs with longer term consumer savings and is therefore DOE's primary economic metric for its decision making processes.

1. Estimation of Energy Usage and Savings

In order to estimate the energy impact of residential code changes, PNNL developed a single-family prototype building and a low-rise multifamily prototype building to represent typical new residential building construction (BECF 2012, Mendon et al. 2013 and Mendon et al. 2014). The key characteristics of these prototypes are described below:

- **Single-Family Prototype:** A two-story home with a 30-ft by 40-ft rectangular shape, 2,400 ft² of conditioned floor area excluding the basement (if any), and window area equal to 15% of the conditioned floor area equally distributed toward the four cardinal directions.
- **Multifamily Prototype:** A three-story building with 18 units (6 units per floor), each unit having conditioned floor area of 1,200 ft² and window area equal to approximately 23% of the exterior wall area (not including breezeway walls) equally distributed toward the four cardinal directions.

These two building prototypes are further expanded to cover four common heating systems (natural gas furnace, heat pump, electric resistance and oil-fired furnace), and four common foundation types (slab-on-grade, heated basement, unheated basement, crawlspace), leading to an expanded set of 32 residential prototype building models. This set is used to simulate the energy usage for typical homes built to comply with the requirements of the 2015 IECC and those built to comply with the requirements of the 2012 IECC for one location in each climate zone in the state using DOE's *EnergyPlus*TM software, version 8.0 (DOE 2013). A detailed discussion of the code provisions considered in this analysis is given by Mendon et. al. (2013 and 2015). Energy savings of the 2015 IECC relative to the 2012 IECC,

including space heating, space cooling, water heating and lighting, are extracted from the simulation results.

2. Fuel Prices

The energy savings from the simulation analysis are converted to energy cost savings using the most recent state-specific residential fuel prices from DOE's Energy Information Administration (EIA 2014a, EIA 2014b, EIA 2014c). The fuel prices used in the analysis are shown in Table 4.

Table 4. Fuel Prices used in the Analysis

Electricity (\$/kWh)	Gas (\$/Therm)	Oil (\$/MBtu)
\$0.11	\$1.48	\$18.91

3. Financial and Economic Parameters

The financial and economic parameters used in calculating the LCC and annual consumer cash flow are based on the latest DOE cost-effectiveness methodology (Taylor et al. 2015) to represent the current economic scenario. The parameters are summarized in Table 5 for reference.

Table 5. Economic Parameters used in the Analysis

Parameter	Value
Mortgage interest rate (fixed rate)	5.00%
Loan fees	0.6% of the mortgage amount
Loan term	30 years
Down payment	10% of home value
Nominal discount rate (equal to mortgage rate)	5.00%
Inflation rate	1.60%
Marginal federal income tax	15%
Marginal state income tax	5.75%
Property tax	1.10%

4. Aggregation Scheme

Energy results, weighted by foundation and heating system type, are provided at the state level and separately for each climate zone within the state. The distribution of heating systems for Virginia is derived from data collected by the National Association of Home Builders data (NAHB 2009) and is

summarized in Table 6. The distribution of foundation types is derived from the Residential Energy Consumption Survey data (EIA 2009) and is summarized in Table 7. The single-family and multifamily results are combined for each climate zone in the state and the climate zone results are combined to calculate a weighted average for the state using housing starts from the 2010 U.S. Census data (Census 2010). The distribution of single- and multifamily building starts is summarized in Table 8.

Table 6. Heating Equipment Shares

Heating System	Share of New Homes (percent)	
	Single-Family	Multifamily
Natural Gas	19	24
Heat Pump	79	75
Electric Resistance	2	1
Oil	0	0

Table 7. Foundation Type Shares

Foundation Type	Slab-on-grade	Heated Basement	Unheated Basement	Crawlspace
Share of New Homes (percent)	33	24	10	33

Table 8. Construction by Building Type and Climate Zone

Climate Zone	Share of New Homes (percent)	
	Single-Family	Multifamily
4A	100	100

Incremental Construction Costs

In order to evaluate the cost-effectiveness of the changes introduced by the 2015 IECC over the 2012 IECC, PNNL estimated the incremental construction costs associated with these changes. For this analysis, cost data sources consulted by PNNL include:

- Building Component Cost Community (BC3) data repository (DOE 2012)
- Construction cost data collected by Faithful+Gould under contract with PNNL (Faithful + Gould 2012)
- RS Means Residential Cost Data (RSMeans 2012)
- National Residential Efficiency Measures Database (NREL 2014)
- Price data from nationally recognized home supply stores

The consumer price index (CPI) is used to adjust cost data from earlier years to the study year (BLS 2015). The estimated costs of implementing the prescriptive provisions of the 2012 IECC over the 2009 IECC are taken from an earlier PNNL study that evaluated the cost-effectiveness of the 2012 IECC (Lucas et al. 2012). The additional costs of implementing the prescriptive provisions of the 2015 IECC over the 2012 IECC are taken from the National 2015 IECC Cost-Effectiveness study (Mendon et.al. 2015). The national scope costs from those studies are adjusted to reflect local construction costs in Virginia using location factors provided by Faithful+Gould (2011).

Table 9 and Table 10 show the incremental construction costs associated with the 2015 IECC compared to the 2012 IECC for an individual dwelling unit. Table 9 shows results for a house and Table 10 shows results for an apartment or condominium. These have been adjusted using a construction cost multiplier, 0.887, to reflect local construction costs in Virginia based on location factors provided by Faithful + Gould (2011).

Table 9. Total Construction Cost Increase for the 2015 IECC Compared to the 2012 IECC (\$)

	Single-family Prototype House			
Climate Zone	Crawlspace	Heated Basement	Slab	Unheated Basement
4A	-\$11.97	-\$11.97	\$29.73	-\$11.97

Table 10. Total Construction Cost Increase for the 2015 IECC Compared to the 2012 IECC (\$)¹

	Multifamily Prototype Apartment/Condo			
Climate Zone	Crawlspace	Heated Basement	Slab	Unheated Basement
4A	\$37.26	\$37.26	\$37.26	\$37.26

¹ In the multifamily prototype model, the heated basement is added to the building, and not to the individual apartments. The incremental cost associated with heated basements is divided among all apartments equally.

Energy Cost Savings

Table 11 shows the estimated annual per-dwelling unit energy costs of end uses regulated by the IECC, which comprise heating, cooling, water heating, and lighting, that result from meeting the requirements of the 2015 and the 2012 IECC.

Table 11. Annual (First Year) Energy Costs for the 2015 IECC and the 2012 IECC

Climate Zone	2015 IECC					2012 IECC				
	Heating	Cooling	Water Heating	Lighting	Total	Heating	Cooling	Water Heating	Lighting	Total
4A	\$411.68 (-0.8%)	\$333.27 (-0.1%)	\$327.03 (-0.8%)	\$142.61 (0.0%)	\$1,214.59 (-0.5%)	\$415.10	\$333.48	\$329.64	\$142.61	\$1,220.83

Table 12 shows the first year energy cost savings as both a net dollar savings and as a percentage of the total regulated end use energy costs. Results are weighted by single- and multifamily housing starts, foundation type, and heating system type.

Table 12. Total Energy Cost Savings (First Year) for the 2015 IECC Compared to the 2012 IECC

Climate Zone	First Year Energy Cost Savings	First Year Energy Cost Savings (percent)
4A	\$6.24	0.4

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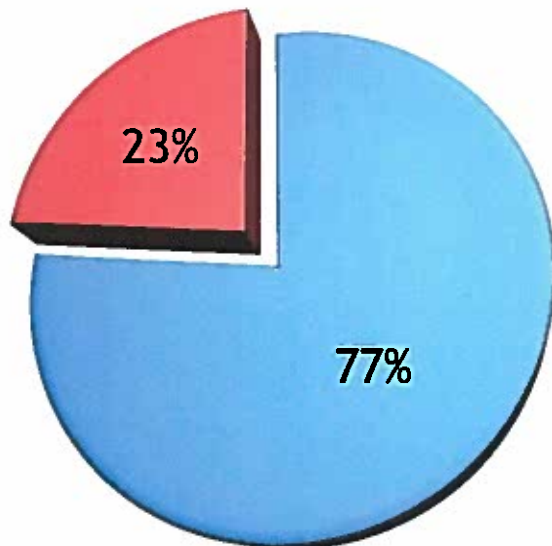
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Testing New Single-Family Homes in Virginia

Think Little Home Energy LLC is a Building Science and Energy Consulting firm based in Charlottesville, VA. Think Little employs Virginia Licensed Residential Building Analysts, RESNET Certified Home Energy Raters, EarthCraft VA Technical Advisors, and Passive House Institute United States (PHIUS) Raters and Consultants.

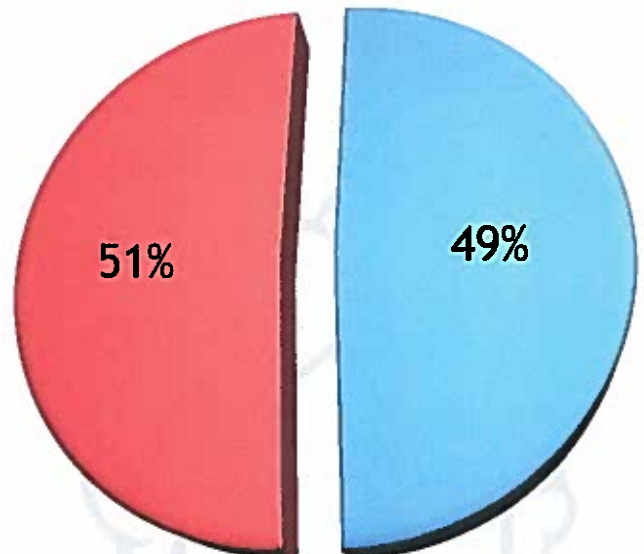
The following graphs are from all of the new single-family homes we have tested in the Charlottesville and central Virginia area, from January 2015 to May 2017. These homes were built by local builders seeking above code certifications or certified HERS ratings. The builders and their subcontractors were aware that these homes would receive blower door and duct leakage testing. These are the initial test results performed at the final stage of construction.

Blower Door Testing
204 Homes from 2015-2017



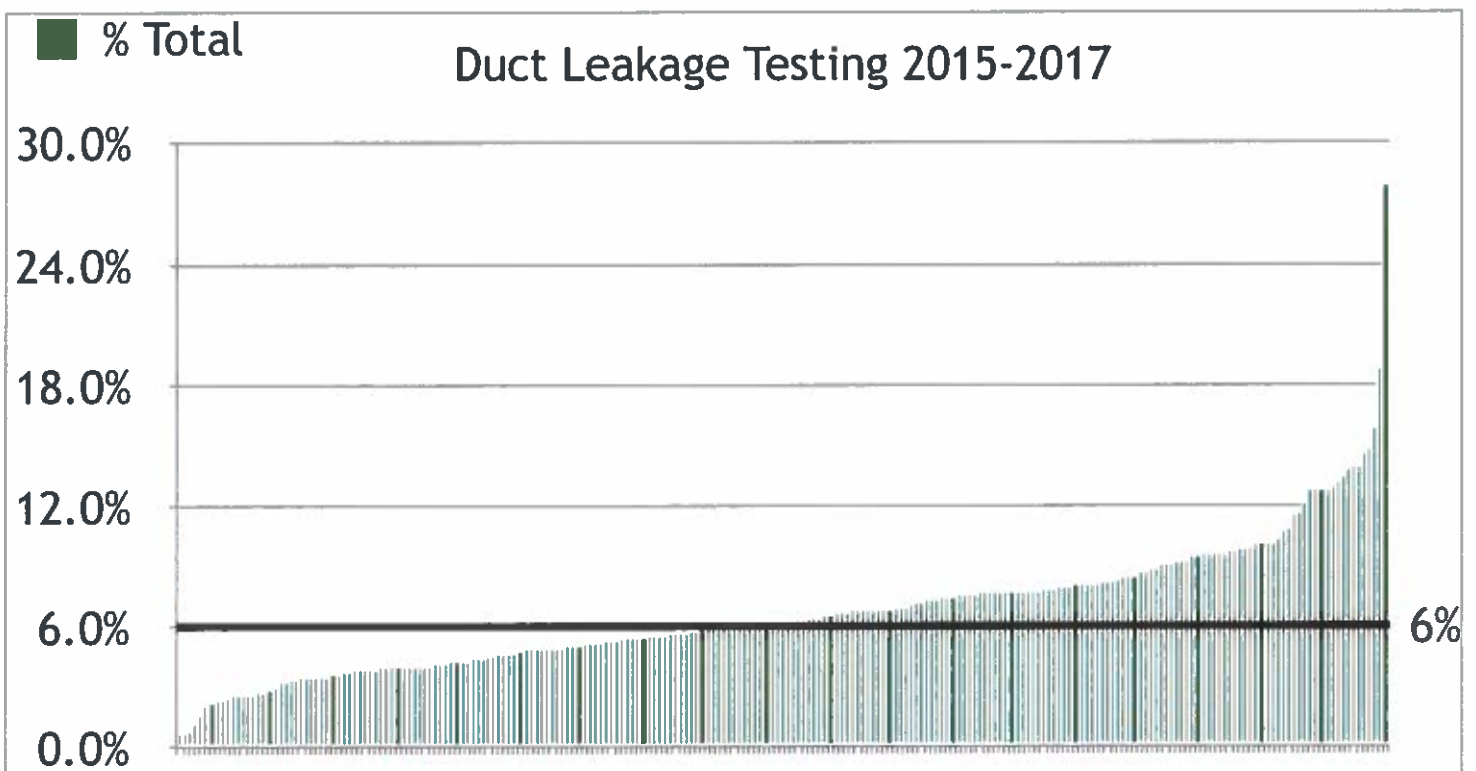
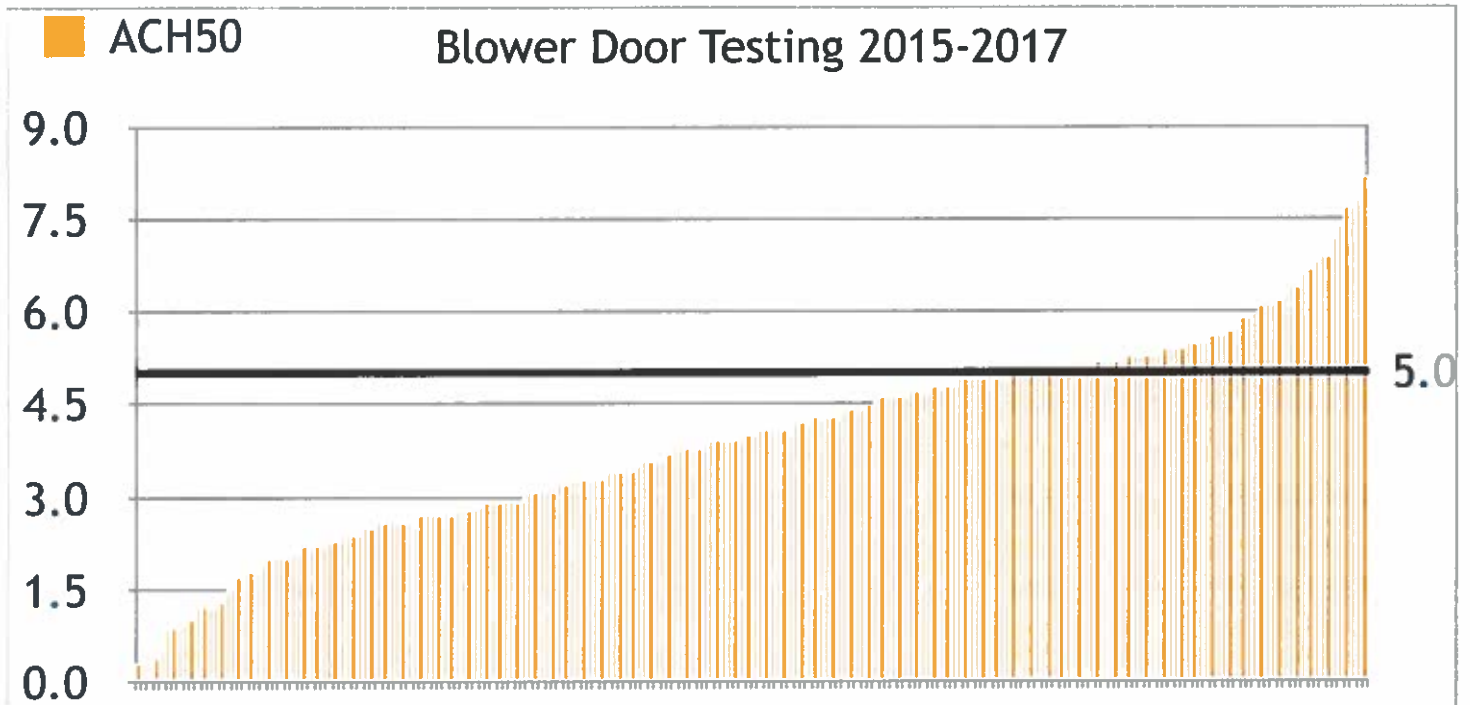
- Meet 5 ACH50 or less
- Do not meet 5 ACH50

Duct Leakage Testing
227 Systems from 2015-2017



- Meet 6% or less
- Do not meet 6%

Complete Test Data



Good morning. I am Ross Shearer of Vienna Virginia where I have lived for over 30 years. I'm here to address you about the purpose of the energy code section.

Why does the Commonwealth have a building code and why an energy conservation and efficiency section in particular?

Section 36-99 of the Code of Virginia answers that question, stating who its beneficiaries are and by what manner they are to be served.

It provides

That the provisions of the code shall protect the health, safety and welfare of the residents of the Commonwealth.

That houses be constructed, rehabilitated and maintained at the least possible costs consistent with recognized standards of health, safety, **and energy conservation.**

That the Board have due regard for generally accepted standards as recommended by nationally recognized organizations, including the standards of the International Code Council (ICC).

The code currently being proposed ignores or dismisses the primary elements recommended by the International Code Council on energy conservation and efficiency. Thus both the current code and the slightly amended one currently proposed fail to fulfill the purpose of section 36-99 of the Code of Virginia to protect our welfare by having due regard for the ICC's recommendations.

I have proposed an amendment to paragraph 102.1 of the Uniform Statewide Building Code to clarify that permitting to least possible cost consistent with recognized standards of energy conservation, includes the user's operating costs for the energy required for maintaining comfort. The recommendations of the ICC's International Energy and Conservation Code are cost effective. It will save Virginians money thereby significantly reducing the chance of economic disruptions that lead to mortgage defaults.

I came here today to ask the Board to fulfill the stated purpose of the code by acting to adopt the energy saving code amendments proposed by others as well as my proposed clarification. The most important of the proposed amendments are those to 1) eliminate the visual inspections, 2) require the mechanical blower door and duct blaster tests, 3) reduce the leakage rates, and 4) increase the ceiling and exterior wall insulation R values to match or exceed the values of the IECC model code.

Thank you.

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4/27/17 12:55 pm

Commenter: Reba Elliott, Faith Alliance for Climate Solutions

Building Code

Thank you for the opportunity to submit comments.

My comments pertain to the State Building code 13VAC5-63. The Commonwealth should adopt all of the 2012 and 2015 energy conserving provisions recommended by the International Energy Conservation Code (IECC) which the state promised to do when it accepted its stimulus grant funds when Kaine was governor.

If that is not possible, I urge you to address the following issues:

1) Building envelope tightness—The envelope is the air barrier. The IECC's current standard is 3 air changes per hour using a mechanical blower door to verify compliance. The current Virginia code (VAUSBC) "requires" an independent blower door test with no more than 5 air changes per hour **with the option of permitting a visual inspection in lieu of the the blower door test**. Please institute a code amendment to delete the visual inspection option from the code and to lower from the current 6 to 3 the permissible number of air changes per hour as recommended by the IECC.

2) Duct tightness—Ducting in new construction usually penetrates the building envelope to enter into attic space or crawl space. If the ducting is leaky, the conditioned air is vented out (into the attic or crawl space) and the energy used to condition (heat/cool/ dehumidify) it is of course entirely wasted. The IECC's current standard is 4 CFM using a mechanical duct blaster test to verify compliance. Ideally the ducting would have zero leakage. Currently the VAUSBC limits leakage to 8 CFM determined by a duct blaster test with the option for a visual inspection. Please implement code amendments to delete the visual inspection option and lower the leakage rate to 4. A higher rate may be suggested if the entire system, air handler and all ducting are within the building envelope, i.e. not in the attic.

3) Increase wall R value from 15 to 20. In conventional stick built construction this typically means installing an insulated exterior sheathing or using 2 X 6 exterior studs.

4) Increase attic R value from 38 to 49. Here we are also looking for use of elevated hip roofing at the top of the exterior walls to permit sufficient space for insulating at R49.

Thank you,

Reba Elliott

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Commenter: Ross Shearer, Vienna VA

A case for adopting all the IECC's energy efficiency provisions

In its consideration of the Virginia Uniform State Building Code (VA USBC), the Board of Housing and Community Development should adopt all of the energy saving recommendations of the 2012 and 2015 International Energy and Conservation Code. At the minimum the VA USBC should require the duct blaster and blower door tests by eliminating the current exemptions permitting a visual inspection in lieu of the actual mechanical tests. It should also adopt the IECC's leakage rates, which are lower than those currently allowed by the VA USBC) and the IECC's higher insulation R-values for exterior walls (R20) and ceilings (R49).

The VA USBC section 102 purpose states that buildings "should be permitted to be constructed at the least possible cost." Permitting to the "least possible cost" includes constructing to control the costs of ownership, which the current, and proposed code fail to do. The costs of the additional 2012 IECC energy efficiency provisions typically provide a rate of return on investment that beats the long-term average of the stock market. The Department of Energy estimated a Virginia statewide average savings of \$388 for every newly built residence had the BHCD adopted the entire 2012 IECC compared to the 2009 code. In practice these savings are likely much greater than estimated because the DOE calculation assumes an average compliance with the 2009 leakage limits for the building envelope and duct. That is highly unlikely in view of the higher thermal leakage rates of untested structures.

Additionally, there are these considerations:

The Benefits: Efficient homes save on utilities, usually present a more enjoyable and healthier interior experience, and reduce adverse public health impacts, and their associated costs, from the air pollution of conventional electricity production.

Consumer Information: Virginia's homebuilders should be transitioning towards adoption of the Home Energy Rating System (HERS). The blower door and duct blaster tests are components for obtaining the HERS that informs the residential consumer market about the energy demands of houses. Requiring this test with its companion duct blaster test would nudge the real estate sales industry in Virginia's major metropolitan areas to further expand its recognition of the Home Energy Rating System (HERS) so that prospective home buyers and tenants are informed about the energy requirements of houses on the market.

An economic stabilizing force for families and neighborhoods: The University of North Carolina's Center for Community Capital disclosed in a 2013 study (with 99% confidence) that the higher the efficiency of the house, the lower the mortgage default rate. The study was based on comparing Energy Star built homes against those that were not ES rated. Energy Star requires the mechanical blower door and duct blaster tests. Other studies show that houses certified efficient retain better resale value. Both these factors contribute to community and family stability.

Climate Change and Acidification of the Earth's Oceans: I see no evidence that the BHCD's decisions on energy efficiency are influenced by the impacts from global warming that civilization faces, all due to our current dependence on fossil fuels for production of energy required to heat, cool and run our homes. Much of coastal Virginia is threatened by sea level rise, so the Commonwealth has much at stake in adopting policies to, as a minimum, do its fair share.

The Center for Climate Change Communication at politically conservative George Mason University reports this year that its surveys show that nearly 70% of Americans "say the U.S. should participate in the COP21 (Paris Climate) agreement", that global warming is happening and that "global warming is a threat to future generations". Earlier surveys reveal that about 50% of Americans believe warming is mostly due to human activities and about 1/3 think of it as a moral issue. These rates would be higher if more Americans knew that almost all (over 98%) climate scientists have concluded, "Human caused climate change is happening". Because of the fossil fuel industry's disinformation campaigns, only one in seven Americans is fully aware of the high level of scientific consensus. With time, that level of misunderstanding will drop.

In view of the above, adoption of the basic cost-effective energy efficiency requirements is a minimal step that deserves the Board's full support.

Governance: The Commonwealth came under national criticism recently over the integrity of its governance structure. Much of the criticism was based on simplistic criteria and misunderstandings that failed to appreciate how Virginia's government is organized. But there is a legitimate beef about governance when a Commonwealth's organizational mechanism fails to adopt rules that benefit families, save them money and enhance the financial stability of neighborhoods.

Being Prepared for the Future: Has the BHCD done what it should to prepare Virginians for a future energy economy to be transformed by a future carbon tax? Clearly not, as it has rejected the recommendations of the IECC that are highly cost effective within the current market price economy.

The following is restated from my posts on the cdp VA system:

Blower door statement Air Sealing R402.4.1.2: I agree with Mr. Grigsby's proposal to remove the visual inspection option R402.4.1.2.2. New homebuilders cannot fulfill their required warranty that the structure meets the minimum air change rate, absent the dynamic testing by an independent blower door professional. In my discussions with northern Virginia builders participating in Energy Star, I have been told that houses initially fail (either the blower door, the duct blaster or both tests) about 25% of the time. Building without any intention of using the dynamic test must yield a very high failure rate with needless long-term energy costs and reduced comfort for homeowners and tenants.

Duct Blaster Statement CE-R403.2.2 cdpVA-15: There is considerable merit to Mr. Grigsby's proposal to remove the visual inspection option R(403).2.2.2. Absent the dynamic testing, no new homebuilder can assure buyers of its required warranty that the duct is sealed to comply within the code's maximum air leakage rate. This matters because ducting usually penetrates the building envelope into the attic or crawl space. A visual inspection cannot be an adequate substitute for detecting what is not viewable.

Loss of conditioned air with the resultant draw of unconditioned air through leaky areas of the building's envelope should be minimized. Homeowners and tenants should not be condemned for the life of the building to pay the costs of this avoidable waste when the remedy is the cost-effective duct blaster test requirement.

Commenter: David Redding EcoVillage Charlottesville

Building code improvements

the Board of Housing and Community Development should adopt all of the energy saving recommendations of the 2012 and 2015 International Energy and Conservation Code.

If this is not possible due to pressure from the Homebuilder's lobby the following must be mandated:

1. VA USBC should require the duct blaster and blower door tests
2. Adopt the IECC's leakage rates
3. Use IECC's higher insulation R-values for exterior walls (R20).
4. Use IECC's higher insulation R-values for ceilings (R49).
5. Remove the visual inspection option R402.4.1.2.2.

New VA homeowner's deserve better than what we have had to live with. The cost is minimal for this additional services so the payback period is short.

The Department of Energy estimated a Virginia statewide average savings of \$388 for every newly built residence had the BHCD adopted the entire 2012 IECC

Note: A 2013 study shows the risk of mortgage default is one-third lower for energy-efficient, ENERGY STAR-rated homes – a factor lenders and Congress should consider when making mortgage loans and policy.
<http://ccc.unc.edu/news/owners-of-energy-efficient-homes-are-less-likely-to-default-on-mortgages/>

Thank You for considering the Virginia home owners.

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Commenter: Gary Medlin, Chesapeake Bay Group Sierra Club

Building Codes

Sir or Madam,

Nationally, all non-manufacturing buildings account for approximately one third of CO2 emissions and 70% of electrical consumption. Obviously, there is a great need for building codes that ensure energy efficiency and these codes must be based upon tested standards. The 2012 and 2015 International Energy Conservation Code (IECC) provisions provide a logical methodology for CO2 emissions reduction and I support their adoption.

If full adoption of the 2012 and 2015 IECC provisions is not possible, please consider adopting the provisions recently submitted by Andrew Grigsby of the Local Energy Alliance Program and others. They are as follows:

- Envelope tightness: Eliminate the visual inspection option and lower the hourly air change rate of five to three.
- Duct tightness: Eliminate the visual inspection option and lower the current leakage limits from eight CFM to four CFM.
- Insulation R value: In walls, increase it from a minimum of 15 to 20 and in attics increase it from 38 to 49.

The option for visual inspection in lieu of mechanical testing is laughable. It is analogous to asking a floor installer if the installed floor is level and him/her basing his/her assessment on looking at the floor instead of using a mechanical level.

Frequently, home builders complain that adhering to strict energy saving standards is too costly, however, there are good arguments that, strategically speaking, the initial costs are, at minimum, equalized over time. A University of North Carolina study found that the mortgage default rate is lower for energy efficient homes. Additionally, the National Association of Home Builders found that nine of ten new home buyers are willing to pay two percent more for energy efficient homes and that the 2012 IECC code implementation would provide a five percent return on the initial investment.

Gary Medlin, Chesapeake Bay Group Sierra Club

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Commenter: Desiree Di Mauro

Comments on Virginia Uniform Statewide Building Code

Thank you for your consideration of my comments regarding the Virginia Uniform Statewide Building Code (13 VAC 5-63). I support the full adoption of the 2012 and 2015 IECC provisions. If full adoption is not possible, I encourage you to adopt the following provisions:

- Building envelope tightness: VA USBC should require duct blaster and blower door tests, rather than using visual inspections.
- Duct gaps: Ideally, ducting in new construction should have zero leakage. As with the building envelope tightness testing, testing for duct gaps should not be through visual inspection. Code amendments should include a mechanical duct blaster test.
- Insulation: insulation R values should be increased to 20 for wall insulation and 49 for attic insulation.

Since many residential buildings are expected to last between 75 to 100 years, the decisions made today affect future generations. Nationally, non-manufacturing buildings account for about 1/3 of CO2 emissions and 70% of electrical consumption. These new suggested provisions are critical to reducing Virginia's carbon footprint.

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Commenter: Zack Miller, Virginia Housing Alliance

USBC Comment on behalf of the MultiFamily Energy Efficiency Coalition

Mr. John Ainslie, Chair

Board of Housing and Community Development

600 East Main Street, Suite 300

Richmond VA, 23219

Dear Chairman Ainslie,

I am writing today on behalf of the Virginia Multifamily Energy Efficiency Coalition (MFEEC) to support the inclusion of certain energy proposals as part of the current draft of the Uniform Statewide Building Code (USBC). The Virginia Multifamily Energy Efficiency Coalition is a cross-sector initiative lead by the Virginia Housing Alliance whose goal is to advance policies and programs that will provide comprehensive energy efficiency services to the state's multifamily affordable housing stock, recognizing the impact that efficiency has on housing affordability for Virginia's citizens. While we believe it would ultimately be most beneficial to consumers in Virginia for the Board to adopt the 2015 IECC without amendments as we assert in our comments below, we are also supportive of Virginia adopting any set additional measures contained in the 2015 IECC it deems appropriate into the USBC. Accordingly, based on the recent stakeholder process, we fully support the compromise proposal put forth by the Energy Code Sub-Workgroup that would create an optional compliance pathway for builders to meet the 2018 Energy Rating Index while requiring that all homes are tested to assure duct system leakage of 4% or less for systems outside of conditioned space. Additionally, we support the proposed amendments that would require 75% high-efficiency lighting and R-3 insulation on hot water pipes.

Virginia has a great opportunity for leadership in energy efficiency, and the Commonwealth should commit to strategies that will enable the goal of achieving cost-effective energy efficiency in our housing stock. Energy efficiency is the simplest and most cost-effective way to reduce energy consumption, and we encourage the Board to assess the long-term costs and benefits of energy efficiency when evaluating code proposals. Increased Energy Efficiency standards in the Virginia building code will benefit home buyers, builders, investors, renters, the grid, and the environment.

Many of the latest advances in residential energy efficiency have been in response to consumer demand. For low-income and very low-income Virginians, monthly utility costs are a major determinant of housing affordability. Prospective tenants and homebuyers are seeking affordable housing with low and stable monthly expenses on energy bills. Modern consumers are attracted to efficient homes, therefore home builders who build the most efficient homes will be offering a more attractive product in the housing market; the property values will be higher, and there will be greater demand for their construction. While there is not yet a standardized way to market the efficient features and performance of a home, the industry is actively moving towards recognizing efficiency as a marketing tool and it is not unreasonable to expect that a home's efficiency rating to find its way into the MLS (multiple listing service) within the next several years. In addition, homeowners with efficient homes are less likely to lose their homes to foreclosure. A 2013 study from the University of North Carolina's Center for Community Capital compared mortgage default rates in a sample of 71,000 Energy Star and Non-Energy Star homes including many in Virginia. The study found that default risks are on average 32% lower in the energy-efficient homes while accounting for loan, household and neighborhood characteristics.

Recent studies have confirmed that many non-energy benefits are derived from efficiency upgrades. Housing-related health and safety risks are a serious problem for low-income Virginians and especially for those living in multifamily housing and for households of color. The "co-benefits" of energy upgrades include improved indoor air quality and the overall health and safety of the residents, as well as reduced hospital visits. Better indoor air quality is a particularly important health benefit in Virginia where the city of Richmond ranked as the second asthma capital of the country in 2015 after ranking first in 2014 according to the Asthma and Allergy Foundation of America (AAFA). Savings from Energy Efficiency measures enable homeowners and tenants to redirect

spending to non-energy needs such as education and health care. To make this point further, a 2016 study from the American Council for an Energy-Efficient Economy found that on average in 48 American cities, low-income households pay 7.2 percent of household income on utilities on average – more than three times the amount that higher-income households pay (2.3 percent). In Richmond, these numbers are 6.5 percent and 3.1 percent respectively. In Virginia Beach, these numbers are 7.5 percent and 3.9 percent. This study suggests that building homes and apartments that will cost less to heat and cool will have a particularly greater positive impact on low-income Virginians.

Housing Virginia and the Center for Housing Research at Virginia Tech released a study in 2015 that analyzed actual utility usage data in 15 Low-Income Housing Tax Credit projects across the state that were built or renovated to EarthCraft standards. Building to the Earthcraft program standards includes blower door tests, duct leakage tests, higher R-Values in wall assemblies and many other building techniques that are included in the 2015 International and Energy Conservation Code but not in the current draft 2015 USBC. This study was the first of its kind in Virginia and found that on average by building to the EarthCraft standard, these apartments consumed 40% less energy than standard new construction (against 2009 IECC), and outperformed the program's projected energy models by 17% on average. Translated to 2014 energy costs, these apartments were saving the average resident \$54 a month or \$648 annually. The impact of this reduction in energy costs for low-income tenants is substantial; \$54 a month may not sound like a significant amount, but for extremely low-income Virginians, that reduction can represent almost 10% of total housing costs. The results of this study suggest that we can rely on this energy modeling to deliver on the savings it projects and that reasonable efficiency measures such as those prescribed by the 2015 IECC will provide Virginians with homes that are more affordable – and, incidentally, more comfortable and healthy.

The Energy Information Administration estimates that buildings consume approximately 40% of United States domestic energy supply, 70% of the electricity, and produce 35% of the United States carbon dioxide (CO₂) emissions. Meeting energy needs through efficiency saves ratepayers from considerable unnecessary investment in utility infrastructure, thereby keeping rates lower than would be the case in the absence of energy efficiency implementation. Reduction in usage reduces peak load on the grid and helps to alleviate the need for additional generating capacity, which is an increasing concern of utilities. The energy savings potential can make a big difference in enabling Virginia utilities to achieve statewide energy savings goals, such as the voluntary goal to reduce retail electricity consumption for commercial and residential buildings by an amount equal to 10% of 2006 consumption by 2020. The Governor's Executive Committee on Energy Efficiency was presented data from the State Energy Office showing that full adoption of the 2015 IECC model code will be essential in order for the Commonwealth to meet the 10% electricity savings goal. The reduction in needed peak generating capacity that would result from adopting the 2015 IECC would also put utilities in a better position to meet whatever level of carbon emission limits may be set for electric power plants in the future as a result of Governor McAuliffe's Executive Directive 11 made on May 16th.

In 2012, the IECC model code included significant, worthwhile efficiency measures that were not included in the 2014 Virginia USBC update, such as an increase for wall and attic insulation, more efficient window and lighting requirements, hot water pipe insulation, and required mechanical testing for whole home air-tightness and ductwork. Based on calculations by the Department of Energy, this was a missed opportunity for Virginia's consumers. Energy modeling by the US Dept. of Energy estimates that had Virginia adopted the 2012 IECC without amendments in its last code cycle, occupants of average new homes in Virginia, would have enjoyed a net annual cash flow savings of \$272 starting from year 1 and a life-cycle cost savings of \$5,836 over the course of a 30-year mortgage.

In making its decision, we are hopeful that the Board will consider the long-term benefits stronger efficiency standards in the USBC would deliver to owners and renters living in newly built houses and apartments in Virginia. It is our hope that if the Board approves the proposal set forth by the Energy Code Sub-Workgroup supported by the MFEEC this building code cycle can serve as an important step towards fully adopting the current IECC in the future. Building to the model energy code will deliver demonstrable results that will make a real difference to consumers through the entire lifecycle of these buildings and we believe that instituting mandatory duct testing and creating an Energy Rating Index compliance pathway per the sub-workgroup proposal is an important intermediary step Virginia can take towards this goal.

Sincerely,

Zack Miller

Director of Policy

Virginia Housing Alliance

Multifamily Energy Efficiency Coalition

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Commenter: Mike Town, Virginia League of Conservation Voters

Comments on Virginia Uniform Statewide Building Code

Mr. John Ainslie, Chair

Board of Housing and Community Development

Department of Housing and Community Development

600 East Main Street, Suite 300

Richmond, VA 23219

RE: Comments on Virginia Uniform Statewide Building Code

Dear Chairman Ainslie:

Thank you for the opportunity to submit comments on the Virginia Uniform Statewide Building Code (13 VAC 5-63). The Virginia League of Conservation Voters advocates for changes in the code to ensure buildings are more energy efficient to reduce Virginia's carbon footprint.

Reducing carbon emissions through energy efficiency measures will help mitigate climate change, which is already impacting Virginia through increasing temperatures and rising sea levels. Virginia cities are taking steps to reduce emissions and improve energy efficiency, and leadership through the implementation of a strong model building code will help local initiatives to succeed. For example, Richmond announced a goal to reduce greenhouse gas emissions in the city by 80% by 2050 and Arlington has an initiative to reduce its emissions by 25% by 2020. State executive actions also encourage strong energy efficiency measures. Both the Governor's Executive Order 57 and Executive Committee on Energy Efficiency highlighted the need to update energy efficiency building codes.

A comprehensive model code will have a tremendous impact. The U.S. Energy Information Administration has found that buildings consume about 40% of the energy in the country. Nationally, more efficient measures could allow home and business owners to save "an estimated \$126 billion and [and achieve] 841 million metric tons of avoided carbon dioxide emissions through 2040," according to the U.S. Department of Energy, and such savings "equates to the annual emissions of 177 million passenger vehicles, 245 coal power plants, and 89 million homes."

Requiring mechanical testing, such as duct blaster testing and blower door testing, and not relying on visual inspections will allow for accurate evaluations of air-tightness and energy losses. We recommend that the building code is updated to at least meet the 2015 International Energy Conservation Code standards, and if the standards are not adopted in their entirety now then we encourage the inclusion of the best practices from the model codes during this process.

Sincerely,

Mike Town

Executive Director

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Commenter: Jennifer L. McClellan, Verizon Communications Inc.

Comments on Virginia Uniform Building Code Proposed Regulation, 13 VAC 5-63-20.D

Verizon Communications Inc. ("Verizon"), through several affiliates, provides telecommunications, information, and television services through both wired and wireless technology throughout the Commonwealth of Virginia. Verizon's affiliate service providers include regulated public utilities, franchised cable television providers, and non-regulated wireless providers. As such, Verizon has a unique perspective on the exemptions contained in the Uniform Statewide Building Code ("USBC") for support structures used to provide telecommunications and information services. Verizon submits that exempting support structures from the USBC based on the entity installing the structure (as provided in the current rules) or the services provided using those support structures (as provided in the proposed rules) is unreasonable, discriminatory, and violates new state legislation that will take effect on July 1, 2017.

Currently, 13VAC5-63-20.D exempts, among other things, "poles and towers supporting the related wiring installed by a provider of publicly regulated utility service or a franchised cable television operator" from the USBC. The proposed revision exempts, among other things, "supporting structures used for providing wired utility, telecommunications, information, or cable television service" from the USBC. However, support structures used to provide wireless transmission of radio broadcast, telecommunications, or information service are not exempt.

There is no rational basis to exempt support structures used for wired telecommunications and information services from the USBC, but not the **same structures** used for wireless telecommunications and information services. Wireless telecommunications and information services providers (collectively "wireless providers") are increasingly expanding beyond the use of traditional cell phone towers to support wireless infrastructure.

As more providers install small cell technology, they are doing so on the same wooden poles used by wired utilities, telecommunications, information, and cable providers. These wooden poles are currently exempt from the USBC, but are regulated by the National Electrical Safety Standard. The wooden poles are graded at the mill based on industry recognized formulas governing the capacity of the poles. Under the current rules, if a new wooden pole is installed to support wireless equipment, it would only be exempt from the USBC if it is installed by regulated utility or franchised cable provider. However, increasingly, wireless providers and wireless infrastructure providers are seeking to install such poles themselves rather than relying on a regulated utility or franchised cable provider to do so. Under the proposed rules, such a wooden pole would be exempt from the USBC if it was also used to provide wired utility, telecommunications, information, or cable television service, but not if it is used provided solely wireless services.

As a result of this disparity in the exemptions, wireless providers face added expense and delays as they are required to (i) negotiate pole attachment agreements with public utilities and franchise cable providers to install equipment on their poles are used to provide wired telecommunications or information services, or (ii) obtain a building permit to build a new pole. Under the building permit process, a building official may require that a professional engineer certify the capacity of the pole. Such verification would require an inspection of the pole to verify its condition, adding costs and delay to its use to support wireless equipment. And for existing poles, the structural engineer's certification would necessarily include numerous disclaimers that may not be accepted by the building official. For example, the engineer may not be able to verify the condition of interior of the pole, the depth of the pole, or that the installation of the pole was done correctly.

An exemption from the USBC for support structures based **solely** on the type of provider that installed it or the type of services provided over it is unfair and discriminatory. As such, the proposed revisions would violate SB 1282 passed by the 2017 General Assembly.

Intended to facilitate the installation of wireless infrastructure in the Commonwealth to increase wireless telecommunications and broadband services, SB 1282 established new Virginia Code § 56-484.27.A that prohibit localities and the Virginia Department of Transportation from imposing on wireless services providers and wireless infrastructure providers "any restrictions or requirements concerning the use of the public rights-of-way, including the permitting process, the zoning process, notice, time and location of excavations and repair work, **enforcement of the statewide building code**, and inspections, that are unfair, unreasonable, or discriminatory." (emphasis added). Exempting support structures used for wired telecommunication and

information services from the USBC, but not support structures used for wireless telecommunications and information services is unfair and discriminatory, and thus would violate this new provision of state law that takes effect July 1, 2017. Moreover, as described above the additional inspection process required to obtain a building permit for wooden poles supporting wireless equipment is directly contrary to goal of SB 1282, as well as state and federal policies that facilitate installation of wireless infrastructure in order to expand broadband access.

Verizon respectfully submits that support structures used to provide any telecommunications or information service should be exempt from the USBC, regardless of who installs them or whether they are wired or wireless. To the extent the Board finds it appropriate to distinguish between traditional cellular towers and traditional utility poles, it should exempt all support structures used to provide telecommunications or information services regulated by the National Electrical Safety Code from the USBC.

Commenter: Matthew Barkley, Building For All Committee

BFAC's Comments on 2015 Building Code Changes

Fairfax County's Building For All Committee (BFAC) is a public-private coalition whose mission is to advocate for homes to be comfortable, safe, convenient and that they enhance the independence of people of all ages, sizes and abilities. We seek to accomplish this by: Promoting the merits of universal design features in housing; educating consumers about the benefits of universal design; leading advocacy efforts to affect public policy in support of universal design; and by increasing the building industry's knowledge of universal design.

BFAC is exceedingly grateful to the Department of Housing and Community Development for maintaining the requisite for 34 inch doorways in newly constructed single family homes as part of the revisions to the Commonwealth of Virginia's Statewide Uniform Building Code. We also support the need to clarify the language in the Commonwealth's Building Code as to when specifically this condition should be applied. BFAC's support for adequate space for maneuverability is in no way intended to impose an undue burden on builders, and is solely intended to make newly constructed homes in Virginia environments where people of all ages and abilities can thrive.

While reviewing the updated language which we strongly support, two areas of potential concern were identified that we would encourage you to clarify before the revised building code is finalized.

- Exemption for *additions* to existing homes—BFAC agrees that the intent and purpose of this obligation is primarily targeting newly constructed homes. However, there are instances where additions to existing homes are greater than the original home foundation. In cases where the addition to a previously existing home match or even exceed the size and scope of the original home, we believe that there could be additional language incorporated into the proposed language where the 34-inch obligation could apply to additions in such instances.
- Exemption for *reconstruction* of existing homes—It is our understanding that a complete “reconstruction” of an existing home essentially means that the home is torn down to the foundation and reconstructed to the extent that it could essentially be considered a newly constructed home. Again, we believe this could be clarified further to ensure that 34-inch doorways are utilized to the greatest extent possible.

BFAC supports the concept of this newly implemented prerequisite for 34 inch doorways to apply to newly constructed single family homes. We applaud VHDA's efforts and understand the need to clarify the language in the revised version of the Commonwealth of Virginia's Statewide Uniform Building Code. Our only concern is that these two exceptions for “additions” and “reconstruction” could be used as potential loopholes for builders to avoid complying with the 34-inch doorway obligation, and hope that you'll take our comments into consideration as you finalize the language in the revised statewide uniform building code.

Most importantly, we would like to thank you for such a fantastic initiative for people of all ages and abilities. A recent study found that only one to three percent of the nation's housing stock includes Universal Design features like wider doorways that are so desperately needed. BFAC is convinced that successfully implementing this exciting new opportunity will not only send a message to the rest of the country that Virginia is a state welcoming for everyone, but also gives us a strategic advantage to be ahead of the growing demand for Universal Design features in newly constructed single family homes.

Thank you,

Members of Fairfax County's Building For All Committee

<http://www.fairfaxcounty.gov/universaldesign/>

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Commenter: Coalition of GEC and Energy Efficiency Roadmap Team Members

Comments from a Coalition of GEC and Energy Efficiency Roadmap Team Members

May 26, 2017

Mr. John Ainslie, Chairman
Board of Housing and Community Development
Main Street Centre
600 East Main Street, Suite 300
Richmond, VA 23219

Dear Mr. John Ainslie:

We, the undersigned members of the Governor's Executive Committee on Energy Efficiency (GEC) and the Virginia Energy Efficiency Roadmap Team support increased energy efficiency in Virginia's Uniform Statewide Building Code (USBC). As staff to the GEC and managing partner of the Roadmap Team, the Division of Energy, Department of Mines, Minerals and Energy is aware that there are several proposals before the Board of Housing and Community Development (the Board) that would strengthen energy efficiency standards for commercial and residential buildings throughout Virginia. Energy efficiency provides many benefits, including savings for homeowners, recoverable costs for homebuilders, new jobs throughout the Commonwealth, improved building comfort, and reduced environmental impacts.

The GEC was created by Governor McAuliffe in May 2015 and is tasked with developing strategies and recommendations to achieve Virginia's goal of a 10 percent reduction in retail electricity consumption in the Commonwealth by 2020. The GEC is comprised of public and private sector stakeholders including representatives of utilities, financial institutions, universities, energy efficiency service providers, environmental organizations and consumer advocates.

The Virginia Energy Efficiency Roadmap Team is a group of public and private energy efficiency stakeholders and subject matter experts that received a grant award from the U.S. Department of Energy in January 2016 to support the work of the GEC by developing recommendations to achieve the Commonwealth's 10 percent electricity conservation goal.

Based on projections by the Division of Energy, the adoption of the provisions of 2015 International Energy Conservation Code (IECC) without amendments in the USBC could represent 1.4 million megawatt hours of avoided energy consumption, which represents 13.6 percent of the state's energy conservation goal. These avoided megawatt hours would provide the largest single contribution to the 10 percent goal to date.

The signers of this letter compiled by the Division of Energy view the adoption of the standard energy efficiency measures in the USBC as a cost-effective and practical approach to avoiding energy generation, saving money, and creating economic opportunities in Virginia. We encourage the Board to consider each proposal carefully with the perspective that updates made in the USBC during this code cycle can play a very significant role in our progress towards achieving Virginia's electric energy conservation goal.

Thank you for your time and consideration.

Sincerely,

Cynthia Adams
Member, GEC
Pearl Home Certification

Will C. Cleveland
Member, GEC
Southern Environmental Law Center

William R. Prindle
Member, GEC
Local Energy Alliance Program

Dana Wiggins
Member, GEC
Virginia Poverty Law Center

Cyrus Bhedwar
Member, Roadmap Team
Southeast Energy Efficiency Alliance

Kyra Hoskins
Member, Roadmap Team
Clean Energy Solutions, Inc.

Maggie Molina
Member, Roadmap Team
American Council for an Energy Efficient Economy

Commenter: Peter E. Broadbent, Jr., Counsel for VCTA

Comments of the VCTA

BEFORE THE

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

OF VIRGINIA

In re Virginia Uniform Statewide Building Code (13 VAC 5-63)

Proposed Regulations, 13 VAC5-63-20.D and 13 VAC5-63-80.B

Comments of the Virginia Cable Telecommunications Association on

Suggested Revisions to the Uniform Statewide Building Code

The Virginia Cable Telecommunications Association ("VCTA"), by counsel, hereby submits comments to the Board of Housing and Community Development ("BHCD") on suggested revisions to the BHCD's proposed new version of the Virginia Uniform Statewide Building Code ("USBC").

I. Introduction

Since 1966, the VCTA has served as the trade association for cable television operators in Virginia and their affiliates. As envisioned by the Telecommunications Act of 1996, cable television operators have entered the telecommunications market (through corporate affiliates) as competitive local exchange carriers ("CLECs") and have become the principal facilities-based competitors to the incumbent local exchange carriers ("ILECs"). Cable television operators in Virginia generally have established separate telephone company subsidiaries or affiliates to obtain CLEC certification from the State Corporation Commission of Virginia.

II. Background

Cable CLECs provide facilities-based competition to ILECs, but deliver their communications signals through various different technologies.

In 2002, a municipal inspection authority in Virginia claimed that a cable CLEC's method of providing telephone service required a permit under then - existing provisions of the USBC.

The VCTA challenged that local assertion, believing that cable television and cable CLEC installations were exempt under the existing provisions of the USBC; but the VCTA proceeded to offer clarifications to those existing USBC provisions in 2003 which resulted in express exemptions in the USBC for cable CLEC providers.

The 2017 proposed amendments to 13VAC 5-63-20.D and 13 VAC 5-63-80.B revise the same USBC sections that were a concern to the VCTA and other communications providers in 2003.

While the VCTA appreciates the efforts of the BHCD working group studying USBC revisions to update these provisions, some of the changes made do not reflect current communications practices (or current or anticipated technology), and consequently need further minor revisions.

III. Suggested USBC Changes.

While cable and telephone installations of cable CLECs (and their cable television affiliates) are generally already exempt from the USBC, under the proposed language in the new regulations there are risks that new technology and current business and regulatory models could lead to disputes with local authorities over the scope of the exemptions (resulting in appeals to the local boards of building code appeals and eventually to the State Building Code Technical Review Board). The most efficient solution would be to clarify the USBC at this stage in the rulemaking process to reflect new technology and current business and regulatory practices.

A. 13 VAC 5-63-20 D

Wireline vs. wireless service distinction

The draft regulations create a new distinction between wireline and wireless service, essentially separating out wireless service and providing it with a narrower exemption – specifically that structures supporting wireline services are exempt from the USBC, but structures supporting wireless services will not be exempt from the USBC.

At present, wireline communications services are typically delivered (in the case of aerial installations) by attaching wirelines to utility poles. These utility poles, as supporting structures for wireline communications, are exempt from the USBC.

Wireless communications services today typically use radio signals (for at least part of their transmission paths), delivered by microwave transmitters placed on elevated towers or tall buildings for efficient signal transmissions, or, in the case of micro-wireless facilities, may be mounted on the strand between the utility poles.

As long as the existing utility poles still carry wireline facilities, these poles are presumably exempt structures; but if existing wireline facilities are removed from a pole, or if new utility poles are added which will only be used to mount a wireless antenna (and may be necessary in some cases for improved service coverage), the same utility pole, installed by the same carrier, will lose its USBC exemption if it is used only for wireless purposes. This approach, requiring local permits and consequent delays for broadband deployment, would be contrary to federal and state policy seeking to encourage broadband deployment and will likely give rise to disputes over whether federal pre-exemption of state and local barriers to broadband deployment should apply. It also seems to impose an unnecessary regulatory burden, without any justification. As the attached Reply Comments[1] of the NCTA in an FCC proceeding make clear on pages 2-3, the communications network of the next decade will be a mix of wireless and wireline facilities. Those Reply Comments also note that the FCC needs to take a holistic approach to encourage communications deployment to facilitate both wired and wireline construction, and keep them on a level playing field.

The 2017 Virginia General Assembly has just enacted legislation to encourage wireless services deployment, 2017 SB 1282 (to become effective July 1, 2017 as Va. Code §§ 15.2-2316.3, 15.2-2316.4, 15.2-2316.5, and 56-484.26 through 56-484.31).

Va. Code §56-484.27A of that new bill provides in pertinent part “No locality... shall impose on wireless service providers or wireless infrastructure providers any restrictions or requirements concerning ...enforcement of the statewide building code and inspections, that are unfair, unreasonable or discriminatory.”

The proposed distinctions in the proposed new USBC treatment of wireline vs. wireless structure, without any rationale or justification, would seem exactly such an unfair, unreasonable and discriminatory burden.

In addition, in Va. Code §58-484.29.C of the new bill one particular type of wireless attachment (a “micro-wireless” facility) is singled out for special protection. “Localities shall not impose any fee or require any application or permit for the installation, placement, maintenance or replacement of micro-wireless facilities...”

The proposed new USBC burden which would be imposed on wireless structures seems both inconsistent with state policy and prohibited by these new statutory provisions.

The better solution would be to do away completely with the proposed wireline-wireless distinction, and keep the existing language of the current USBC unchanged on this point, exempting structures supporting wireline or wireless utility or cable television facilities from the USBC.

An alternative approach would be to exempt at least traditional utility poles from regulation, even when used for wireless service. Towers or buildings on which wireless installations are made could be regulated as non-exempt structures, but traditional utility poles could continue to be exempt.

This change could be implemented as follows:

13 VAC5-63-20. Section 102

D. Section 102.3 exemptions. The following are exempt from this code:

2. Electrical equipment, transmission equipment, and related wiring used for wireless transmission of radio, broadcast, telecommunications or information service, and supporting structures in the form of traditional utility poles, in accordance with all of the following conditions:

2.1. Buildings housing exempt equipment and wiring and structures (other than traditional utility poles) supporting exempt equipment and wiring shall be subject to the USBC.

B. 13 VAC 5-63-20 D

Ownership and Control of Equipment, Wiring and Supporting Structures

The existing exemption for communications equipment and wiring applies if the “ownership and control” of the equipment and wiring is by the communication service provider or its affiliates. Changes in communications policy and business models already strain the concept of “ownership and control” under this existing language.

A fiber sheath attached to a utility pole will contain multiple fiber optic cables, some of which may be owned by the communications entity which owns the sheath; but other fibers within the sheath may be owned by other regulated communications providers and other fibers by private parties, or governmental entities. Some fibers may be owned outright by third parties, and some may be fibers in which third parties have either exclusive leases or “irrevocable rights of use”. Arguably the sheath owner can claim that if it owns and controls the external sheath then this constitutes “ownership and control” of the equipment and wiring.

However, the proposed regulations would change this to mandate in Section 102.3.1.1 that “The equipment, wiring and supporting structures are owned and controlled by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates.”

The addition of “supporting structures” to equipment and wiring could suggest that all three factors - equipment, wiring and structure - must be owned by the same entity. In fact, cable television operators rarely own their own utility poles (supporting structures) but rely on federal and state access rights to use utility poles of public utilities.

A single utility pole typically has multiple attachers, with each attachment owned by a different entity. Some attachments (such as a power supply) may serve one attacher, but can potentially serve multiple attachers. As noted earlier, in the case of a fiber optic communications sheath, today there are often multiple owners of rights within that sheath. Federal and state policy obviously encourages colocation of communications assets and sharing of communications facilities, not installation of multiple poles, power supplies and other equipment by every different communications provider.

To avoid any future confusion or disputes over this issue, the easiest approach would be to revise the language as follows:

13 VAC 5-63-20. Section 102

D. Section 102.3 Exemptions. The following are exempt from this code:

1.1 The equipment, wiring and supporting structures are owned or controlled by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates. In the case of communications facilities, only ownership or control of the external physical features or elements of any wiring or equipment by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates shall be required.

[1] See Exhibit C, the April 7, 2017 Reply Comments of the NCTA (The Internet & Television Association) in the Matter of Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies, FCC WT Docket No. 16-421.

PART 1

5/26/17 4:20 pm

Commenter: Peter E. Broadbent, Jr., Counsel for VCTA

Comments of the VCTA

Part 2

C. 13 VAC 5-63-80 B.1. Section 108 Application for permit

Exemptions for Application for permit – Technology and Service Changes

Section 108.2 repeats in subsection 1 the existing USBC exemption for installation of wiring and equipment, with only a new cross-reference. However, with changes in communications technology and service models, additional clarification to this section is necessary.

First, there is a reference in 13 VAC 5-63-80.B.1 (ii) to “network powered broadband communications systems”. While “network powered broadband communications systems” represented state of the art CLEC telephone technology in 2003 when the VCTA requested this exemption, in 2017 it is no longer the prevalent technology, with several different technical options available. Striking “network powered”, and leaving “broadband communications systems”, would update this provision properly.

Secondly, while equipment and wiring of communications systems are generally exempt, there is an exclusion for “a component” of nine categories of fire and smoke alarm and door control systems.

The market reality is that today consumers want “whole house” control systems allowing them to remotely monitor and access a variety of functions in a home, including door controls, and with any fire alarm system connected to the whole house monitoring. The language in the regulation that an exemption for wiring and equipment does not apply to “a component” of a fire monitoring system or door control system is less than clear. If a new whole house monitoring system is connected to an existing fire alarm system, or a remote control door lock system is in the whole house monitoring system, that should not result in a loss of exemption for the entire system.

The National Fire Code has requirements for telephone line monitoring of fire alarm systems (see NFPA 72 summary attached as Exhibit B), and that exception, and a clarification of “component” need to be added.

13 VAC 5-63-80. B.1. should therefore be revised and updated as follows to reflect these points:

1. *Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for ~~network powered~~ broadband communications systems, or (iii) is exempt under Section 102.3(1) or 102.3(2), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:*

1.1. *Fire alarm system,*

1.2. *Fire detection system,*

1.3. *Fire suppression system,*

1.4. *Smoke control system,*

1.5. *Fire protection supervisory system,*

1.6. *Elevator fire safety control system,*

1.7. *Access or egress control system or delayed egress locking or latching*

system,

1.8. Fire damper,

1.9. Door control system.

Installation of wiring and equipment shall not be deemed to be a component of items 1.1-1.9 when it is i) compliant with NFPA 72 national requirements for telephone lines, as the same may be updated, or ii) is a part of a whole house or whole building monitoring system in which any of items 1.1-1.9 are one of multiple components monitored and controlled, or to which items 1.1-1.9 may be connected.

The text of all suggested USBC changes is attached as Exhibit A.

IV. CONCLUSION

The VCTA urges the BHCD not to delay acting upon these suggestions until the next round of USBC rulemakings, but to modernize and clarify these provisions of the USBC now, to reflect current communications technology and regulatory framework, and to prevent unnecessary disputes between cable CLECs and other communications providers on the one hand, and local building inspection departments on the other hand. The VCTA therefore requests that the BHCD incorporate the VCTA's suggested changes in this round of its USBC rulemaking.

The VCTA appreciates the opportunity to submit these comments and to help ensure that the Virginia USBC reflects current communications technology and practices.

Respectfully submitted,

VIRGINIA CABLE TELECOMMUNICATIONS
ASSOCIATION

By: s/s Peter E. Broadbent, Jr.,/

Peter E. Broadbent, Jr.

Counsel

May 26, 2017

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VSB No. 15962

EXHIBIT A

USBC CHANGES RECOMMENDED BY THE VCTA

13 VAC 5-63-20. Section 102

D. Section 102.3 Exemptions. The following are exempt from this code:

1.1 The equipment, wiring and supporting structures are owned or controlled by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates. In the case of communications facilities, only ownership or control of the external physical features or elements of any wiring or equipment by a provider of publicly regulated utility service or a franchised cable television operator or its affiliates shall be required.

13 VAC5-63-20. Section 102

D. Section 102.3 exemptions. The following are exempt from this code:

2. Electrical equipment, transmission equipment, and related wiring used for wireless transmission of radio, broadcast, telecommunications or information service, and supporting structures in the form of traditional utility poles, in accordance with all of the following conditions:

2.1. Buildings housing exempt equipment and wiring and structures (other than traditional utility poles) supporting exempt equipment and wiring shall be subject to the USBC.

13 VAC5-63-80 Section 108.2

B. Section 108.2 Exemptions from application for permit

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for ~~network~~ ~~powered~~ broadband communications systems, or (iii) is exempt under Section 102.3(1) or 102.3(2), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:

- 1.1. Fire alarm system,*
- 1.2. Fire detection system,*
- 1.3. Fire suppression system,*
- 1.4. Smoke control system,*
- 1.5. Fire protection supervisory system,*
- 1.6. Elevator fire safety control system,*

1.7. Access or egress control system or delayed egress locking or latching system,

- 1.8. Fire damper,*
- 1.9. Door control system.*

Installation of wiring and equipment shall not be deemed to be a component of items 1.1-1.9 when it is i) compliant with NFPA 72 national requirements for telephone lines, as the same may be updated, or ii) is a part of a whole house or whole building monitoring system in which any of items 1.1-1.9 are one of multiple components monitored and controlled, or to which items 1.1-1.9 may be connected.

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5/26/17 4:24 pm

Commenter: Peter E. Broadbent, Jr., Counsel for VCTA

Comments of the VCTA

Part 3

MFVN (telco POTS) MFVN (telco digital) MFVN (telco VoIP) MFVN (cable VoIP) PSTN Alarm Panel Alarm Panel Alarm Panel Alarm Panel NFPA 72 2010 defines the performance requirements required at the service interface or demarcation point RJ-11 or RJ-31x jack

Key Benefits

- **For NFPA:** Aligns expectations of all affected stakeholders: AHJs, alarm companies, voice providers, consumers and businesses
- **For AHJs:** Eliminates the need to evaluate voice technologies and develop own policies; creates clear accountability
- **For alarm companies:** Provides clear system design criteria that is uniform across all markets
- **For voice providers:** Provides clear expectations of what is required for fire alarm monitoring
- **For customers:** Provides cost saving from voice competition, eliminate additional costs and delays for design workarounds and further approvals, eliminate finger-pointing by alarm and voice providers.

SUMMARY OF NEW

NFPA 72® NATIONAL

REQUIREMENTS FOR

TELEPHONE LINES

NFPA 72 Model for MFVN Compliance

Managed Facilities-based Voice Networks and the National Fire Code – A Summary of New Rules Approving the Use of Non-Traditional Telephone Lines For Fire Alarm Monitoring

FAQs

- **Isn't 24-hour standby power required since NFPA requires it, and "POTS" lines provide it?** No. NFPA has allowed 8-hour standby power for voice lines since the 1980's, when telcos began using 8 hour batteries in the remote terminal equipment that provides dialtone to homes and commercial buildings. Today, over 50% of all telco lines, nationally, are provided from these remote terminals.
- **Is UL listing required for voice equipment attached to alarm equipment?** Yes. NFPA 72 requires that both communications and fire alarm equipment "be UL listed for its purpose". On-premises voice equipment is UL listed under Telecommunications (UL® 60950). Fire alarm equipment is UL listed under Fire Alarm Systems (UL® 864).

• **How can AHJs or alarm companies confirm that a voice provider meets these requirements?** These parties may contact the voice provider to confirm the service conforms to all NFPA requirements.

CableLabs® has been actively collaborating with NFPA since 2005 to address this important issue.

For further information, please email:

alarm-issues@cablelabs.com

For further information, see:

<http://www.nfpa.org/faq.asp?categoryID=925>

<http://www.nfpa.org/displayContent.asp?categoryID=182>

http://en.wikipedia.org/wiki/Managed_Facilities-based_Voice_Network

858 Coal Creek Circle | Louisville, CO 80027

303.661.9100 | www.cablelabs.com

NFPA 72 is available from:

www.nfpa.org

5/26/17 4:25 pm

Commenter: Peter E. Broadbent, Jr., Counsel for VCTA

Comments of the VCTA

Part IV

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of)

)

Streamlining Deployment of Small Cell) WT Docket No. 16-421

Infrastructure by Improving Wireless Facilities)

Siting Policies)

)

Mobilitie, LLC Petition for Declaratory Ruling)

REPLY COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

Steven F. Morris

Jennifer K. McKee

NCTA – The Internet & Television

Association

25 Massachusetts Avenue, NW – Suite 100

April 7, 2017 Washington, D.C. 20001-1431

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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of)

)

Streamlining Deployment of Small Cell) WT Docket No. 16-421

Infrastructure by Improving Wireless Facilities)

Siting Policies)

)

Mobilitie, LLC Petition for Declaratory Ruling)

REPLY COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these reply comments in the above-referenced proceeding.¹ The Commission's goal should be to promote the deployment of all types of broadband networks, regardless of the technology used. Accordingly, the Commission should interpret Section 253 in a manner that avoids extreme delays or burdens that would have the effect of prohibiting deployment, irrespective of the technology used by the provider.

¹ Public Notice, *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*, WT Docket No. 16-421, DA 16-1427 (rel. Dec. 22, 2016) (Notice); Mobilitie LLC Petition for Declaratory Ruling, WT Docket No. 16-421 (filed Nov. 15, 2016) (Mobilitie Petition).

INTRODUCTION AND SUMMARY

The record in this proceeding demonstrates that all types of providers are planning significant new deployment of broadband facilities. Most of these networks will provide a variety of services using facilities that incorporate both wireline and wireless technology. Accordingly, the Commission should ensure that its efforts to streamline broadband deployment obligations encourage all providers to deploy new facilities, regardless of technology,

rather than limiting its focus solely to the small cell issues addressed in the Mobilite petition and Wireless Telecommunications Bureau notice. 2

To that end, there are two concrete steps the Commission can take now under Section 253 to address specific practices that burden and delay deployment. First, the Commission should declare that where a franchised cable operator already has the legal authority to construct and operate facilities in the right-of-way, it is unreasonable for a state or local government to then require that provider to obtain additional licenses or authority (or pay additional right-of-way fees) in order to offer broadband services over those authorized facilities. Second, the Commission should clarify that, when assessing whether state or local government fees for the use of rights-of-way are "competitively neutral and nondiscriminatory" within the meaning of Section 253(c), the inquiry should look beyond fees applicable to specific network technologies and take into account the full scope of fees and obligations already borne by providers, including any revenue-based franchise fees.

I. THE COMMISSION SHOULD TAKE A HOLISTIC APPROACH TO PROMOTING DEPLOYMENT, RATHER THAN LOOKING AT SMALL CELL ISSUES IN ISOLATION

The record establishes that massive deployment of new broadband facilities is expected over the next decade.² Most of these new or upgraded networks will incorporate both wireless and wireline equipment and be capable of providing a range of services subject to a variety of regulatory regimes. For example, the record makes clear that densification of wireless networks will require significant new deployment of both wireless and wireline equipment because "the

2 See, e.g., Wireless Infrastructure Association (WIA) Comments at 2 (FCC's commitment to a "regulatory environment that promotes wireless infrastructure deployment" is "more necessary than ever, as market developments converge to require intensified infrastructure deployment."); CTIA Comments at 2 ("5G will require dense wireless networks, deployment of hundreds of thousands of new small cells, and expanded backhaul and transport facilities to provide needed capacity and coverage."); Competitive Carriers Association (CCA) Comments at 5 ("One study estimates that as much as \$275 billion will be invested over the next seven years; \$93 billion is expected to be spent on construction, with the rest allocated toward network equipment, engineering, and planning."); NTCA Comments at 3 ("Broadband providers of all kinds continue to invest heavily in their networks to help ensure they are prepared to meet the customer demands of the future."). 3

backhaul and transport facilities required to connect small cells with core networks and provide customers with reliable Internet connectivity need to be located in ROWs."³ As NTCA explained, "5G networks are predominantly landline deep fiber networks, with only a very small portion of their network using a wireless technology."⁴

3 CTIA Comments at 2

4 NTCA Comments at 3.

5 See, e.g., FierceCable, *Cable Capex: Comcast, Charter to Ramp Up Network Spending for Combined \$16B Outlay in 2017* (Mar. 23, 2017, at <http://www.fiercecable.com/cable/cable-capex-top-ops-comcast-and-charter-stabilize-cpe-spending-but-ramp-up-network>); LightReading, *Altice Plans FTTH For Entire US Footprint* (Nov. 30, 2016), at <http://www.lightreading.com/gigabit/fttx/altice-plans-ftth-for-entire-us-footprint/d/d-id/728657>.

6 See, e.g., Fortune, *Expect Heavy Combat Between Cable and Wireless in 2017* (Dec. 29, 2016), at <http://fortune.com/2016/12/29/heavy-combat-cable-wireless/>.

7 See, e.g., CTIA Comments at 2 ("The tremendous promise of 5G is, however, threatened by a growing web of local siting restrictions and requirements that delay, discourage, or outright block the new infrastructure needed to accommodate the public's growing demand."); CCA Comments at 8 ("As evidenced by these examples, state and local siting requirements too often slow deployment significantly or halt broadband projects entirely. Even though some states and localities act promptly and correctly, the aggregate impact of those that do not greatly stifles deployment by carriers of all sizes, and cries out for informed Commission action to reduce state and local barriers to broadband deployment."); NTCA Comments at 4-5.

Similarly, cable operators have plans to upgrade their hybrid-fiber coax networks as well as expand their wireless capabilities. The largest cable operators all have announced that they will be upgrading their wireline networks to include more fiber deployment, including some operators' plans to move to a fiber-to-the-premises

service.⁵ Cable operators also are continuing to explore wireless options as well, using both licensed and unlicensed spectrum.⁶

Regardless of the technologies they use, providers of all types see this new deployment as a huge opportunity that could be constrained by certain overzealous regulation of access to public rights-of-way.⁷ The Mobility petition seeks to address some of these concerns through interpretation of key provisions in Section 253 of the Act, and the Public Notice issued by the Wireless Telecommunications Bureau identifies additional areas where federal guidance may help

streamline the deployment process, particularly with respect to small cell deployment.⁸ Separately, the Commission will consider proposals at its April agenda meeting to open two proceedings to consider ways in which it might streamline the deployment process for wireline and wireless infrastructure respectively.⁹

⁸ Mobility Petition at 23-35; Notice at 8-14.

⁹ See Blog of Chairman Pai, Infrastructure Month at the FCC (Mar. 30, 2017).

¹⁰ Mobility Comments at 1 ("Local governments that erect regulatory barriers to advanced broadband networks forget their charter to serve their citizens. They deprive citizens, visitors, schools, organizations and businesses of the benefits that broadband can deliver. Mobility urges the Commission to take immediate, comprehensive actions to remove the regulatory barriers that are obstructing deployment of advanced wireless broadband networks."); WIA Comments at 6 ("WIA members have uniformly reported on the epidemic of significant delays experienced in jurisdictions throughout the country when seeking to deploy small wireless facilities in the public right-of-way.").

¹¹ NTCA Comments at 4 ("Both wireline and wireless providers face challenges in gaining reasonable and timely access to federal and municipal rights-of-way. NTCA's members report that some localities refuse to negotiate ROW access agreements, or needlessly extend the negotiating process. ROW and pole attachments may be looked at as revenue generating and fees for access may be far removed from the cost of providing access.").

Concerns have been raised in the record that certain problematic actions by state and local officials could undermine the Commission's broadband objectives absent expansive federal intervention.¹⁰ Although most of the focus is on wireless deployment, NTCA correctly points out that wireline providers may face similar obstacles.¹¹

In the face of this record, the challenge for the Commission is to streamline deployment requirements where warranted without unduly constraining state and local management of the public rights-of-way or improperly placing a thumb on the scales in favor of one technology or one class of providers over others. NCTA supports Commission efforts to eliminate extreme delays and burdens on deployment, but we encourage the agency not to focus exclusively on small cell deployment. Instead, the Commission should consider right-of-way issues in a more holistic manner that considers the interests of all providers, both new entrants and existing providers, and all types of technologies, both wireless and wireline. ⁵

In applying this holistic approach, the Commission should account for the fact that many states already are considering legislation that would address small cell deployment issues. Over the past year, bills addressing small cell deployment issues have been enacted in three states (Arizona, Kansas, and Ohio), passed by the legislature in two more (Colorado and Virginia), and are under consideration in 16 additional states.¹² Recent reporting suggests that many states are making progress in identifying solutions that balance the respective interests of all the parties involved.¹³ The Commission generally should be encouraging such efforts where they will promote new deployment without disfavoring existing providers, while leaving room for federal intervention that may be necessary to remove unwarranted or discriminatory regulation as described in the next section.

¹² Small cell bills have been introduced in Arkansas, California, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, New York, North Carolina, Rhode Island, Texas, and Washington.

¹³ Communications Daily, *Municipalities, Industry Find Compromise on State Small-Cells Bills* (Mar. 23, 2017) at 9 ("Expect 'more instances where locals and industry sit down and try and work this stuff out' [NATOA Executive Director Steve Traylor] emailed Wednesday. 'There is still a lot of misunderstanding about 5G, the

IoT, what densification means, what's going to happen to rural folks, etc. I think sitting down at the table helps to clear up a lot of the confusion – on both sides.”).

14 Public Notice, GN Docket No. 17-83, *FCC Announces the Membership and First Meeting of the Broadband Deployment Advisory Committee*, DA 17-328 (rel. Apr 6, 2017).

As a process matter, the Commission has taken a number of steps that are conducive to the type of holistic analysis these issues require. For example, the decision to open new proceedings for both wireline and wireless infrastructure will provide parties an opportunity to raise the fully range of right-of-way issues affecting broadband deployment, although it will be critically important for these two proceedings to be tightly coordinated, rather than proceeding in separate silos with separate personnel. It also will be important for the Commission to incorporate input from the Broadband Deployment Advisory Committee (BDAC) before adopting any new rules.¹⁴ The BDAC has a roster of experts representing all the affected parties⁶

and therefore should be well situated to offer input to the Commission on the issues presented in this docket.

II. THE COMMISSION SHOULD INTERPRET SECTION 253(C) IN A MANNER THAT PROMOTES A LEVEL PLAYING FIELD AND AVOIDS EXTREME DELAYS OR BURDENS ON ANY TYPE OF DEPLOYMENT

The Mobilitie petition seeks a declaratory ruling from the Commission interpreting various provisions in Section 253(c) of the Act. In particular, Mobilitie asks the Commission to find that certain fees that have the effect of prohibiting deployment are generally not "reasonable" and "nondiscriminatory" for purposes of that section.¹⁵ As noted above, the Commission's goal should be to promote broadband deployment by all types of providers regardless of technology.¹⁶ Below we address specific types of state and local requirements that the Commission should use this opportunity to declare unreasonable and discriminatory for purposes of Section 253(c), as well as considerations that should guide the Commission's inquiry with respect to other practices and requirements.

15 Mobilitie Petition at 24-34.

16 As NTCA explains, "[p]olicies in this area should not favor one class of providers over another and should ensure that private operators are not unduly disadvantaged by an uneven playing field as it relates to government-owned broadband networks." NTCA Comments at 8.

A. Requiring a Separate Broadband or Telecommunications Franchise or Right-of-Way Fees on a Franchised Cable Operator is Unreasonable

Certain types of fees generally are not reasonable for purposes of Section 253(c). In particular, for companies with existing authority to place equipment in the public right of way (e.g., a franchised cable operator), no additional authority or fees should be required for activities or equipment that does not place any significant new burden on the right-of-way (e.g., providing a new service over existing plant or overlying on existing strand). Particularly where a cable⁷

operator already pays (through its cable franchise fee) for the right to access and utilize the public right-of-way, the addition of broadband or telecommunications services does not impose any additional maintenance or regulatory costs and should not be treated by state or local governments as a revenue-generating opportunity, as such measures needlessly drive up consumer costs, disincentivize broadband adoption, and burden deployment.

Declaring such additional fees unreasonable when applied to providers with existing cable franchises is fully consistent with the Commission's statement in the *Open Internet Order* that reclassification of broadband Internet access service (BIAS) should not serve as justification to require a franchised cable operator to "obtain an additional or modified franchise in connection with the provision of [BIAS], or to pay any new franchising fees in connection with provision of such services."¹⁷ This approach is also good policy. Cable franchises generally contain construction provisions, fees and other protections for the franchisor, and thus already protect legitimate state and local government interests in regulating access to the public rights-of-way and recovering their costs of such regulation. The deployment of new services over franchised cable systems serves the Commission's goal of furthering broadband deployment, while presenting no threat to the existing ability of state and local governments to protect their interests through the operators' franchise agreements.

17 *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5804, ¶ 433 n. 1285 (2015).

18 *City of Eugene v. Comcast of Oregon II*, 359 Or. 528 (2015).

NCTA is particularly concerned about the implications of a 2016 decision by the Oregon Supreme Court rejecting a challenge to the broadband license fee imposed by the City of Eugene.¹⁸ On top of the five percent franchise fee on video revenue, the City of Eugene has imposed a broadband license fee of seven percent of telecommunications (including broadband)

5/26/17 4:27 pm

Commenter: Peter E. Broadbent, Jr., Counsel for VCTA

Comments of the VCTA

Part V

revenues,¹⁹ even though adding broadband services to the traditional cable video plant imposes no new burden on the rights-of-way. The city reasons that neither the existing cable franchise nor the franchise provisions in Title VI provided Comcast with a preexisting right to use the public rights-of-way for telecommunications services using facilities it has already deployed.²⁰ The court agreed and found that this broadband license fee was paid in return for a specific privilege granted to Comcast and therefore not considered a tax that would be barred by the Internet Tax Freedom Act.²¹ Of particular relevance here, as part of that analysis the court found that the *Open Internet Order* language cited above was somehow inapplicable because the use of the term "franchising fees" meant the Commission only intended to preclude additional fees on cable service.²² The court separately found that the application of the seven percent broadband license fee did not violate the five percent cap on franchise fees in Title VI of the Communications Act.²³

¹⁹ *Id.* at 534.

²⁰ *Id.* at 536.

²¹ *See id.* at 539-55.

²² *Id.* at 554-55.

²³ *Id.* at 555-58.

²⁴ The Oregon court expressly stated that its decision did not reach the question of whether the Eugene ordinance was valid under Section 253, so that question remains open for resolution by the Commission. *Id.* at 553 n.14.

The Commission should send a strong signal that the Oregon Supreme Court misinterpreted the language in the *Open Internet Order* and Title VI and that the Commission does not support ordinances that materially inhibit the provision of broadband or telecommunications services by imposing excessive fees and discriminating among providers of broadband services.²⁴ The Eugene ordinance's imposition of a license fee of seven percent of telecommunications (including broadband) revenues – on top of the franchise fee equal to five

percent of cable revenues – needlessly adds to the retail cost of broadband service, impeding deployment and adoption, and is not justified by any additional cost or burden incurred by the city.²⁵ Absent a clear statement from the Commission that such an approach would be presumed to materially inhibit deployment and be neither "fair and reasonable" nor "competitively neutral and nondiscriminatory" under Section 253, we are concerned that other jurisdictions could follow this path and impose new fees on broadband services.²⁶

²⁵ In addition to the 7% broadband license fee, Eugene imposes a 7% license fee and 2% registration fee on Comcast's VoIP and Ethernet transport services, as well as its cellular backhaul services. Further deployment of the latter will be a crucial element in supporting the deployment of 5G.

²⁶ A number of Oregon communities already are assessing other non-cable services, such as VoIP and Ethernet.

27 *Decision Denying the Petition to Open a Rulemaking Proceeding to Extend the Right-Of Way Rules Adopted by Decision 16-01-046 to Cable Television Corporations*, Decision 17-02-006 at 17-18 (Feb. 10, 2017).

28 See, e.g., *New England Public Communications Council Petition for Preemption Pursuant to Section 253*, Memorandum Opinion and Order, 11 FCC Rcd 19713, 19722, ¶ 21 (1996).

In addition to clarifying that additional fees are not permitted as a condition of providing broadband or telecommunications services over franchised cable systems, the Commission also should explain that franchised cable operators may not be required to obtain an additional local franchise or state certification to deploy facilities necessary for the provision of additional services. Cable operators have encountered this road block in the State of California, where the California Public Utilities Commission has determined that a cable operator must obtain certification as a facilities-based CMRS carrier before it may install wireless equipment on poles.²⁷ Such a policy is at odds with Section 253(a) because it materially inhibits the ability of cable operators to deliver new and innovative wireless broadband services directly to the public in competition with existing wireless carriers, as well as offer competitive options for small cell and other infrastructure solutions to CMRS providers. Nor is it consistent with the Commission's precedent interpreting the savings clause in Section 253(b).²⁸ The Commission 10

should make clear that once a provider has permission to deploy facilities in the public right-of-way, a state or local government may not require separate permission for facilities necessary to provide telecommunications or broadband services.

B. Cable Franchise Obligations Should Be a Relevant Consideration in Assessing Whether State or Local Right-of-Way Obligations are Discriminatory

The Mobilitie petition also asks the Commission to find that "competitively neutral and nondiscriminatory" for purposes of Section 253(c) means "charges imposed on a provider for access to rights-of-way that do not exceed the charges that were imposed on other providers for similar access to the rights-of-way."²⁹ NCTA generally agrees with this principle, although applying it in practice may present challenges.

29 Mobilitie Petition at 32.

The difficulty in considering whether any particular obligation has been imposed in a nondiscriminatory manner for purposes of Section 253(c) is that different types of entities may have different rights and obligations in connection with their use of the rights-of-way. For example, cable operators and wireless providers historically have used different technology and been subject to different regulatory regimes. But as noted above, increasingly these companies will be competing for the same customers by offering the same services using similar networks. Accordingly, any assessment of whether fees imposed on wireless providers are "competitively neutral and nondiscriminatory" for purposes of Section 253(c) should consider the full scope of rights and obligations faced by other providers, including the fact that cable operators are subject to revenue-based franchise fees that are paid as a condition of using the public rights-of-way. 11

CONCLUSION

For all the reasons explained above, NCTA encourages the Commission to take a holistic approach to right-of-way management that encourages deployment by all providers and all technologies, rather than narrowly focusing on small cell deployment. The Commission should focus on eliminating practices that create undue delays or burdens on deployment by any type of provider. In particular, the Commission should make clear that localities may not require a franchised cable operator to obtain an additional franchise or to pay additional fees in connection with the offering of broadband or telecommunications services or to deploy equipment that places no meaningful new burden on the public right-of-way.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

Jennifer K. McKee

NCTA – The Internet & Television

Association

25 Massachusetts Avenue, NW – Suite 100

April 7, 2017 Washington, D.C. 20001-1431

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Commenter: William Penniman

Building Code

As a citizen of Virginia and someone who has spent a career working on energy issues, I strongly urge Virginia to adopt the full 2015 International Energy Conservation Code, including the requirement for blower door testing. Failure to adopt the full code will harm Virginians as home buyers because their homes will be less efficient; will harm them as consumers because their costs of utility-supplied energy will be increased by unnecessary demand; and will harm them as residents whose air, water and climate will be harmed by avoidable energy combustion.

Permitting builders to use "visual" testing in place of blower door testing is equivalent to allowing car manufacturers to rely on visual inspection of brakes. It is meaningless, and the results will be hidden from the buyer by finished walls and insulation. They will experience potentially decades of higher energy costs as leaks require them to buy more energy and pay for costly repairs if they ever learn of leaks that should never have been built into a home. Those lifecycle costs are harmful and should be avoided. Looking only at "first costs" to a builder deprives consumers of the least cost solution to home-ownership or occupancy over the life of the home.

The Governor's Executive Order 57 and Energy Efficiency advisory committee have recognized the importance of improving building energy efficiency. Now is the time to do it with adoption of the full 2015 energy efficiency standards.

William Penniman, 2007 Upper Lake Dr., Reston, VA 20191

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4/10/17 10:00 am

Commenter: Laura

Trouble Opening Link To Files, Virginia Beach

Having trouble opening the documents with the link provided. Laura with <http://www.housecleaningvabeach.com>

4/10/17 10:03 am

Commenter: Laura

Nevermind, got them opened in a different browser

Like the title states, my apologies, I can't remove the old comment. Laura with <http://www.housecleaningvabeach.com>

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Public Comments for F-101.1(2) cdpVA-15 : F-101.1(2)-SFPC Edit Committee

Cindy Davis, CBO

Public Comments for Proposal Id : 606

100 Comment(s)

By **William Andrews**

02-14-2017 15:10:28

909.7.1 Prohibited conditions. ~~This method shall not be employed~~ Where test indicate either the quantity of air or the velocity of the airflow will adversely affect other portions of the smoke control system, airflow toward the fire exceed 200 feet per minute (1.02 m/s), unduly intensify the fire, disrupt plume dynamics or interfere with exiting, ~~the building shall be restored to stay in compliance with the applicable building code. In no case shall airflow~~ toward the fire exceed 200 feet per minute (1.02 m/s). Where the calculated airflow exceeds this limit, the airflow method shall not be used

Fire code should have maintenance requirements which can cause corrections to keep in compliance with applicable building code when test indicate improper air flow increase risk in fire conditions. Changes in building over time might negatively impact old safety features involving airflow.

By **William Andrews**

02-14-2017 14:42:56

914.2.4 Fire department access to equipment. Rooms or areas containing controls for air-conditioning systems, automatic fire-extinguishing systems, automatic sprinkler systems or other detection, suppression or control elements shall be identified for use by the fire department.

Need keep in fire code. Not construction, merely labeling doors to indicate within that room are controls of systems important for firefighting efforts.

By **William Andrews**

12-17-2016 17:52:39

904.12.6.1 Existing automatic fire-extinguishing systems. Where changes in the cooking media, positioning of cooking equipment or replacement of cooking equipment occur in existing commercial cooking systems, the automatic fire-extinguishing system shall be required to comply with the applicable provisions of Sections 904.12 through 904.12.4 maintained in accordance with the applicable building code or the current building code, as directed by the building code official.

Need keep in fire code about changes in hazard being protected by the fire protection system require compliance with the building code. Building official may deem minor changes in hazard not need changing protection, allow apply code when original systems installed, or require comply with current code due to new hazard. If fire official observes positioning of cooking equipment changed, IFC's wording needed to authorize require proper re-positioning for proper protection. Changes in cooking media or equipment should require evaluating protection similar to original installation.

By **William Andrews**

11-17-2016 09:18:57

6704.1.5 Storage configuration. Water-reactive solids and liquids stored in quantities greater than 500 cubic feet (14 m³) shall be separated into piles, each not larger than 500 cubic feet (14 m³). Aisle widths between piles shall not be less than the height of the pile or 4 feet (1219 mm), whichever is greater maintained in accordance with the applicable building code. The fire official shall be provided a copy of the floor plan approved by the building official, showing quantities and separation of storage piles.

The fire official needs record of the building official approved floor plan of amounts and separation of such hazardous materials stored inside. Especially since Appendix N only applies to current code, fire official needs record of building officials past approvals, which might involve variances.

By **William Andrews**

11-17-2016 09:09:27

6704.1 Indoor storage. Indoor storage of water-reactive solids and liquids in amounts exceeding the maximum allowable quantity per control area indicated in Table 5003.1.1(1), shall be maintained in accordance with Sections 5001, 5003, 5004 and, this chapter, and the applicable building code. The fire official shall be provided with a copy of the building official's approval of amounts exceeding the maximum allowable quantity per control area indicated in the applicable building code.

Applicable sections of this fire code need to stay here, plus fire official needs record of amounts building official approved exceeding maximum allowable per control area. Since tables edited out of enforceable fire code, for fire official to properly inspect and enforce fire code, need record of what the building official approved. Where records unavailable, building and fire official should coordinate with customer to establish maximum allowable amounts. Although building code might read maximum allowable amount, when building official allows more, need to state maximum allowable for that specific construction. Similar to occupancy load or weight load per square foot, the size of interior space and other construction has limit on amount of materials safely stored or used within. Water reactive materials especially hazardous since usual fire suppression such as sprinklers and fire hoses (water) worsen danger.

By **William Andrews**

11-17-2016 08:54:03

6703.1 Quantities not exceeding the maximum allowable quantity per control area Storage and use. The storage and use of water reactive solids and liquids in amounts not exceeding the maximum allowable quantity per control area indicated in Section 5003.1 shall be in accordance with Sections 5001, 5003, 6701 and, 6703 and maintained in accordance with the applicable building code.

Should keep requirements of applicable sections of this fire code (for operational activities), in addition to maintain per applicable building code (for construction and amount limits).

By **William Andrews**

11-17-2016 08:46:25

6604.1 Indoor storage. Indoor storage of unstable (reactive) materials in amounts exceeding the maximum allowable quantity per control area indicated in Table 5003.1.1(1) shall be maintained in accordance with Sections 5001, 5003, 5004 and, this chapter and the applicable building code. ~~The fire official shall be provided a copy of the building official approving amounts exceeding the maximum allowable quantity per control area in accordance with the applicable building code.~~

Need to keep requirements to comply with applicable parts of this fire code. Fire official needs record of amounts building official approved in excess of building code's standard maximums. If such record unavailable, building and fire official should coordinate with customer to apply Appendix N, IFC, or appropriate code or standard to establish maximum amounts.

By **William Andrews**

11-17-2016 08:34:54

6603.1.2.1 Group A, E, I or U occupancies. In Group A, E, I or U occupancies, any amount of Class 3 and 4 unstable (reactive) materials shall be stored in accordance with the following:

1. Class 3 and 4 unstable (reactive) materials shall be stored in hazardous material storage cabinets complying with Section 5003.8.7.
2. The hazardous material storage cabinets shall not contain other storage.

Need keep these limitations, otherwise the original remaining requirement to store per the following is meaningless. Portable storage cabinets not needing building code, and limit against other storage in same cabinet is not construction requirements, thus enforceable by fire official. Another example how this editing process is excessive.

By **William Andrews**

11-17-2016 08:27:08

6603.1.1 General. The storage and use of unstable (reactive) materials in ~~amounts not exceeding the maximum allowable quantity per control area indicated in Section 5003.1~~ shall be in accordance with Sections 5001, 5003, ~~6601 and 6603 this chapter,~~ and the applicable building code.

Operational activities need to stay in fire code, in addition to maintenance per the applicable building code.

By **William Andrews**

11-16-2016 17:13:18

6504.2 ~~**Manufacture or storage over 100 pounds.**~~ Fire protection. ~~The Fire protection for~~ The manufacture or storage of articles of cellulose nitrate (pyroxylin) plastic in quantities exceeding 100 pounds (45 kg) shall be located in a building or portion thereof equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 ~~approved for such by the applicable building code.~~

Instead of fire code seeming to require fire protection in accordance with the applicable building code, better for fire code to regulate operational activity to where approved by the applicable building code.

By **William Andrews**

11-16-2016 17:04:34

6504.1.3 Storage of additional material. Raw material in excess of that allowed by Section 6504.1.2 shall be kept in vented vaults not exceeding 1,500-cubic-foot capacity (43 m³) of total vault space, ~~and with approved construction, venting and sprinkler protection in compliance with the applicable building code.~~

Change so regulates operational activity, limiting excess hazardous material to storage construction in compliance with the applicable building code. Not require change in construction.

By **William Andrews**

11-16-2016 17:00:55

6504.1.1 Storage of incoming material. ~~Where Storage of~~ raw material in excess of 25 pounds (11 kg) is received in a building or fire area, ~~an approved vented cabinet or approved vented vault equipped with an approved automatic sprinkler system shall be provided for the storage of material shall be in a cabinet or vault in accordance with the applicable building code.~~

Regulates operational activity, for storage in accordance with the applicable building code.

By **William Andrews**

11-16-2016 16:46:39

6404.2.2 Weather protection. ~~Where overhead construction is provided for sheltering outdoor storage areas of pyrophoric materials, the storage areas shall be provided with approved automatic fire-extinguishing system protection.~~

~~Pyrophoric materials shall not be stored outside under roofing attached to a building or over 2000 square feet coverage unless approved by the applicable building code.~~

Fire code needs to keep outside storage of pyrophoric materials from under large combustible roofs or roof attached to and against buildings with combustible exteriors, openings, or less than an hour rated separation from occupants or other hazardous contents; unless approved by applicable building code.

By **William Andrews**

11-16-2016 16:33:54

6404.1.4 Separation from incompatible materials. ~~In addition to the requirements of Section 5003.9.8, indoor storage of pyrophoric materials shall be isolated from incompatible hazardous materials by 1-hour fire barriers with openings protected in accordance with the International Building Code. Indoor storage of pyrophoric materials shall be isolated from incompatible hazardous materials per Section 5003.9.8. Exception: Storage in approved hazardous materials storage cabinets constructed in accordance with Section 5003.8.7.~~

Fire code should keep clear requirement to keep incompatible hazardous materials separate. Operational activity, portable cabinet not requiring construction needing building permit.

By **William Andrews**

11-16-2016 16:06:47

5003.1.4 Quantities exceeding the maximum allowable quantity per control area. ~~The storage and use of hazardous materials in quantities exceeding the maximum allowable quantity per control area indicated in Tables 5003.1.1(1) through 5003.1.1(4) shall be in accordance with this chapter. The fire official shall be provided with a copy of the record(s) of the building official approving hazardous materials exceeding the maximum allowable quantity per control area per the applicable building code.~~

The fire official needs record of the building official approved more hazardous materials than the building code normally allows, so the fire official can do proper inspection and issue fire code permits for hazardous materials. Records should state where hazardous materials, maximum amounts, construction including fire protection, and if special conditions or variances apply. If such record unavailable, then building and fire officials should coordinate with customer to establish and document such. Customer has main responsibility to provide copy of record to fire official, yet can come directly from the building official's office.

By **William Andrews**

11-16-2016 15:53:51

6403.2 Quantities exceeding the maximum allowable quantity per control area. The fire code official shall be provided with a copy of the record the building official approved the storage and use of pyrophoric materials in amounts exceeding the maximum allowable quantity per control area indicated in Section 5003.1 ~~shall be in accordance with Chapter 50 and this chapter the applicable building code.~~

Fire official needs record of building official approved more pyrophoric materials than usually allowed in building code.

By **William Andrews**

11-16-2016 15:43:53

6403.1 ~~Quantities not exceeding the maximum allowable~~ Storage and use. quantity per control area. The storage and use of pyrophoric materials in amounts not exceeding the maximum allowable quantity per control area indicated in Section 5003.1 shall be maintained in accordance with ~~Sections 5001, 5003, 6401 and 6403 the applicable building code and comply with applicable sections of this code.~~

Beyond maintain construction, need comply with fire code applicable to storage and use of pyrophoric materials.

By **William Andrews**

11-16-2016 15:25:55

6306.4 Maximum aggregate quantity. The maximum aggregate quantity of liquid oxygen allowed in storage and in use in each dwelling unit shall be ~~31.6 gallons (120 L)~~ be maintained in accordance with the applicable building code. The building official shall inform the fire official where approving over 32 gallons in a dwelling unit.

The fire official needs to be informed where the building official approves over 32 gallons of liquid oxygen in a dwelling unit. Individual dwelling units are usually excluded from routine fire code inspections, yet fire code requires permit for over 20 gallons of class 3 oxidizer, which causes severe increase in fire. Especially in a multiple dwelling building lacking sprinkler protection, firefighters need awareness of increased fire danger.

By **William Andrews**

11-16-2016 15:00:28

6305.1 Scope. The use of oxidizers in amounts exceeding the maximum allowable quantity per control area indicated in Table 5003.1.1(1) or 5003.1.1(3) shall be in accordance with applicable sections of this code and Oxidizing gases shall also comply with Chapter 53 the applicable building code. Oxidizing gases shall also comply with Chapter 53.

Use of oxidizers needs more regulation than an old building code; many sections of fire code will continue to apply; yet this short part does not state enough to justify existing.

By **William Andrews**

11-16-2016 14:53:26

6304.1.5 Storage conditions. The maximum quantity of oxidizers per building in storage buildings shall not exceed those quantities set forth in Tables 6304.1.5(1) through 6304.1.5(3) be maintained in accordance with the applicable building code. The storage configuration for liquid and solid oxidizers shall be as set forth in Table 6303.2 and Tables 6304.1.5(1) through 6304.1.5(3). Class 2 oxidizers shall not be stored in basements except where such storage is in stationary tanks. Class 3 and 4 oxidizers in amounts exceeding the maximum allowable quantity per control area set forth in Section 5003.1 shall be stored on the ground floor only. The fire official shall be provided a copy of the storage configurations and quantities approved by the building official.

Fire official needs record of building official's approved storage configurations and amounts before issue fire code permit and to inspect for code compliance.

By **William Andrews**

11-16-2016 14:27:47

6303.2 Class 1 oxidizer storage configuration. The storage configuration of Class I liquid and solid oxidizers shall be as set forth in Table 6303.2 accordance with the applicable building code. ~~The fire official shall be provide a copy of the storage configeration approved by the building official.~~

Fire official needs record of building officials approved storage configuration of such hazardous materials before issue permit required by fire code and to properly enforce code in case configuration violates how building official approved.

By **William Andrews**

11-16-2016 14:22:58

6303.1.3 Ignition source control. Ignition sources in areas containing oxidizing gases shall be controlled in accordance with Section 5003.7 ~~and maintained in accordance with~~ the applicable building code.

Need keep reference to Section 5003.7, against smoking and open flames; which are not under building code.

By **William Andrews**

11-16-2016 14:13:33

6303.1.1.3 Oxidizing gases. Except for cylinders of nonliquefied compressed gases not exceeding a capacity of 250 cubic feet (7 m³) or liquefied compressed gases not exceeding a capacity of 46 pounds (21 kg) each used for maintenance purposes, patient care or operation of equipment, oxidizing gases shall not be stored or used in Group A, E, I or R occupancies or in offices in Group B occupancies.

The aggregate quantities of gases used for maintenance purposes and operation of equipment shall not exceed the maximum allowable quantity per control area listed in Table 5003.1.1(1).

Medical gas systems and medical gas supply cylinders shall also be in accordance with Section 5306.

~~Exception for all above: Where the fire official is provided a copy of the building official's approval for more amounts of oxidizing gases.~~

Fire official needs copy of building official approving higher hazards than IFC, which recent building code references for hazardous materials. Doubt older building codes intended to allow greater amounts, especially in A, E, I, R, or offices in B occupancies.

By **William Andrews**

11-16-2016 13:59:44

6303.1.1.2 Class 3 liquid and solid oxidizers. ~~The fire official shall be provided with a copy of the building official's approval where~~ Not more than 200 pounds (91 kg) of solid or 20 gallons (76 L) of liquid Class 3 oxidizer is allowed in storage and use where such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in an approved manner.

Rare for over 200 pounds of Class 3 oxidizer needed for maintenance or equipment operation, thus reasonable for fire official to get copy of record the building official approved of such. Over 10 gallons requires permit from fire official, thus need record building official approved such amounts of these hazardous materials inside before fire official issues permit.

By **William Andrews**

11-16-2016 13:50:29

6303.1.1.1.1 Group A, E, I or U occupancies. In Group A, E, I or U occupancies, any amount of Class 4 liquid and solid oxidizers shall be stored in accordance with the following:

1. Class 4 liquid and solid oxidizers shall be stored in hazardous materials storage cabinets complying with Section 5003.8.7.

2. The hazardous materials storage cabinets shall not contain other storage.

Need keep forbidding other storage in cabinets containing Class 4 oxidizers in use groups A, E, and I occupancies. This does not require construction nor severely lessen customer's use of building.

By **William Andrews**

11-16-2016 13:46:07

6303.1 Quantities not exceeding the maximum allowable quantity per control area Storage and use. The storage and use of oxidizing materials in amounts not exceeding the maximum allowable quantity per control area indicated in Section 5003.1 shall be maintained in accordance with Sections 5001, 5003, 6301 and 6303. Oxidizing gases shall also comply with Chapter 53 the applicable building code and applicable sections of this code. Oxidizing gases shall also comply with Chapter 53.

Fire code needs to keep regulations beyond applicable building code on the storage and use of hazardous materials. These sections contain enforceable requirements beyond old building codes.

By **William Andrews**

11-16-2016 13:35:25

~~6204.1.4 Electrical wiring and equipment. In addition to the requirements of Section 5003.9.4, electrical Electrical wiring and equipment in storage areas for Class I or II organic peroxides shall comply with the requirements for electrical Class I, Division 2 locations be maintained in accordance with the applicable building code. Portable electrical wiring and equipment in areas handling, using, or storing Class I or II organic peroxides shall comply with the requirements for electrical Class I, Division 2 locations.~~

Fire code needs requirement for portable electrical items in hazardous environments.

By **William Andrews**

11-16-2016 13:28:01

6203.1.1.4 Classrooms. In classrooms in Group B, F or M occupancies, any amount of unclassified detonable and Class 1 organic peroxides shall be stored in accordance with the following applicable building code.

1. Unclassified detonable and Class 1 organic peroxides shall be stored in hazardous materials storage cabinets complying with Section 5003.8.7.

2. The hazardous materials storage cabinets shall not contain other storage.

~~Exception: Where the fire official is provided a copy of the building official approving storage in accordance with applicable building code or conditions under a variance.~~

Fire code should continue to regulate these special hazardous (detonable) materials, unless get copy of building official's approval for such in classrooms in use groups B, F, or M occupancies. Older building codes not specify, recent building codes refer to IFC, and portable storage cabinets typically not need building permit, thus not a construction requirement.

By **William Andrews**

11-16-2016 13:16:21

6203.1.1.3 Group B, F, M or S occupancies. Unclassified detonable and Class I organic peroxides shall not be stored or used in offices, or retail sales areas of Group B, F, M or S occupancies.

~~Exception: Where specifically allowed and maintained under conditions approved by the building code official. The fire official shall be provided with a copy of record allowing exception.~~

Fire code needs to keep regulation of activity involving these hazardous (detonable) materials, unless building official approves in offices or retail sales areas of listed use group occupancies. Where allowed, fire official needs copy of building official's approval, which may specify conditions applicable for fire official to see if in compliance.

By **William Andrews**

11-16-2016 13:06:11

6203.1.1.1 Group A, E, I or U occupancies. In Group A, E, I or U occupancies, any amount of unclassified detonable and Class I organic peroxides shall be stored in accordance with the following:

1. Unclassified detonable and Class I organic peroxides shall be stored in hazardous materials storage cabinets complying with Section 5003.8.7.
2. The hazardous materials storage cabinets shall not contain other storage.

Need keep in fire code since some old building codes not address these hazardous materials, which need to be restricted to proper cabinets (without other storage in same cabinet). Recent building codes reference IFC, which this is from, thus should not complicate those researching state fire code needing to find different source to read requirement for portable cabinet. This does not require construction under building code.

By **William Andrews**

11-16-2016 12:50:40

6104.3.2 Special hazards. Portable LP-gas containers shall be located with respect to special hazards including, but not limited to, above-ground flammable or combustible liquid tanks, oxygen or gaseous hydrogen containers, flooding or electric power lines as specified in Section 6.4.5 of NFPA 58.

Need keep in fire code for portable LP-gas containers.

By **William Andrews**

11-16-2016 12:42:45

6104.1 General. The storage and handling of portable LP-gas containers and the installation and maintenance of related equipment shall comply with NFPA 58 and be subject to the approval of the fire code official, except as provided in this chapter or the applicable building code. (~~**MOST OF**~~ Table deleted)

Need keep top few rows of table and footnote "e" so applies to portable containers under fire code, which not require building code permit.

By **William Andrews**

11-16-2016 12:24:09

6004.2.2.5 Piping and controls—stationary tanks. In addition to the requirements of Section 5003.2.2, piping and controls on stationary tanks shall comply with the following requirements:

1. Pressure relief devices shall be vented to a treatment system designed in accordance with Section 6004.2.2.7.

Exception: Pressure relief devices on outdoor tanks provided exclusively for relieving pressure due to fire exposure are not required to be vented to a treatment system provided that:

1. The material in the tank is not flammable.

2. The tank is not located in a diked area with other tanks containing combustible materials.

3. The tank is located not less than 30 feet (9144 mm) from combustible materials or structures or is shielded by a fire barrier complying with Section 6004.3.2.1.1.

Should keep exception # 2, so tanks within diked area with other tanks containing combustible or flammable materials require pressure relief devices vent to a treatment system. Since fire official limited to maintenance in accordance with the "applicable building code" for most stationary tanks, these requirements limited to tanks not under a building code. Firefighters or others acting in a fire emergency near tanks within diked area need vented toxic gases treated instead of suffering from toxins absorbed by skin or allowing loss of all within dike due to toxic hazard causes them to stay away without proper protection against both fire and toxins.

Formatting should indent listed exceptions to clearly distinguish against following requirements.

By **William Andrews**

11-16-2016 11:49:23

6003.2.5 Weather protection for highly toxic liquids and solids—outdoor storage or use. Where overhead weather protection is provided for outdoor storage or use of highly toxic liquids or solids, and the weather protection is attached to a building, where the storage or use area shall either be is not equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, or the storage or use vessels shall be fire resistive. Weather protection shall be provided in accordance with Section 5004.13 for storage and Section 5005.3.9 for use.

Change so regulates storage which is combustible under existing overhead construction attached to a building, where storage area not sprinklered. Not requires construction, merely regulates combustible storage involving highly toxic materials under a overhang on a building.

By **William Andrews**

11-16-2016 10:49:36

5906.4 Storage of fine magnesium scrap. The storage of scrap magnesium shall comply with Sections 5906.4.1 through 5906.4.3 be maintained in accordance with the applicable building code. For outdoor storage of over 50 cubic feet of magnesium scrap, the fire official may require a copy of the site plan approved by the building official showing pile location in relation to buildings, structures, and other storage. Where an approved plan is unavailable, the fire and building officials may apply appendix N.

Fire official needs copy of site plan showing where building official approved outside storage of magnesium scrap. 5906.3.2 specifies outdoor storage of magnesium pigs, ingots and billets; not scrap. Similar to many requirements to maintain in accordance with the applicable building code, the fire official needs record on what the building official approved. Storage is operational activity rather than construction, thus Appendix N fair default where past records unavailable.

By **William Andrews**

11-16-2016 10:19:59

5906.2.3 Storage in combustible containers or within 30 feet of other combustibles. Where in nonsprinklered buildings of Type III, IV or V construction, as defined in the International Building Code, magnesium shall not be stored in combustible containers or within 30 feet (9144 mm) of other combustibles.

Keep in fire code. This does not require building construction, merely regulates activity of where magnesium can be stored in combustible containers or distance from combustibles.

By **William Andrews**

11-16-2016 10:08:13

5904.1.1 Pile size limits and location. Flammable solids stored in quantities greater than 1,000 cubic feet (28 m³) shall be separated into piles each not larger than 1,000 cubic feet (28 m³). The fire official may require a copy of the floor plan approved by the building official, showing pile size limits and locations. Where existing plans unavailable, the fire and building officials may apply Appendix N.

Since storage pile size and location is an activity, subject to changes without building permit, fire official needs copy of floor plan approved by building official. Where such floor plans unavailable, fire official needs code reference to work with building official to establish maximum pile size and locations, which Appendix N to contain applicable section of IFC referenced in building code. Fire official needs such documentation before issue permit.

By **William Andrews**

11-16-2016 09:10:25

5803.1.5 Electrical. Built in electrical wiring and equipment shall be installed and maintained in accordance with Section 605 and NFPA 70 maintained in accordance with the applicable building code. Portable electrical equipment shall comply with Section 605 and NFPA 70.

Need keep in fire code for portable items not under building code.

By **William Andrews**

11-15-2016 16:56:33

5706.3.3.3 Security. Existing fencing and covers for sumps, diversion ditches and depressions used as sumps shall be securely fenced or covered, maintained in accordance with the applicable building code.

Fire code should keep maintenance requirement for such existing construction.

By **William Andrews**

11-15-2016 16:51:21

5706.2.6 Spill control drainage control and diking. Indoor storage and dispensing areas shall be provided with spill control and drainage control as set forth in Section 5703.4, and outdoor storage areas shall be provided with drainage control or diking as set forth in Section 5704.2.10 shall be maintained in accordance with the applicable building code.

Recommend change so existing features maintained in accordance with the applicable building code. As is, edit deletes indoor drainage control reference.

By **William Andrews**

11-15-2016 16:37:19

5704.3.3.5 Shelf storage. Shelving shall be of approved construction, adequately braced and anchored. Where provided, seismic requirements shall be maintained in accordance with the International Building Code applicable building code.

Since many shelving added later, not need building permit, fire code should keep requirement for good shelving storing flammable liquids.

By **William Andrews**

11-15-2016 16:27:56

5704.2.9.1 Existing noncompliant installations. Existing above-ground tanks shall be maintained in accordance with the code requirements that were applicable at the time of installation. Above-ground tanks that were installed in violation of code requirements applicable at the time of installation shall be made code compliant or shall be removed in accordance with Section 5704.2.14. ~~regardless of whether such tank has been previously inspected (see Section 106.4).~~

Should keep in fire code, so when fire official finds tank not complying with code when installed can be required to be made compliant, or removed. Fire official to consult with building official about requirements, yet since removal process and permit in fire code, better for fire official (which found violation) to cite and act for safety involving combustible or flammable liquids.

By **William Andrews**

11-15-2016 16:16:13

5704.2.7.11 Tank lining. ~~Steel tanks are allowed to be lined only for the purpose of protecting the interior from corrosion or providing compatibility with a material to be stored.~~ Only those liquids tested for compatibility with the lining material are allowed to be stored in lined tanks.

Need keep limit on contents to be compatible with tank construction, including interior lining.

By **William Andrews**

11-15-2016 16:12:30

5704.2.7.1 ~~Materials used in tank construction. The materials used in tank construction shall be in accordance with NFPA 30. The materials of construction for tanks and their appurtenances shall be compatible with the liquids to be stored.~~ Compatible contents. Stored liquids shall be compatible with their storage tanks and appurtenances.

Changes so regulates contents to be compatible with construction, so fire official can address if seems contents change from as building official approved. Example: E85 gasoline in system built for gasoline with little or no alcohol, which high alcohol erodes washers or valves, causing leaks.

5704.2.1 Change of tank contents. Tanks subject to change in contents shall be in accordance with Section 5704.2.7. Prior to a change in contents, the fire code official is authorized to require testing of a tank. ~~Fire official may also require test after contents change occurred, require stop such use where test not performed or results unacceptable to fire official, or require customer get approval from the building official.~~

Need include situation where contents changed without approval of building or fire official, and clarify if test result unsatisfactory then need to stop such use.

By **William Andrews**

11-15-2016 15:51:25

5703.6.4 Protection from vehicles. Guard posts or other approved means shall be provided to protect piping, valves or fittings subject to vehicular damage in accordance with Section 312.

Need keep in fire code, since where vehicles travel not under building code, thus operational concern which imposes risk to existing construction. If not need building permit for post or barrier required in Section 312, then not in building code, thus needs stay in fire code.

By **William Andrews**

11-15-2016 15:47:18

5703.6.3.1 Existing piping. Existing piping shall be tested in accordance with this section the applicable building code where the fire code official has reasonable cause to believe that a leak exists. Piping that could contain flammable or combustible liquids shall not be tested pneumatically. Such tests shall be at the expense of the owner or operator. Exception: Vapor-recovery piping is allowed to be tested using an inert gas.

Should keep statement that test are at the expense of the owner or operator; to clarify not at expense of code official. Unless acceptance test for building code allows pneumatic test of pipe containing flammable liquids, fire code should continue to forbid testing which would result in leak spraying flammable liquid. Where inert gas proper test medium, fire code should include exception.

By **William Andrews**

11-15-2016 15:34:47

5703.1 Electrical. Built in electrical wiring and equipment shall be installed and maintained in accordance with Section 605 and NFPA 70 the applicable building code. ~~Portable electrical wiring and equipment shall comply with Section 605 and NFPA 70.~~

Need keep regulations on portable items in fire code, since not in building code.

By **William Andrews**

11-15-2016 15:31:20

5701.3 Referenced documents. The applicable requirements of Chapter 50, other chapters of this code, ~~the International Building Code and the International Mechanical Code and the applicable building code~~ pertaining to flammable liquids shall apply.

Should keep reference to applicable requirements of other sections of fire code, and simply replace IBC / IMC with "the applicable building code" as in other edit efforts about construction concerns.

5701.2 Nonapplicability Applicability. This chapter shall not apply to liquids as otherwise provided in other laws or regulations or chapters of this code, including: apply to the maintenance and operation of flammable and combustible liquids.

1. Specific provisions for flammable liquids in motor fuel-dispensing facilities, repair garages, airports and marinas in Chapter 23.
2. Medicines, foodstuffs, cosmetics and commercial or institutional products containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solution not being flammable, provided that such materials are packaged in individual containers not exceeding 1.3 gallons (5 L).
3. Quantities of alcoholic beverages in retail or wholesale sales or storage occupancies, provided that the liquids are packaged in individual containers not exceeding 1.3 gallons (5 L).
4. Storage and use of fuel oil in tanks and containers connected to oil-burning equipment. Such storage and use shall be in accordance with Section 603. For abandonment of fuel oil tanks, this chapter applies.
5. Refrigerant liquids and oils in refrigeration systems (see Section 606).
6. Storage and display of aerosol products complying with Chapter 51.
7. Storage and use of liquids that do not have a fire point when tested in accordance with ASTM D 92.
8. Liquids with a flash point greater than 95°F (35°C) in a water-miscible solution or dispersion with a water and inert (noncombustible) solids content of more than 80 percent by weight, which do not sustain combustion.
9. Liquids without flash points that can be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons.
10. The storage of distilled spirits and wines in wooden barrels and casks. 11. Commercial cooking oil storage tank systems located within a building and designed and installed in accordance with Section 610 and NFPA 30.

Current fire code, and ICC's 2015 IFC, reads chapter 57 shall NOT apply to listed materials which are regulated by other sections of fire code, or other regulations. Nothing in 5701.2 requires construction, yet most is edited out and replaced with statement on maintenance and operations; which is typical of effort to edit out construction requirements. Does state intend for fire officials to apply Chapter 57 on medicines, cosmetics, and products containing less than 50% of water-miscible in containers smaller than 1.3 gallons? Will alcoholic beverages in containers smaller than 1.3 gallons be required to comply with this chapter starting in year 2018? Dose DHCD intend for fire officials to apply this chapter to the storage of distilled spirits in wooden barrels and cast starting when the 2015 codes become effective (in 2018)? Or are these edits an error, another example of excessively deleting how fire code is to be used in Virginia, since not affecting construction?

By **William Andrews**

11-04-2016 17:15:40

5605.3 Intraplant separation of operating buildings. ...

Where distance is used as the sole means of separation within a building, such distance shall be established by testing. Testing shall demonstrate that propagation between stacks will not result. ~~Substantial increase of explosive power shall result in new test, evaluation of barrier, and consult with fire and building official.~~ Barriers and distance provided to protect against explosive effects shall be ~~designed and installed~~ maintained in accordance with approved standards and ~~the applicable building code.~~

Fire code should allow fire official to question if increase of explosives power to require customer to arrange for proper protection. Need state operational (distance) and building maintenance requirements.

By **William Andrews**

11-04-2016 16:56:00

5504.2.2.2 Construction of indoor areas. Cryogenic fluids in portable containers ~~shall not be stored indoors~~ shall be stored in buildings, rooms or areas unless constructed in accordance with the ~~International~~*applicable building code*. Rooms or areas used for the storage of cryogenic fluids in portable containers shall be maintained in accordance with the applicable building code.

Need limit hazardous material where not approved by building code. If no ventilation, requirement to maintain ventilation per building code lacks enforceability.

By **William Andrews**

11-04-2016 16:33:31

5308.1 General. Compressed gases in ~~storage or use~~ not regulated by the material-specific provisions of Chapters 6, 54, 55 and 60 through 67, including asphyxiant, irritant and radioactive gases, ~~shall not be used or stored unless~~ comply with this section in addition to other requirements of this chapter and ~~the applicable building code.~~

Fire code needs authority to limit or prevent potentially hazardous compressed gases where not in compliance with building and fire codes. Merely maintain buildings without adequate ventilation fails to provide enough safety, so fire code applies where certificate of occupancy (building code approval) not cover specific hazard.

By **William Andrews**

11-04-2016 16:15:01

5307.5 Required protection. ~~Where Portable carbon dioxide storage tanks, cylinders, piping and equipment are shall not be located indoors, rooms or areas containing carbon dioxide storage tanks, cylinders, piping and fittings and other areas where a leak of carbon dioxide can collect shall be unless provided with either ventilation in accordance with Section 5307.5.1 or an emergency alarm system in accordance with Section 5307.5.2 the applicable building code.~~

Fire code needs regulations to keep potentially asphyxiating risk out of occupied areas unless safety system comply with building code.

By **William Andrews**

11-04-2016 15:58:42

5106.5.2 Cartoned products. Level 2 and 3 aerosols displayed or merchandised more than 8 feet (2438 mm) above the finished floor shall be in cartons.

Need keep in fire code. Operational storage, not construction. Over 8 feet above floor not where merchantile customer to reach for single can. Displays at that high level need proper stablity of in cartons.

By **William Andrews**

11-04-2016 15:48:14

5004.8.2 Pressure control. Stationary tanks and equipment containing hazardous material liquids that can generate pressures exceeding design limits because of exposure fires or internal reaction shall have some form of construction or other approved means that will relieve ~~be labeled about excessive internal pressure. The means of pressure relief shall vent to an approved location or to an exhaust scrubber or treatment system where required by Chapter 60. The facility emergency plan shall include procedures to manage risk, including in case equipment operational problem allows dangerous excessive pressure.~~

Fire code needs to require signage so customer and emergency responders can read about potential excess pressure risk, and emergency plan include procedures to abate or react to risk.

By **William Andrews**

11-04-2016 15:37:56

5004.8.1 Temperature control. Materials that must be kept at temperatures other than normal ambient temperatures to prevent a hazardous reaction shall be provided with an approved means to maintain the temperature within a safe range. Redundant temperature control equipment that will operate on failure of the primary temperature control system shall be provided. Where approved, alternative means that prevent a hazardous reaction are allowed. stored in temperatures at least 10 degrees Fahrenheit within safety range. Doors to such storage rooms shall have signs indicating safe temperatures for those contents. The site emergency plan shall include procedures in case temperature controls fail, to manage risk as approved by the fire official.

Fire code needs authority to properly regulate storage of such temperature sensitive hazardous materials. Signage to inform site staff and emergency responders of special risk.

By **William Andrews**

11-04-2016 15:17:53

5003.9.9 Shelf storage. Shelving installed in accordance with the applicable building code shall be properly maintained. Shelving not needing building permit shall be of substantial construction, braced, anchored, maintained in accordance with the seismic design requirements of the International Building Code for the seismic zone in which the material is located. Shelving shall be treated, coated or constructed of materials that are compatible with the hazardous materials stored, and provided with a lip or guard where used for the storage of individual containers applicable building code.

Exceptions:

1. Storage in hazardous material storage cabinets or laboratory furniture specifically designed for such use.
2. Storage of hazardous materials in amounts not requiring a permit in accordance with Section 5001.5.

Shelf storage of hazardous materials shall be maintained in an orderly manner.

Need keep requirements for shelving not needing building permit, plus keep orderly.

3201.3 Construction documents. At the time of building permit application for new structures designed to accommodate high-piled storage or for requesting a change of occupancy/ use, and at the time of application for a storage permit, plans and specifications shall be submitted for review and approval to the fire official. In addition to the information required by the International Building Code, the storage permit submittal shall include the information specified in this section. Following building official approval of the plans, a copy of the approved plans shall be maintained on the premises in an approved location. The plans shall include all of the following:

1. Floor plan of the building showing locations and dimensions of high-piled storage areas.
2. Usable storage height for each storage area.
3. Number of tiers within each rack, if applicable.
4. Commodity clearance between top of storage and the sprinkler deflector for each storage arrangement.
5. Aisle dimensions between each storage array.
6. Maximum pile volume for each storage array.
7. Location and classification of commodities in accordance with Section 3203.
8. Location of commodities that are banded or encapsulated.
9. Location of required fire department access doors.
10. Type of fire suppression and fire detection systems.
11. Location of valves controlling the water supply of ceiling and in-rack sprinklers.
12. Type, location and specifications of smoke removal and curtain board systems.
13. Dimension and location of transverse and longitudinal flue spaces.
14. Additional information regarding required design features, commodities, storage arrangement and fire protection features within the high-piled storage area shall be provided at the time of permit, when required by the fire code official.

Need keep requirement for fire official to get documents on details approved by the building official, for fire official to verify compliance with maintenance requirements in the fire code before issue permit required by the fire code. This does not mandate construction, merely so copy of documents currently provided to building official to also go to the fire official.

By **William Andrews**

11-04-2016 13:41:20

3104.2 Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying

3104.4 Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained ...

Need keep requirement for fire official to get such certificate, which documents compliance with fire code, supporting application for required permit from fire official. Deleting from fire code could imply not need provide to fire official, and customer could file with court or other office without fire official getting document needed for permit compliance.

By **William Andrews**

11-04-2016 13:23:14

3005.1 Shut down. ~~Where interlocks shall be~~ are provided for Class A ovens so that conveyors or sources of flammable or combustible materials shall shut down if either the exhaust or recirculation air supply fails, such systems shall be maintained in accordance with the applicable building code, ~~tested at least annually, and records of such test be available for review by the fire official.~~

Fire code should state function of existing interlocks, and require records of routine test be available for fire official review. Without test records, challenging for fire official to verify maintenance, nor customer trust safety provided by interlocks.

By **William Andrews**

11-04-2016 13:15:07

3004.2.1 Fuel supply lines. Valves for fuel supply lines shall be located within 6 feet (1829 mm) of the appliance served maintained in accordance with the applicable building code, ~~and record of at least annual test shall be available for review by the fire official.~~

Beyond maintenance per building code, fire code should require at least annual test of valves, and record so fire official may inspect compliance.

By **William Andrews**

11-04-2016 13:05:28

2909.4 Nitrocellulose storage. Nitrocellulose storage shall be located on a detached pad or in a separate structure or a room enclosed in accordance with the International Building Code applicable building code. The nitrocellulose storage area shall not be utilized for any other purpose, unless approved by the applicable building code. Portable electrical wiring and equipment installed in storage areas adjacent to process areas shall comply with Section 2904.2.

Need keep operational hazard in fire code unless approved by building code. Especially in areas of potentially flammable vapors, fire code needs to keep regulation on **portable** equipment not under building code.

By **William Andrews**

11-04-2016 12:59:25

2906.1 Mills. Mills, operating with close clearances, which process flammable and heat-sensitive materials, such as nitrocellulose, shall be located in a detached building or in a noncombustible structure without other occupancies buildings or structures approved and maintained in accordance with the applicable building code. The amount of nitrocellulose or other flammable material brought into the area shall not be more than the amount required for a batch; unless larger amount approved by the applicable building code.

Need keep limit amount of flammables in fire code, unless document building code allows more.

By **William Andrews**

11-04-2016 12:51:07

2904.3 Bonding. Equipment including, but not limited to, tanks, machinery and piping shall be bonded and connected to a ground where an ignitable mixture is capable of being present. Bonding provided for equipment including, but not limited to, tanks, machinery and piping shall be maintained in accordance with the applicable building code.

Add missing "y" at end of "machiner".

By **William Andrews**

11-04-2016 12:47:43

2904.1 Wiring and equipment. ~~Portable~~ electrical wiring and equipment shall comply with this chapter and shall be installed in accordance with NFPA 70. ~~Built-in equipment~~ shall be maintained in accordance with the applicable building code.

Especially in areas with flammable vapor, need keep fire code regulation on portable equipment not under building code.

By **William Andrews**

11-04-2016 12:43:39

2903.1 Building features. ~~Manufacturing of organic coatings shall be done only in buildings that do not have pits or basements. (N)~~2903.2 Location. Organic coating manufacturing operations and operations incidental to or connected with organic coating manufacturing shall ~~not be located in buildings having other occupancies be limited to locations approved by the applicable building code.~~

Fire code should state such hazardous activity is limited to areas of building as has been approved by the building code. Certificate of Occupancy could be for "F" use, without specifying organic coating, so fire official needs authority to require verifying building official approved organic coating in that part of the building. This meets intent of IFC's against pits, basement, or other occupancies.

By **William Andrews**

10-31-2016 18:08:38

2703.13 Continuous gas detection systems. ~~A continuous~~ Continuous gas detection system systems shall be provided for HPM gases where the physiological warning threshold level of the gas is at a higher level than the accepted permissible exposure limit (PEL) for the gas and for flammable gases maintained in accordance with Sections 2703.13.1 through 2703.13.2.2 the applicable building code. ~~Existing gas detection, automatic shut off valves, ventilation, and associated interconnects shall be tested at least annually for proper operation.~~

Beyond maintain, need annual test to document safety systems interact as required by applicable building code.

By **William Andrews**

10-31-2016 17:50:11

2703.7.3 Hazardous production material (HPM) rooms, gas rooms and liquid storage rooms. Portable electrical wiring and equipment in HPM rooms, gas rooms and liquid storage rooms shall comply with NFPA 70. ~~Built-in wiring and equipment shall be maintained in accordance with the applicable building code.~~

Need keep NFPA 70 required for portable items not under building code.

By **William Andrews**

10-31-2016 17:48:04

2703.7.1 Fabrication areas. Portable electrical wiring and equipment in fabrication areas shall comply with NFPA 70. ~~Built-in wiring and equipment shall be maintained in accordance with the applicable building code.~~

2703.7.2 Workstations. Portable electrical equipment and devices within 5 feet (1524 mm) of workstations in which flammable or pyrophoric gases or flammable liquids are used shall comply with NFPA 70 for Class I, Division 2 hazardous locations. Workstations shall not be energized without adequate exhaust ventilation in accordance with ~~Section 2703.14~~ the applicable building code.

Need keep in fire code for portable items not under building code, and to use existing ventilation when workstation active.

By **William Andrews**

10-31-2016 17:39:16

2504.2 Electrical wiring and equipment. Portable electrical wiring and equipment, including luminaires, shall be approved for use in Class I, Division 2, Group C hazardous (classified) locations. ~~Built-in wiring and equipment shall be maintained in accordance with the applicable building code.~~

2504.3 Static electricity. ~~Portable, or assemblies of~~ containers, piping and equipment used to dispense ethylene, ~~which may not require permit from building or mechanical official,~~ shall be bonded and grounded to prevent the discharge of static sparks or arcs. Bonding and grounding provided for containers, piping and equipment shall be maintained in accordance with the applicable building code.

2504.5 Heating. Heating shall be by indirect means utilizing low-pressure steam, hot water or warm air. Heating shall be maintained in accordance with the applicable building code.

Need keep in fire code for portable items or temporary systems not under the building (electrical, mechanical, etc.) code.

By **William Andrews**

10-31-2016 17:27:50

2503.2 Dispensing. Valves controlling discharge of ethylene shall provide positive and fail-closed control of flow and shall be set to limit the concentration of gas in air below 1,000 parts per million (ppm), or maintained in accordance with the applicable building code.

Need keep operational limit in fire code, since old building code not specify ppm for portable generators.

By **William Andrews**

10-31-2016 17:17:13

2501.3 Ethylene generators. Approved ethylene generators shall be operated and maintained in accordance with Section 2506 and the applicable building code.

Need keep in that section 2506 applies. Portable generators not under building code, so fire code needs to regulate so use only where approved by building official.

By **William Andrews**

10-31-2016 16:28:48

2407.7 Ventilation. The Ventilation provided for flammable vapor area areas shall be ventilated in accordance with Section 2404.7 and maintained in accordance with the applicable building code.

Need keep 2404.7's requirement, including: 2404.7.1 Operation. Mechanical Where provided, mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and finishing material residue to be exhausted.

Important to use fans, not merely maintain as installed by building code.

By **William Andrews**

10-31-2016 16:18:25

2405.3 Construction of dip tanks. Dip tanks shall be constructed in accordance with Sections 2405.3.1 through 2405.3.4.3 and NFPA 34. Dip tanks, including drain boards, shall be constructed of noncombustible material and their supports shall be of heavy metal, reinforced concrete, masonry; ~~or maintained in accordance with the applicable building code.~~

Need keep requirement in fire code for dip tanks not under the building code (portable or outside). For large tanks not under building code, fire official should have authority to apply appendix N on construction details.

By **William Andrews**

10-31-2016 16:09:28

2405.2 Location of dip-tank operations. Dip-tank operations conducted in buildings used for Group A, I or R occupancies shall be located in a room ~~designed approved by the building official~~ for that purpose.

Need keep requirement in fire code for such special hazard occupancy to be approved by the building official. Dip tanks can be portable, added after building official did final inspection for Certificate of Occupancy. Not require construction, merely avoid unsafe and unapproved uses within Group A, I, and R.

By **William Andrews**

10-31-2016 16:00:54

2404.7.8 Filters. Air intake filters that are part of a wall or ceiling assembly shall be listed as Class I or II in accordance with UL 900. Exhaust filters shall be required. ~~Filters shall be properly maintained, cleaned or replaced as appropriate.~~

Need keep clear requirement for EXHAUST filter(s), and safety requirements of replacement filters. This not require construction, merely cleaning or replacing filters designed for such.

By **William Andrews**

10-31-2016 15:43:42

2404.3.3.1 Floor. Combustible floor construction in spraying spaces shall be maintained in accordance with the applicable building code, covered by approved, noncombustible, nonsparking material, except where combustible coverings, such as thin paper or plastic and strippable coatings, are utilized over noncombustible materials to facilitate cleaning operations in spraying spaces.

Need keep floor covering in fire code. Not a construction requirement, merely covering existing construction for proper safety and easier cleaning.

By **William Andrews**

10-31-2016 15:40:51

)2404.3.2.3 Floor. Combustible floor construction in spray booths shall be maintained in accordance with the applicable building code, covered by approved, noncombustible, nonsparking material, except where combustible coverings, including but not limited to thin paper or plastic and strippable coatings, are utilized over noncombustible materials to facilitate cleaning operations in spray booths.

Need keep operational issue in fire code. Temporary covering for easier cleaning not a construction requirement.

By **William Andrews**

10-31-2016 15:34:28

2404.3.1.1 Floor. Combustible floor construction in spray rooms shall be maintained in accordance with the applicable building code, covered by approved, noncombustible, nonsparking material, except where combustible coverings, including but not limited to thin paper or plastic and strippable coatings, are utilized over noncombustible materials to facilitate cleaning operations in spray rooms.

Need keep operational safety requirements of covering combustible floor. Such temporary coverings are not construction requirement, but allows for easier cleaning of residue.

By **William Andrews**

10-31-2016 15:25:17

2403.2.1.3 Areas adjacent to spray booths. Portable electrical wiring and equipment located outside of, but within 5 feet (1524 mm) horizontally and 3 feet (914 mm) vertically of openings in a spray booth or a spray room, shall be maintained in accordance with the applicable building code: approved for Class I, Division 2 or Class II, Division 2 hazardous locations, whichever is applicable. Built-in wiring and equipment shall be maintained in accordance with the applicable building code.

Need keep high approval requirement for portable equipment (not under building code), while maintaining items under building code.

By **William Andrews**

10-31-2016 15:19:39

2403.2.1.2 Areas subject to deposits of residues. Portable electrical equipment, flammable Flammable vapor areas or drying operations that are subject to splashing or dripping of liquids shall be specifically approved for locations containing deposits of readily ignitable residue and explosive vapors.

Need keep portable equipment as requiring approval for such risky locations. Beyond electric, any equipment with ignition potential (such as flame), needs to be subject to proper approval.

By **William Andrews**

10-31-2016 15:08:40

2403.2.1 Electrical wiring and equipment. Portable electrical wiring and equipment shall comply with this chapter and NFPA 70, built-in electrical wiring and equipment shall be maintained in accordance with the applicable building code.

2403.2.1.1 Flammable vapor areas. Portable electrical wiring and equipment in flammable vapor areas shall be of an explosion proof type approved for use in such hazardous locations. Such areas shall be considered to be Class I, Division 1 or Class II, Division 1 hazardous locations in accordance with NFPA 70. and maintained in accordance with the applicable building code

Need keep NFPA 70 and rest of this chapter for portable items. Maintaining built-in items per 2403.2.1 also applies to 2402.2.1.1., thus not need repeat.

By **William Andrews**

10-31-2016 14:58:42

2311.7.1.2 Operation. Existing mechanical ventilation system shall operate continuously and be maintained in accordance with the applicable building code..

Exceptions:~~1. Mechanical ventilation systems that are interlocked with a gas detection system designed in accordance with Sections 2311.7.2 through 2311.7.2.3.~~

~~2. Mechanical ventilation systems in repair garages that are used only for repair of vehicles fueled by liquid fuels or odorized gases, such as CNG, where the ventilation system is electrically interlocked with the lighting circuit.~~

Beyond being maintained, fire code needs to keep requirement for existing ventilation system to be in use when activity involves potentially flammable vapors. Interlock with lighting circuit inadequate if building has adequate natural lighting allowing operations when lighting circuit off. Instead of "continuously", maybe change so operate when flammable vapor hazard present; not need ventilation when hazard not present.

By **William Andrews**

10-31-2016 14:47:00

2311.3.1 Equipment. Portable appliances and equipment installed in a repair garage shall comply with the provisions of the International Building Code, the International Mechanical Code and other sections of this fire code, and NFPA 70, as applicable. Built-in appliances and equipment shall be maintained in accordance with the applicable building code.

Need clarify other sections of this fire code apply, plus NFPA 70 applies to portable electrical items, which building code not cover; vs. built-in items require maintenance under applicable building code. Portable propane heater or butane torch, portable kerosene heaters or lamps, acetylene torches, etc. might not be under NFPA 70 nor building code, yet covered under other sections of this fire code.

By **William Andrews**

10-31-2016 14:32:34

2311.2 Storage and use of flammable and combustible liquids. The storage and use of flammable and combustible liquids in repair garages shall comply with Chapter 57 and Sections 2311.2.1 through 2311.2.4 and maintained in accordance with the applicable building code.

Applicable requirements of chapter 57 and listed sections continue to apply, thus that part of sentence should NOT be deleted. Portable containers not under building code, while built-in tanks are under building code, so proper to include all applicable.

By **William Andrews**

10-28-2016 11:39:07

2310.3.3 Hoses and nozzles. ~~Dispensing of Class I, II or IIIA liquids into the fuel tanks of marine craft shall be by means of an approved-type hose equipped with a listed automatic-closing nozzle without a latch-open device.~~ Hoses used for dispensing or transferring Class I, II or IIIA liquids, when not in use, shall be reeled, racked or otherwise protected from mechanical damage. Hoses and nozzles shall be maintained in accordance with the applicable building code.

Sentence on how hoses keep when not in use needs to stay in fire code. Not about construction, and doubt so specified in building code.

By **William Andrews**

10-28-2016 11:35:03

2310.2.3 Heating equipment. Heating equipment installed in Class I, II or IIIA liquid storage or dispensing areas shall comply with Section 2301.6 and be maintained in accordance with the applicable building code.

2301.6 still valid, and needs remain here, especially for portable heaters not under building code.

By **William Andrews**

10-28-2016 11:27:43

2310.2 Storage and handling. The storage and handling of Class I, II or IIIA liquids at marine motor fuel-dispensing facilities shall be maintained in accordance with Sections 2310.2.1 through 2310.2.3 ~~the applicable building code~~

2310.2.1 Class I, II or IIIA liquid storage. Class I, II or IIIA liquids stored inside of buildings used for marine motor fuel-dispensing facilities shall be stored in approved containers or portable tanks. Storage of Class I liquids shall not exceed 10 gallons (38 L) ~~unless in accordance with the applicable building code.~~ Exception: Storage in liquid storage rooms in accordance with Section 5704.3.7.

2310.2.2 Class II or IIIA liquid storage and dispensing. Class II or IIIA liquids stored or dispensed inside of buildings used for marine motor fuel-dispensing facilities shall be stored in and dispensed from approved containers or portable tanks. Storage of Class II and IIIA liquids shall not exceed 120 gallons (454 L) ~~unless in accordance with the applicable building code.~~

Need keep most as in IFC, to apply to portable containers not under building code. Built-in tanks and dispensing system to be maintained by the applicable building code.

By **William Andrews**

10-28-2016 11:11:18

2309.6.1.2.2 Construction documents. The fire official shall have the authority to require a copy of construction documents recently submitted to the building official. shall be provided illustrating the defueling system to be utilized. Plan details shall be of sufficient detail and clarity to allow for evaluation of the piping and control systems to be utilized and include the method of support for cylinders, containers or tanks to be used as part of a closed transfer system, the method of grounding and bonding and other requirements specified herein.

Fire official should have ability to get copy of construction documents recently provided to the building official, so fire official can see such details are being maintained as required by the fire code.

By **William Andrews**

10-27-2016 17:26:53

2303.2 Emergency disconnect switches. An approved, clearly identified and readily accessible emergency disconnect switch shall be provided at an approved location to stop the transfer of fuel to the fuel dispensers in the event of a fuel spill or other emergency. The emergency disconnect switch for exterior fuel dispensers shall be located within 100 feet (30 480 mm) of, but not less than 20 feet (6096 mm) from, the fuel dispensers. For interior fuel-dispensing operations, the emergency disconnect switch shall be installed at an approved location. Such devices Existing emergency disconnect switches shall be distinctly labeled as: EMERGENCY FUEL SHUTOFF. Signs shall be provided in approved locations. Emergency disconnect switches and signs shall be maintained in accordance with the applicable building code.

Need keep stated sign requirement for existing emergency devices, at approved locations so person using dispenser easily sees where switch located. Merely maintaining switch not state requirement to maintain sign, and unless customer can find, switch not help in emergency.

By **William Andrews**

10-27-2016 17:13:09

2301.3 Construction documents. The fire official is authorized to require a copy of construction documents shall be submitted for review and approval prior to the about new installation or construction of automotive, marine or fleet vehicle motor fuel-dispensing facilities and repair garages in accordance with Section 105.4.

Fire official needs authority to require copy of new construction documents for facilities needing fire code permit, to document details approved by the building official, which fire code requires maintaining. This especially important at marine sites, where waterway pollution concern, or limited fire engine access (such as on piers or ground not able to support heavy vehicle). Not impact construction, nor cost; merely copy of data provided to building official.

By **William Andrews**

10-27-2016 16:47:07

1030.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

Need keep that sentence, since operational, not construction. Clarifies must allow occupant easy emergency escape, beyond vague maintain per applicable building code.

By **William Andrews**

10-27-2016 16:19:17

1012.7.2 Outdoor conditions. Outdoor ramps and outdoor approaches to ramps shall be ~~maintained in accordance with the applicable building code~~ so that water will not accumulate on walking surfaces.

In addition to other sections on slope, etc., this clarifies requirement to maintain to avoid accumulated water on egress ramp, which can pose slip risk (especially when water freezes in winter). Section 1031.3 on obstructions, reads "A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice", yet deep water or thin ice might be argued as not "obstruction" "preventing" use, merely increased slip risk.

By **William Andrews**

10-27-2016 16:09:41

1011.7.2 Outdoor conditions. Outdoor stairways and outdoor ~~approaches to stairways egress path on premises~~ shall be ~~designed maintained in accordance with the applicable building code~~ so that water will not accumulate on walking surfaces.

Need keep in fire code to maintain safe exterior egress (beyond "approaches to stairways). Shallow water can freeze, deep water poses slip risk or fear of use. This is maintenance need, not changing construction, and need apply to stairs, walkway, ramp, and all exterior means of egress.

By **William Andrews**

10-27-2016 15:45:39

1004.5 Outdoor areas. Yards, patios, courts and similar outdoor areas accessible to and usable by the building occupants other than the residents of a single dwelling unit shall be provided with means of egress as required by this chapter, when not require changes to exiting building. The occupant load of such outdoor areas shall be assigned by the fire code official in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas. The means of egress for outdoor areas shall be maintained in accordance with the applicable building code.

Exempting outdoor area occupied only by residents of a single dwelling unit, and not changing building construction, appropriate for fire official to have authority to require emergency egress from occupied outdoor areas not under a building code. Might require adding means of egress past barriers (such as water, bushes, steep slope, stacked straw bales, or fences not requiring building permit) surrounding open area. Some official needs authority to establishing maximum occupancy of outdoor area, based similar to inside. Building official may not take on task since such outdoor area not under building code, thus appropriate for fire code to apply on emergency escape and maximum occupancy.

By **William Andrews**

10-27-2016 14:41:47

1004.3 Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorized agent. Where required, the occupant load posting shall be maintained in accordance with the applicable building code.

Need keep original requirement to post occupancy load sign in assembly rooms. Fire official should not need to get building official to specify WHERE such signs required by the "applicable" building code. This is not construction, but merely a sign, to inform customer, occupants, and fire official on maximum number of occupants. Fire official should be allowed to require sign in building built before building code, or space not under a building code.

By **William Andrews**

10-27-2016 09:32:10

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-4 and S occupancies.

Exceptions:

1. In Groups A, B, and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.
2. In Group I-3 occupancies, portable fire extinguishers shall be permitted to be located at staff locations and the access to such extinguishers shall be permitted to be locked.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.

As displayed, confusing with two # 2's and lack of indentation. Since intent NOT to except second #2 or the #3, need improve format to clarify what are exceptions to #1 vs. continue listing where required. Recommend assure use original obvious indentation, or change exceptions to use letters, or numbers with "(" parenthesis to better differentiate exceptions vs. the following requirements.

By **William Andrews**

10-27-2016 09:05:51

905.7 Cabinets. Cabinets containing fire-fighting equipment, such as standpipes, fire hose, fire extinguishers or fire department valves, shall **not be blocked from use or obscured from view** and maintained in accordance with the applicable building code.

Need keep wording against blocking or obscuring since doubt building code states about storage or other than building items.

By **William Andrews**

10-27-2016 08:10:46

901.2 Construction documents. ~~The fire code official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation.~~

Please amend to read such as: "The fire code official shall have the authority to require construction documents for fire protection systems which are newly installed or new modifications."

Reason: Fire officials need to be informed of details on fire protection systems since fire officials responsible to enforce maintenance, and can become aware when observe differences from as approved by the building official. Fire officials need to be informed especially where and when new fire department connections and standpipe systems installed, or modified; since impacting firefighting. By limiting requirement to new changes, easy for customer to provide copy of documents also submitted to the building official. This does not affect construction, merely copy of existing documents recently generated in compliance with the building code.

Minimal copying cost (essentially nil if electronically sent).

From: Andrews, William - Fire [mailto:William.Andrews@richmondgov.com]
Sent: Wednesday, August 16, 2017 4:29 PM
To: 'Dawson, Robby'
Cc: Davis, Cindy (DHCD)
Subject: 2015 fire code propose changes

As ending today's meeting on 2015 fire code propose changes, please consider helpful if section 1004.3 allows fire official to require posting occupant load where overcrowding concern. As discussed, beyond assembly uses, some "B" use restaurants with capacity under 50 are example of where posted sign informs staff, customers, and officials of occupancy load approved by building official. Instead of code requiring every room or space that is an assembly occupancy SHALL have the occupancy load posted, allowing fire official to require posting occupancy load where overcrowding concerns better regulates safety issue. Fire official should have authority to require posting occupancy load after repeated overcrowding of such as E, I-3, M, R-1 and others not an assembly use. Not every room may need signage, yet where overcrowding repeatedly occurs, posting sign helps various officials (police, etc) and those currently in charge of event view capacity approved by building official.

Bill Andrews, Assistant Fire Marshal, City of Richmond, desk phone 646 0621, email:
William.Andrews@RichmondGov.com

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9-1-17

To: Board of Housing and Community Development

From: Emory Rodgers, VBCOA VEBC and SFPC ad-hoc committee member

Subject: 2015 Regulatory Cycle

1. Recommend going directly into the 2021 cycle. The 2021 ICC codes will be public in late 2020 or early 2021. The 2021 regulatory cycle would normally start staff review in 2021; proposed regulations in 2022; and, final regulations by the end of 2023 or early 2024. It makes no sense to use the 6-8 year old 2018 ICC codes. In addition Virginia and dozens of other states will be submitting dozens of 2021 IEBC code changes to return the IEBC to a more fair and reasonable set of code requirements for the alterations and reconstruction of existing buildings.
2. Recommend the BHCD continue the VEBC ad-hoc committee for the 2021 cycle. DHCD staff should reconvene the group in late 2021. Over 35 code changes were submitted for 2015, but work remains to refine and do correlation.
3. Recommend the BHCD/FSB continue the SFPC ad-hoc committee for the 2021 cycle. DHCD staff should reconvene the group in early 2021. There were 28 chapters reviewed by the SFPC ad-hoc committee during the past two years, but the Fire Services Board Code Committee was unable to review again this past year. Many of these chapters have mostly maintenance and operational requirements as follows: Chapters 20, 21, 22, 24, 25, 26, 28-30, 34, 35, 51, 53-55 and 62 to 67.
4. Recommend BHCD approve the DHCD proposed version for the 2015 SFPC for all chapters not reviewed this past year by the FSBCC. These Chapters are 11 to 67 that were done in the SFPC ad-hoc group meeting in 2016-2017 and supported by VBCOA and the private sector participants. The 2015 SFPC should be based upon the DHCD proposed SFPC that the BHCD gave another year last September, 2016 for additional review by the Fire Services Board's Code Committee that managed to review only SFPC/IFC Chapters 3-10.

CC:

Bill Shelton

Cindy Davis

David Beahm

Gregg Fields

Mike Toalson

Shaun Pharr

Rick Witt

Sean Farrell

Kris Bridges

Cheri Hainer

C Toalson
A Clark

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 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 retroactively 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. Substantive 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 muddled 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 no 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@nnva.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 Coghill

Work Group 2 Meeting, Fire Code Edit Only
Henrico Training Center, Henrico, VA
June 9, 2016 – 9:30 a.m.

Summary Notes

Cindy Davis – Welcome and introductions. Thank you to Henrico County for the use of their facilities. Handout - Virginia Statewide Fire Prevention Code Rewrite FAQ page. Cindy reviewed the background information and provided information on who participated

F-101.1 cdpVA-15
Proponent SFPC Rewrite Committee
Chapters 2-8

Cindy Davis – Provided an overview of the process for the SFPC Rewrite. Initiated during the last code cycle, the Board of Housing and Community Development directed staff to remove unenforceable provisions from the VA Maintenance Code and the VA Fire Code, due to confusion over when it would apply retroactively. DHCD staff chose to collaborate on the task, instead of working autonomously. Last summer staff contacted VFPA and VBCOA and other stakeholders to see there was an interest in participating. VFPA recommended 10 representatives from various fire service organizations. VBCOA recommended 5 and 5 were suggested from various other stakeholder groups; such as building owners association, mercantile association, realtors group, etc. Ms. Davis reiterated that the intent is to not change anything. The SFPC will keep everything that is legally enforceable and will remove what is not legally enforceable. Additionally, anything related to construction will be relocated to an appendix. There had been a request at the Fire Code Rewrite meetings to keep a reference to the construction requirements. This would provide information for newer buildings; although previous code editions must still be referenced as applicable.

Monty Willaford – Who makes the decision on what and why it comes out? He indicated that so many fire officials are here today is to make sure the baby is not tossed out with the bath water. Ms. Davis stated that she thought that was great and was glad they were there and explained that is exactly what the workgroups are for. She further explained that just like any other building regulation, the final decision is made by the VA Board of Housing and Community Development which is made up of a 14 member board, appointed by the governor.

Art Lipscomb - Asked if this was done in conjunction with the fire board?

Cindy Davis - Explained the collaborative process set forth in the memorandum of the agreement and shared that in FSB and BHCD will hold a joint meeting in July. Although the FSB has a member on the BHCD, an additional written notice was provided to the Chair of the FSB.

Art Lipscomb – Shouldn't this be a cooperative decision instead of just from the housing board?

Cindy Davis – reiterated that she just explained that it will be done jointly.

Robby Dawson – Shared that he is the FSB representative on the BHCD and further explained the process.

Cindy Davis – Provided an overview of the cdpVA online code process and encouraged everyone to participate.

Keith Brower – Asked if all comments are available.

Cindy Davis – Explained that the ability to comment is being explored with ICC. She reminded everyone that anyone can comment on the Virginia Town Hall website during the comment period. It was stated that the BHCD will be provided with all comments.

Glenn Dean – Asked what “agreement” meant.

Cindy Davis – Agreement in previous code cycles we talked about consensus and what consensus means. Does that mean that everyone is in agreement? Does that mean that one person objects? For this cycle, we have said yes it must be unanimous. If there is one person that has adamant opposition (other than the proponent), it will be recorded and moved forward as non-consensus.

Keith Chambers – Asked if opposition in workgroups have to be present in the room, opposition in the cdpVA or will an e-mail do.

Cindy Davis – Explained that we capture at the end of every meeting is what happened in the workgroup and reiterated that all comments are still forwarded to the board. She suggested that there was a lot of material to cover and that the group really needed to get started. She offered to discuss additional process questions offline.

Robby Dawson – Asked to review the reason statement published for this change. He stated that he believes that the changes are not in a proper format and are unsupported by the FSB.

Cindy Davis – Stated that his comments will be noted. She further explained that there was no intent to imply that everything in the SFPC rewrite document was supported unanimously by the rewrite committee. She explained that staff tried to document concerns and opposition as they went along and again reminded everyone that this is what the purpose of today’s meeting is. If we missed something it will be captured in this workgroup meeting. Ms. Davis explained that the rewrite was a struggle as there seemed to be new and different representatives on the fire service side at every meeting. A few were diligent in attending most meetings, but there was often a need to start over at each meeting explaining the reasons/process. There was also no clarification on representation vs personal opinion, so we had no way of knowing whether a comment was on behalf of an organization or just an individual. Comments were captured along with who made them and that was sent out to everyone after each meeting. We received no corrections to the comments as I recall.

Glenn Dean – In the reason statement there is mention of the Rewrite Committee, is this the committee you are speaking about? Is this the same thing? This is the first time I have heard about the Rewrite Committee.

Cindy Davis – This was just an informal Fire Code Edit Committee that was put together in an effort to make sure that everybody that was going to be affected had an opportunity to participate.

Glenn Dean – Am I restating this correctly, that this Rewrite Committee is an umbrella title for all of this stuff. I'm not clear.

Cindy Davis – Lets back up, I talked about the ten individuals that were chosen to represent your organizations, the five from the building official, and the other five from various other organizations so that staff wasn't trying to do this in a vacuum. We thought it was important to get input from as many stakeholders as we could. That is what we call the Fire Code Rewrite Committee. That is what you attended a number of times. That is what we are referring to when we mention the Fire Code Edit Committee.

Glenn Dean – I believe this goes back to Robby's statement in that the way it is written seems to be agreement.

Cindy Davis – We can go back in if it is the desire of some of the folks to go back into the reason statement and make sure that it is clear that those who participated were not in full agreement of all of the sections. Again, that is what this workgroup is for and there will likely be further workgroups to address this.

Robby Dawson – I hate to go back to the process but in that workgroup committee that I was at, I would say that the majority people there were opposed to giving edits and that is still in there. I'm trying to wrap my mind around is whatever comes out of this is that edit going to be there or is there going to be a note there saying there was opposition? Or is the note going to say that the 60 of the 75 people here were in opposition? Is there going to be a scope to give the board some indication of how much opposition there was? One person or one organization in opposition, because I don't see this scoping issue within the sub workgroup.

Cindy Davis – Historically we have never counted people or take votes, but I do get what you are asking in that how will the board know to what extent there was or was not opposition? I guess we can work through this as we go through the list if there is vehement opposition, we will state that the majority of the fire folks present, or whoever was in opposition to it, we will make note in what we give to the board.

Robby Dawson – So with this verbage who becomes the proponent of that change? Because come of the key elements in the sub workgroup was in opposition.

Cindy Davis – Are you talking about this document, since staff was directed to do it, that the proponent should be DHCD staff? There were a lot of people on that committee that did agree. I will take exception to the fact that you said that even when there was a majority disagreement that it was in there anyway.

Robby Dawson – On occasions there was.

Cindy Davis – So please be sure to identify them as we go through the document. Because we were very careful to not do that.

Kris Bridges – I don't really think that any of them are edits. We identified areas that we believe are unenforceable. It's not in or out either way. These are just areas that were identified as retrofit provisions. They should be reworded on the largest majority.

Cindy Davis – So with that, let's get started. If you have a comment specific to the section, please remember to identify yourself and where you are from so Jane can capture in the summary.

F-101.1 cdpVA-15

Chapter 2 Definitions

APPLICABLE BUILDING CODE: Definition reviewed.

Cindy Davis – During the process we were asked to come up with a generic terminology that could be used throughout. So that whenever the term “applicable building code” was used there as agreement on what that meant. Basically it means the code in effect when the building was constructed or when a change of use or alteration occurred. And that if it was prior to any statewide code then it would be the Virginia Public Safety Law and if it was before that then it is simply as the building was originally constructed. Again, with the emphasis on no retroactive construction requirements being applied or required.

Glenn Dean - To date, when it comes to the term, building code or some variation of that, I thought I knew what that meant. I thought I could go to the specific edition of the USBC or pre-USBC or in the absence of a local building code. I thought I knew what this meant. The first sentence of the proposed definition is in keeping with that and to a lesser degree the second sentence, but it is the second half of the second sentence that I have taken and printed copies and placed in front of people that have not been averse to this. After they read this, their response or reaction is, what does this mean?

Cindy Davis – Asked if he was referring to **“the term shall be construed to encompass all the aspects of construction provided”**.

Robby Dawson– What does construed mean? I thought I knew what the applicable building code meant.

Cindy Davis – Asked if it is possible to have a building that fall under nothing?

Glenn Dean – Stated yes. It was pointed out in the Housing Study Commission from 1970.

Cindy Davis – the comment is that there is a possibility having a building that falls under no building code and it was pointed out in a study. So what does this mean?

Glenn Dean – That is my question, what does this mean? It could go anywhere from something to nothing. Therein lies the confusion to what this means. If a building comes under the edition of the USBC, if I go to that specific edition, or subsequent editions of the USBC. Let's use Norfolk as an example, they have a local building code. Richmond had a local building code. There are a number of localities that had a local building code.

Cindy Davis – For the ones who didn't have a local building code? What would you apply? If we take that language out, what are you applying?

Glenn Dean – What am I applying? Nothing. If we are talking about an existing building that pre-dates USBC, I am going to look at the Fire Code or the Maintenance Code for unsafe structure. I'm going to look at the structural elements and if they are failing then I have means today under today's codes to deal with that.

Greg Revels – Asked if anything is lost by deleting the second sentence altogether?

Cindy Davis – So the suggestion was just to have the first sentence and the second sentence in its entirety was not necessary.

William Lloyd – Home and building safety regulations were retroactive so we do have retroactive requirements.

Vernon – Explained that this language came from the Maintenance Code Rewrite Committee as well as the Fire Code Rewrite Committee. You have to maintain what was provided. You have to maintain whatever is there. If no code, then you are going to maintain what was required.

Sean Farrell – I sat on the Rewrite Committee and the discussions that happened during these sessions were removing all of the 2015 prescriptive languages in the IFC because some of the fire code inspectors need some guiding language. So the intent was to help the inspector in the field.

Richard Bartell – It is a difficult thing to do sometimes. This second sentence really doesn't add anything. If you diagram this sentence, you have just changed the subject midstream. It does not move forward as a cohesive sentence. This sentence adds nothing.

Johnna Grizzard – I have heard different options here. This was brought forth in the first committee meeting by the fire services? They were concerned about buildings that had no codes. If we drop it, I'm not sure if this will answer everyone's concerns. If not, just delete it.

Robby Dawson – I don't remember that.

Lynn Underwood – In the first sentence, after building code add the words **or law** in effect and this will cover it.

Richard Bartell – Stated that does not help. Provided an example of Hanover's courthouse that was built in the 1740's. It is what it is.

George Hollingsworth – I would like to make a suggestion that why don't we put this in as an individual code change so we can make comments and take this out of this group? I don't have the time or the inclination right here to take out the wording. If you could put something in to say to be maintained according to the code in which it was approved under that would include buildings that did not have a code at that time. Code it was approved under or the original construction. Give us a chance to make comments on the individual proposals.

Cindy Davis - We know that you want a generic language that stays the same all the way through and that you don't like this wording. Somehow along the way we have to come up with language that everyone likes. We will work on this and make it clearer. It sounds to me like everybody knows that if there was no codes and the building was built that is the way it stays unless they underwent something after there was a code in which case it has to comply with that code.

Robby Dawson – Asked where have we had fire code officials having problems?

Cindy Davis – referred him back to the FAQs that were handed out earlier.

William Lloyd – I do hear that you are cutting off comments of conversation.

Cindy Davis – I can't hear you. No, I'm not cutting off conversation.

Sean Farrell – I think she answered the question.

Cindy Davis – The board did not ask the staff to add definitions but the Fire Code Edit Committee said that there needs to be a generic language that is used the whole way through the process. So that it doesn't change, when we go to the maintenance language in every single chapter it is stated the exact same way the whole way through if we can't agree how we are going to do that, we are taking your comments that have been recorded and try to come up with some language that makes it clearer.

Henry Rosenbaum – Should they also reference something to the reference code not just the building code but also the reference code that was applicable during that time frame?

Anthony McDowell – This is my first time here. We spent a lot of time on this first issue and we have a lot of them here, what I wanted to know if there is one up for discussion, can we vote on it? Do we raise our hands if we are for it or against it? That way we know if there is a quorum. Vote for it or against it. I just don't know how we are going to get this done by the end of the day. Do I find out next week what you decided or did we decide? I'm not sure how this goes unless I missed something in the beginning.

Cindy Davis – So let me go over this part of the process again. What will happen, this whole thing will be moving forward to the board and we will capture all the comments. It has been made very clear, from the very beginning that there are a lot of folks that oppose all of it, folks that oppose some of it, some folks that are in agreement with a lot of it and some folks that are opposed to a little bit of it. This will go forth as non-consensus to the board of housing. This is clearly non-consensus. It will go to the board with the captured comments. If we come back with another definition that we are proposing to be used throughout the whole code then we will bring it back to another workgroup meeting so that you know what we have done. If we make a change, based on comments, we will bring it back to you, otherwise what is in there with captured comments of opposition will move forward to the board and we will define that as we go. Jane will type up a summary after this meeting and that also goes to the board.

Anthony McDowell – So we make these changes and that means we will meet again like this meeting?

Cindy Davis – Yes, we now have a workgroup 2 meeting scheduled for July 20 and at this point, there will likely be at least one or two more meetings additional workgroup meetings, specific to this topic.

Chapter 3

General Requirements

Cindy Davis – Explained that existing Virginia amendments automatically moves forward unless someone submits a code change to take it out.

301.2 Permits – existing state amendment

301.3 Occupancy - existing state amendment

304.3.2 Capacity exceeding 5.88 cubic feet. existing state amendment

304.3.3 Exceptions: Glenn Dean – agrees generally. When I look at that section, knowing who does the approval (the building official) and then I look at the balance of that section and look at the scoping of 13, 13R and 13D. How far and how wide these will get in there. If you take an existing building that has a sprinkler system in there and again I’m being hypothetical, if it’s got a 13R system in there and something changes during the life of that building where the new tenant expands the degree of hazard in there beyond the 13D or to 13 I’m still dealing with that approved system. Is this correct?

Cindy Davis - No

Kris Bridges – Explained that it is taken care of by the change of use. If you change the hazard, you change the use. It is still covered under the change because it specifically lists fire hazard.

Glenn Dean – You can change a hazard within a B. You can change a hazard within an M. It only says approved system.

Cindy Davis – Restated Mr. Dean’s question was he understands what it means when you say that the sprinkler system has to be approved in accordance with the code under which it was installed. The question was if it expands beyond that sprinkler system capacity to protect or do, then what? The answer is if the inspector believes an existing sprinkler system is not compliant with the building code, then it needs to be reported to the building department.

Glenn Dean – Concurred. Concerned that the language doesn’t say that. All it says is approved system. It doesn’t give me the ability to look at the scope for a 13, 13D or 13R and make that determination. This is a very small example but could lead to consequences down the road.

Robby Dawson – I had one question, but I think you answered it. We think that creates a violation if the draft language is approved. Then we would have to go to the building official to make the determination of whether or not that sprinkler system still complies with the code under which it was constructed. Second comment, that is not a construction requirement. That said, it is giving guidance to the fire inspectors, it says you can have this condition if the building is sprinklered in accordance with that standard. Now we create a sprinkler system not built to the standards that the section was directed. I’m not saying that thou shalt install a sprinkler system; it

is saying that you can use this process if you have a sprinkler system. I say this is not a construction requirement and should not be changed.

Mike Maenner – This one cleared up, this is an exception to the paragraph above and if they exceed the dumpsters above, they must install a new sprinkler system. So that exception would be dictated by the paragraph above and that would determine whether you would have to increase your sprinkler or not.

Cindy Davis – So, Mr. Dawson, I understand you are saying, if you have a limited area sprinkler now it doesn't comply with that section. I think this is the whole genesis for this, if you have a building from 1960 that had a dumpster here over 30 years and had a sprinkler system approved for that time, there is not a retrofit requirement to make them put in a sprinkler system in accordance with the code under which it was constructed.

Sean Farrell – Clarified that the language that was stricken only because of the reference to Section 903.3.1.1. For all we know it could have been in 502.6.7 in 1985. The only reason this was stricken was it specifically said 903.3.1.1. You have to go back to the code in which it was constructed.

William Lloyd – Once again, obviously we do not have a consensus. This is taking away the reference of one inspector telling them what standard that type of system needs. If the code section changes, and NFPA 13 System then it is going to be an NFPA 13 and the inspector needs to know that.

Shaun Pharr – When the property owner changes the context, I don't think that this alters a fire code authority. Make a decision, write a NOV and write in what needs to be present for the required section. This is much to do about nothing.

Johnna Grizzard – This section sends you to Chapter 9 of the Fire Code, 901.1 Scope. Revisions of this chapter shall specify where fire protection systems are required which shall apply to design, installation and inspection. Then if you go to Chapter 1 of the Fire Code it tells you that wherever a design or installation is specified it is unenforceable. This is sending you to an unenforceable section.

Richard Bartell – If you take the literal meaning of 903.3.1.1, the currently referenced standards in the code today, not to a previous edition. Those sections reference the sprinklers that are currently in the code today. If you keep this in there, it will have to be installed throughout Unenforceable. Bad language to have in there.

Section 306 Motion picture projection rooms and film.

Cindy Davis - Striking Section 409 of the IBC to make reference to the applicable building code because it cannot comply retroactively under current provisions so it must comply with the codes which it was constructed.

George Hollingsworth – We are trying to make this better for the inspector, going forward may be more helpful in the mechanical code, instead of the IBC.

Cindy Davis – You are ok with this?

George Hollingsworth - Yes

Cindy Davis - Any objections? No objections.

Section 307

Open burning, recreational fires and portable outdoor fireplaces.

existing state amendment

307.2 Permit required.

existing state amendment

Section 308. Open Flames

308.1.6 Open-flame devices

Existing state amendment

308.2 Permits required.

Existing state amendment

Section 308.3 Group A Occupancies

Item 2. Heat-producing equipment

Striking the International Mechanical Code

Greg Revels same as sprinkler issue

Linda Hale – are you still striking Chapter 6 which references fire code?

Cindy Davis - Unstrike Chapter 6

Gas lights – which are not part of the construction of a building...

Any objections?

No objections

311.1.1 Abandoned premises

The proposal is to strike declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code and replace with declared unsafe in accordance with Section 110. Section 110 is a whole section on unsafe structures.

Robby Dawson - Are the provisions going to apply to an abandoned premise that is not declared unsafe under Section 110; such as we have to maintain sprinklers, security, fire protection which should not apply?

Cindy Davis – If you look at Section 110, I think the language is pretty broad.

Robby Dawson – I think this says it is abandoned and declared unsafe and everything below it does not apply. I can make my argument that it is just an abandoned premise and not unsafe so we don't have to secure it. I think this is a conflict in the code.

Matt Smolsky - tenants are in jeopardy because the system is broke. It doesn't have to be declared abandoned it could just be vacant.

Cindy Davis – this whole section is only specific to abandoned and it talks about buildings and abandoned structures in which an owner could not be identified or located. It is not talking about vacant. It is talking about abandoned.

Keith Chambers – This is an inclusive statement, and declared unsafe. It means that you have to have both pieces for it to fall in this code section. There are other sections in the code, that says that we can have an abandoned building as long as these are met but under this code session and declared unsafe. This is what he wants to fix.

Cindy Davis – This is existing language that we are not proposing to change. The only thing we are saying is instead of referencing the unsafe provisions in the building code we are referencing the unsafe provisions in Chapter 1 in Virginia.

Johnna Grizzard – in the fire code, this is giving us more leeway, it is sending you back to 110 of the fire code where you get your authority to declare something unsafe.

Richard Bartell – Suppose I have a 2,000 sq. ft. building that I walk away from, I abandoned it. Is it really proposing a hazard to anyone? It is in the middle of my 100 acres.

Robby Dawson – If it catches on fire you still have to send fire fighters in. We need to change the International Property Maintenance Code to the Virginia Maintenance Code.

Cindy Davis – So you are saying don't reference the unsafe provisions that you already have in Section 110?

Robby Dawson – They are already there, this adds to the confusion. You have to declare it unsafe. I don't think there is anything wrong with the way it is. Change to USBC.

Cindy Davis – Virginia doesn't use the unsafe provision in the International Building Code so you are saying change to USBC?

Johnna Grizzard- One thing that came up in the workgroup was that the fire officials needed the ability to have this in for a fire to reference 110 and to give the fire fighter more leeway.

Henry Duchene, VA Beach – Fire safety gives us the authority to decide an unsafe building

Shaun Pharr – Accordance with the applicable building or fire code.

Robby Dawson – the answer is to fix the problem, to demolish or rehab.

Sean Farrelll – current provisions of the code, I have this problem, I go to Section 110 and it tells me what to do. It simplifies it.

Johnna Grizzard – There is no reason this section in the fire code should instruct anyone to demolish or rehab a building. This is building code related.

Linda Hale – I agree with Johnna, it is referring back to the building code. We can declare it unsafe under Section 110. What we can't do is demolish or be able to have it rehabilitated. Send it back to the building official for demolish or rehab. If you remove it, you will not allow where it is supposed to go.

Cindy Davis – The way I read this stricken language, this has to be declared unsafe in accordance with Property Maintenance Code or the building code. But you have the unsafe provision to tell you when it is declared unsafe. Since you already have it, you don't use the unsafe provisions of the building code. Because you use Chapter 1.

Robby Dawson - How do we enforce that, fix an unsafe building? Nowhere in Chapter 110 is this found.

Cindy Davis –The stricken language says that you have to declare that unsafe in accordance with the building code.

Kris Bridges - It shall be declared and unsafe in accordance with Property Maintenance Code or the building code.

Greg Revels – Asked to put Section 110 up on the screen.

Sean Farrell – The early codes are not going to tell you how to abate an unsafe existing building, in the Virginia Maintenance Code says that you make an existing building unsafe structure by rehabbing it or demolishing it.

Shawn Pharr- I thought we were working on unenforceable and these references don't need to be here since they are unenforceable.

Chris Anderson, Hanover – The way I read this, the proposed change send us over to Section 110 and then 110 directs and requires us to go to the building official to abate or demolish.

Ron Clements – you just need to delete 311 altogether. You can't enforce it now and you can't enforce it if it is changed. You have everything you need in Section 110.

Cindy Davis – So you are saying you have everything you need in Section 110 under unsafe structures?

Robby Dawson – I don't have the authority to enforce the building code, but it is telling me I have to go to the property maintenance official and the building official.

Kris Bridges – This is why we are taking it out. Section 110 says the same thing. I completely disagree with everyone saying you can't write a notice of violation to someone regarding Chapter 1.

Robby Dawson – I will read it right here, the fire code official shall order the following conditions or materials to be removed or remedied.

William Lloyd – The only person that can be charged with a violation in Section 110 is the fire official. Robby just read it. The fire official shall...

Andrew Milliken, Stafford County – I suggest that we scrap this entire section that would be outside the scope of this workgroup. Would be a separate code change.

311.2.3 Fire separation

maintenance language added, maintained in accordance with the applicable building code.

Robby Dawson – Chapter 7 is explains how you maintain, inspection, testing and maintenance of existing fire separations. If you remove Chapter 7 it eliminates the process by which you test, inspect and maintain.

Linda Hale – Chapter 7 will affect it.

Johnna Grizzard - Chapter 7 shall be maintained. In reference to 703.1

Richard Bartell – Asked where it says you can't maintain it? It also says you can't poke holes in fire separations. There's no code section that says you can't block open the door with a wedge if it is required door separation. If anyone violates any of these things, it is a violation of the terms that were in place at the time of construction. If they do those things it is no longer in accordance with the way it was constructed in the applicable code. It is a violation of fire code and building code.

Andrew Millikin, Stafford county – We are for this being removed.

Sean Farrell – If there are maintenance provisions in Chapter 7 of the SFPC, we don't want to delete. We also want to say, maintain in accordance of the building code.

Shaun Pharr – In addition to the maintenance provisions in Chapter 7, add a generic reference that is applicable to the building code and or the fire prevention code

Mike Maenner- The reasons you have to go back to the applicable code , not Chapter 7 of the SFPC is because in previous codes the fire walls went up and down because of sprinkler breaks lowered the fire walls. It is to eliminate those mistakes,

Johnna Grizzard – the first thing we need to consider is the maintenance code and that will send you back to Chapter 7 and should also include fire and assemblies and not just delineate partitions, fire barriers and firewalls, since those are just recent defined terms. I don't think the way it is worded openings, joints and penetrations shall be maintained.

Cindy Davis – So I think what I hear is a strong recommendation to keep all the maintenance language in Chapter 7, make sure that you have everything that you need to make sure that the fire resistant barriers and fire separation are maintained within the code that it was constructed under when it was installed.

Keith Brower – stick to all the maintenance code language.

311.3 Removal of combustibles.

Exceptions:

Change a reference from the IBC to the USBC.

Andrew Milliken – why are we changing the code in 311.3 to USBC? Explanation followed.

No objections

311.5.6 Removal

Existing state amendment.

311.6 Unoccupied tenant spaces in mall buildings.

Robby Dawson - Asked if the building official, in the case of an existing Certificate of Occupancy and no work occurring, would make them comply with this section?

Glenn Dean – Assuming the answer to the first questions is No., then it would be true that the fire official would make the referral to the building official, correct? Then after all that gets done, if this language is being deleted out of the fire code, is there reciprocal language in the building code directing the building official to do it in accordance with these specifications?

Cindy Davis – That is a good question. Does the building official have to do it in accordance with the specifications? What if the building official wanted to allow an alternate method of protection, do they not have the ability to do that?

Glenn Dean – It already has the certificate of occupancy.

Cindy Davis – Even though he has the certificate of occupancy, now it is not applicable. If the building official can't get in and the fire official can, and you see the construction has to be created there, or some separation has to be created there, and you are going to send them back to the building official to get a permit. Correct?

Robby Dawson – Yes

Cindy Davis – Now we are going to apply for a permit to do it, what if they propose an alternate method or materials, or they want to provide a fire watch? What if the building official wants to do it a different way, than that prescriptive method? Are you saying they don't have that ability?

Johnna Grizzard – or an approved equivalent.

Linda Hale – My point is if you delete it, then we don't have the authority to be able to cite it and send to the building official.

Kris Bridges - How does the fire official have the authority today to go into a 1970 mall building and enforce that section right now?

Robby Dawson - The building official doesn't have the authority.

Kris Bridges – How does the fire official have the authority, because it is written there?

Robby Dawson – Yes

Johnna Grizzard – This isn't being enforced across the board now.

Glenn Dean – If this language is lifted out of the fire code and is it being plopped down in the building code, does the building official have some kind of specification by which they can issue a permit by some alternative method to have a reference point. Is this language being lifted and plopped down in another building code?

Cindy Davis – this is prescriptive language.

Sean Farrell – I think there is a misunderstanding of what we are trying to do here. If I have a building that doesn't have any storage, no combustible waste, no occupants, why do I need to do anything more than an existing approved certificate of occupancy required? And conceptually the SFPC and the maintenance code is requiring them to do more to that space. How is this maintaining it? You are requiring to retrofit the space and the reason, I'm not getting it, It is a vacant space that you are trying to put the construction requirement on to maintain.

Proposed language is: Separated as approved by the building official.

Johnna – how is this not a retroactive construction item? No change of occupancy.

Vernon Hodge – On the national level, the IFC is written for construction and maintenance and operation. They say it is ok to require construction. Unfortunately in Virginia, our law limits us in how to use a model code or standard under the SFPC. The struggle that the committee, the staff and the board is having in trying to use an international code. They are filled with construction provisions and they don't work in VA. We have to figure out how to make it work. This is the dilemma.

Robby Dawson – The building official does not have the authority to do this.

Richard Bartell – If someone violates the provisions of their building code, if you find it with the building official, there may be a reason to cite a violation.

Section 313

Fueled Equipment

Exceptions

1. Changing reference striking IBC with applicable building code. No objections.
3. Storage of equipment. Approved automatic sprinkler system installed in accordance with Section 903.3.1.1

Glenn Dean – Am I saddled with the Group B limited service use group area? If they increase their hazardous area, they will need a new permit.

Richard Bartell – they changed a use and hazardous space.

Andrew Milliken – 13 system protection level in order to have this exception

Robby Dawson – I may be ok with this. If you bring in gasoline, you are expanding the scope..

Shaun Pharr – I think this gives more latitude to our fire officials to make a determination to what he or she thinks.

Johnna Grizzard – Add approved in exception 1

Andrew Milliken - Not intended to be a 13R or 13D Clarify language to approve.

Bob Jenkins, Chesterfield Fire – I want a clarification of approved. Approved as installed.

Section 314

Indoor Displays

314.1

Existing state amendment

314.5 to 314

all are existing state amendments

Henry Rosenbaum – Asked if we highlight existing amendments in a different color.
Information on the different color already used for Virginia amendments

Section 315

General Storage

315.3.4 Attic, under-floor and concealed spaces

Added language to refer to the applicable building code.

Section 315

General Storage

315.6 Storage in plenums

Glenn Dean – Raised a question around the term “approved”. Approved by whom? In this context, does this mean by the fire official?

Cindy Davis – If it was approved for storage without protection, under the code in which it was originally built, it must be maintained. So, the way you are reading what is proposed doesn’t say that? Generally agreed that the term approved needs to be clarified.

Linda Hale – I want to verify your statement that all of the chapters with an N in front of it needs to be amended?

Cindy Davis – “N” indicates that prescriptive construction requirements were removed from the SFPC. Those provisions will be copied into an Appendix N in the back of the SFPC. We designated this with the letter N, so you know that there is a construction provision applicable to that section in the appendix.

Cindy Davis - Removing unless approved for such use by the applicable building code.

Robby Dawson – How does this apply to 315.3.4, unless it is approved under the building code? Wonder if the building code is silent or if the building code says it is a plenum?

Cindy Davis – So your question is, If you have a 1960 building that had a plenum and the building code didn't address the storage, what would apply?

Robby Dawson – I suggest if it isn't broken, don't fix it.

Richard Bartlett – There has to be approval in the building code.

Cindy Davis – So you are suggesting that we make sure that the language in 315.3.4 and 315.6 are the same.

Ron Clements – Verified that there is no storage in a plenum.

Cindy Davis – We have a suggestion to duplicate the language in attics and another suggestion that there has never been, to anyone's knowledge, storage in a plenum.

Cindy Davis – So is everyone Ok with removing unless approved for such use as applicable building code? Reviewed the Appendix N procedure for moving to the appendix.

Vernon Hodge reviewed 315.4.1 language the board put in. This was about storage under eaves.

Andrew Milliken - Would it be appropriate to put under there plenum language?

Johnna Grizzard – I think this needs to stay.

Cindy Davis - The tag that the abandoned cable should be tagged needs to be unstricken. We will un-strike and add “unless approved under the applicable building code”.

Robby Dawson – not in agreement.

316.6.1 Structures under high voltage transmission line.

Proposal is to delete construction related provision and added it to Appendix N for reference.

Keith Chambers – What is a non-permitted structure? A small shed? Reviewed what is permitted. We are taking the language out, however, there are small structures that are not permitted that building officials are not involved but we still have to regulate because they are under transmission lines. We have had a case on this. Virginia Power uses us sometime to regulate structures under their power lines.

Johnna Grizzard - If a structure is over 150 sq. ft. the building code would have purview.

Richard Bartell – 256 sq. ft. which is an accessory structure. So why couldn't it be an accessory structure? We have people with transmission lines in their back yards in my county.

Andrew Milliken – the location is a hazard to the fire officials don't let code decrease safety.

Matt Hunter, AWC- usually the utilities have their own criteria. Reviewed easements.

Sean Farrell- If state law empowers the fire official to regulate that, then why not leave it in?

Todd Stoudt, Chesterfield – Virginia Power has a blue book. Reviewed the building dept. vs. fire official dealings with this issue.

Cindy Davis – If we leave this, hypothetically, the building department may issue a permit then you would turn around and say get it out of there?

Todd Stoudt - Yes

Richard Bartell – the NEC gives us criteria for clearance. What Virginia Power wants us to do their job and enforce it. This unenforceable requirement can only be done through the VA State Corporation Commission which requires them to contact the customer and they hate to contact the customer.

Sean Farrell – if state law allows you to do it. ok

Andrew Milliken – Do we have consensus that this is not the right order?

Richard Bartell – Yes

Johnna Grizzard – But this is existing language?

Johnna Grizzard – So let's strike it. Reviewed utility easements.

Sean Farrell – Reviewed the way to get this done.

Henry Duchene, VA Beach Fire – I appreciate everyone doing what they are supposed to do, this gives us permission if they do not handle the right way, and we go in and enforce it.

Cindy Davis – If this language does not exist in the building code and the building department is not prohibited by something from issuing a permit for it. The building department would have to issue a building permit that is not in violation with the NEC or any other regulation of the building code and now the fire official goes out and they say, tear it down.

Keith Chambers – So now we are involved in it.

Andrew Milliken – so we get the permit to build a house under the power line, the fire code says it is unacceptable. Maybe this should stay in the building code.

Johnna Grizzard – Reviewed that this is a separate issue.

Shaun Pharr – Reviewed fire service issues under power lines.

Cindy Davis – What I'm hearing is the fire services is concerned of buildings going up without permits under high tension utility lines.

Linda Hale – We are all assuming that structures mean, but structures can be other things, it could be a huge play house with a pole on it. We just want the right to say it is just not safe under high tension utility lines.

Ron Clements – Actually you don't have to worry about this because it bans the tower holding the lines.

Richard Bartell – He reviews GIS and site plan information pertaining to this.

Cindy Davis – It sounds like the concerns related to the building department are process or procedure issues related to the building department but what about Linda's comment concerned about the playground equipment or some other structure not regulated by the building department under these high tension power lines and may in fact be a hazard?

Johnna Grizzard – What about structures not regulated by the building code?

George Hollingsworth – Can VA power tell them to lower their structure?

Cindy Davis - Someone can certainly submit a code change to make sure the issue is addressed in the building code.

Emory Rodgers – Reviewed the power line language.

Kris Bridges– AEP doesn't want to do anything; they want the power company to handle all their dirty work. There is nothing in the code that says I cannot issue a permit. The owner has the plot and the easement doesn't dictate ownership. Recommends deleting the whole section.

Clarence Osborne – Leave it the way it is.

Johnna Grizzard – ok maybe a structure should not be built here, this is questionably enforceable.

Cindy Davis – Who has the authority under state law to determine whether a building or structure can or cannot go? Does the authority of the SFPC have the authority to say where a building or structure can or cannot go?

Richard Bartell – the way the law works in Virginia, with easements, depending on the type of easement, there are many variations; ingress or egress, some you can put a building on. There are more than one utility easement and typically belongs to someone else other than the person that wants to do something.

Cindy Davis – 316.6 is only specific to high voltage easements. We did not strike it in 316.6 in the charging statement.

Richard Bartell – Wherever you have a high voltage power line going across someone's property, there is an implied easement.

Keith Chambers – One thing in 316.1, the language you have, the utility easement shall be maintained. You have to maintain the easement. The language in itself is unenforceable.

Cindy Davis – Please look at 316.6. It says Structures and outdoor storage underneath high-voltage transmission lines. Right now it says structures and outdoor storage, what if it said

structures not regulated by the building code and outdoor storage underneath high voltage transmission lines?

Ron Clements – You can't do that because there are structures exempted by state law from the building code that the utility company needs. You can't come in and tell the utility company they can't have their own structure.

Discussion on utility structures and easements.

Robert Gilmer, Albemarle County – Shouldn't we be looking at the intent of this code? We are talking about restricting this but what would happen to us if this structure is on fire? If you look at Chapter 1, doesn't the scope of the fire code allow us to protect life and property?

Johnna Grizzard – Anything over 256 sq. ft. or 150 sq. ft. for an equipment structure is going to require a building permit, so it will be reviewed as far as setbacks, etc.

Anthony Milliken – I say leave it alone.

Robby Dawson – I thought this was about removing unenforceable construction provisions regulated by the building code? Now if the building official allows them to build it, then what?

Howard Lagomarsino, Albemarle County – If we are saying that we can't deal with this as an unsafe issue, how does the building code deal with the open burning law and other unsafe stuff? I say we have the authority to enforce this section.

Vernon Hodge – This has been a very interesting discussion, it is a statutory issue of whether or not the fire code can dictate anything about the construction regardless of whether it is to tear it down, not put it there or how to build it. Continued discussion on state law.

Linda Hale – I am confused that all the structures are regulated by the building code?

Vernon Hodge – Short list of exemptions.

Linda Hale – There are some exemptions.

Glenn Dean Since 1988 until today, no appeals or interpretations. Leave it alone.

Johnna Grizzard – there are still exemptions that apply.

Shawn Pharr – does not define statutory legality. The board should not promulgate without authority.

Andrew Millikin – Discussion regarding we have to do more work.

Howard Lagomarsino, Albemarle – If you look at the scope in Section 101.2 of the SFPC, relating to maintenance of structures, processes and premises and safeguards to be complied with for the protection of life and property from the hazards of fire or explosion. This 2nd and separates it out from the maintenance code.

Robby Dawson – discussion on statutory law regarding Shaun Pharr’s comments.

Shaun Pharr – staff has made their best efforts, purging or revising this. You just articulated a problem so let’s work through it.

George Hollingsworth – I’m still not sure about this, how it’s going to be better.

Cindy Davis – If there is a reference to a construction provision in the building code that isn’t duplicated what happens? Clarification that the reference is to the International Fire Code, and not the SFPC so nothing is “lost”. No where in the Building Code does it reference the VA Statewide Fire Prevention Code. Second of all, we are looking at the possibility of duplicating some of the requirements into the building code.

George Hollingsworth – You are taking it out of your unenforceable but it needs to go somewhere so it is not just disappearing.

Cindy Davis – We have just heard dissenting statutory arguments so we need to sort this out first. Further discussions ensued. This whole document is going forward as a non-consensus document to the board.

Glenn Dean – Who is the proponent.

Cindy Davis – The proponent is staff as directed by the board and the subcommittee. I didn’t say the subcommittee was in agreement. This is going forward as **non-consensus**.

Sean Farrell – We went through the maintenance code with the VBCOA representatives, someone has to do it.

Monty Willaford or Todd Strang, Spotsylvania - This is far more complex than the word construction it is complex to what Howard said is to be either maintenance or for the safety of the citizens, not just firefighters, the citizens of the Commonwealth of Virginia and in this meeting, and in this process, somebody has lost that in my opinion. It is all about the builders; it’s all about the difference of that one word, construction. It shouldn’t be about construction. The key word should be safety. The word safety for the protection of lives, protect the prevention of injuries of the citizens and visitors of Virginia. I can tell you this; the whole process has lost this factor. When a system determines mulch to be a fire code?? Over construction. When it calls mulch on the ground as construction. We have a big problem. This comes from the General Assembly. This is not just about construction. As a fire chief, I took an oath to do 2 things, and that is to protect the citizens of Spotsylvania County and my people who put their lives on the line every day. We are forgetting safety and worrying more about the word construction.

Section 317

Rooftop Gardens and Landscaped Roofs

The proposal is to add the language to refer to the applicable building code.

317.2 Rooftop garden or landscaped roof size.

Landscape rooftop gardens and structures has to be maintained in accordance with the applicable building code in which it was installed.

317.3 Rooftop structure and equipment clearance.

Robby Dawson – the code is silent on rooftop gardens.

Glenn Dean – older building for this rooftop garden. Does this require a permit,

Richard Bartell – Yes, if they are adding weight or changing the use of the rooftop, architectural detail, it needs to have a permit.

Johnna Grizzard – change of occupancy shall be made in any structure. It will be changed in the occupancy. It is a change of the level of activity.

Richard Bartell – No where are you allowed to exceed the roof load on any building.

George Hollingsworth – Rooftop gardens or landscaped roofs shall be landscaped and maintained in accordance with the applicable building code. It doesn't say you need a permit.

Robby Dawson – In the 1984 BOCA code, there is no standard for building a rooftop garden.

Sean Farrell – We are going to say the rooftop garden was constructed with no permit, we are not going back to the 1984 code. We are going to say that you installed something that increases the code requirement for that building. Now we are currently placing this in the current code. If the structure was built in 1984 and the rooftop garden was constructed in 1984 then all you need to do is maintain it.

Johnna Grizzard – the current language says installed, it should be struck and use maintained. Change to maintenance language.

Anthony Barrero – discussion on maintaining. Installed is leaving and maintaining is staying.

Cindy Davis – Overview of maintaining the roof garden under the applicable code it was installed.

Robby Dawson – comply with today's building code. This led to a discussion.

Johnna Grizzard – sends you to 1507.6.

Section 318

Laundry Carts

Exceptions:

Go back and revisit, the same as in previous sections.

Andrew Milliken – don't look at just approving. The intent of the IFC, it is up to the building official to approve.

Richard Bartell – Discussion regarding the laundry carts. Put the language on the co. This will require a code change.

William Lloyd – plastic laundry cart we are telling them to go to their building official.

Cindy Davis – discussion on an apartment building that would have been constructed without a full 13 System and have always had laundry facilities. Operational –always been there and now it says it has to comply with Chapter 9.

Clarence Osborne, VA Beach – just because they were allowed to do it, 30, 40, 50 years ago, you go into the building they used wooden carts, now they use plastic. Times have changed. Fire loads and the way things are burning has changed. Safety aspect.

Brian Simmons, Roanoke County – I believe this is more of a maintenance change.

Shaun Pharr – 318.1 is very specific, non-combustible. Only referenced in the exception.

Keith Chambers – Don't believe this is a construction code item. I think it is optional.

Linda Hale – The exception that is combustible.

Chapter 4 – Emergency Planning and Preparedness

Section 401 General

401.1 Scope

Existing state amendment

Section 403 Emergency preparedness requirements

403.1.1 Maintaining occupant load posting.

Existing state amendment

403.2.2.1 Night clubs

Existing state amendment

403.2.2.1.1 Audible announcements

Existing state amendment

403.2.2.1.2 Occupant load count

Existing state amendment

403.10.4 Group R-3 and R-5 lodging facilities

Existing state amendment

403.11.1.4 Lease plan revisions

Deleted a reference to the building official

Discussion by Robby Dawson

No objections

403.11.5 SRCE

Existing state amendment

403.12.2 Public safety plan for gatherings.

Existing state amendment

Section 404 Fire safety, evacuation and lockdown plans

404.4.1 Distribution

Existing state amendment

Section 405 Emergency evacuation drills

Exception

Existing state amendment

405.2.1 High-rise buildings

Existing state amendment

Table 405.2 Fire and evacuation drill, frequency and participation

Existing state amendment

Chapter 5 Fire service features

Section 501 General

501.2 Permits

501.4 Timing of installation

Existing state amendment

Section 503 Fire apparatus access roads

503.1 Where required

Exceptions:

Existing state amendment

503.1.1 Buildings and facilities

Exceptions:

The sprinkler requirements in Chapter 9 are construction-related, so any reference to them is removed.

503.2.1 Dimensions

Exception:

Existing state amendment

503.7 Fire lanes for existing buildings

Existing state amendment

Section 504 Access to building openings and roofs

504.1 Required access

Added language to refer to the applicable building code

Consensus Okay

504.2 Maintenance of exterior doors and openings

Discussion by Robby Dawson, removal of exterior doors, Leave as is. unstrike first sentence and add fire approval and building official, take the proposed language out and leave the language about complying with Chapter 10.

Chapter 507 Fire protection water supplies

507.3.1. Fire flow requirements for fully sprinklered residential developments.

Existing state amendment

507.5.1 Where required

Existing state amendment

Section 508 Fire command center

Existing state amendment

508.1 The reference to the IBC is removed and the fire command centers shall be maintained in accordance with the applicable building code.

508.1.1 Location and access

Proposal: strike approved by the fire chief

Robby Dawson – Are these referenced in the building code?

Cindy Davis – If there is a pointer to that language in the building code, it is to the IFC and not to the SFPC so we are not losing anything.

Linda Hale – So it will still say, approved by the fire chief.

Vernon Hodge discussion, I think we just found out that the fire command center language is in the IBC and does reference the IFC but the question was if the IFC has language that says the fire chief or someone has to approve it. Because it is a building code requirement, the building code in Chapter 1 says that anything related to approval is done by the building official and any language in a model code or reference standard that's different from Chapter 1, is superseded by Chapter 1.

508.1.2 Separation

This talks about prescriptive requirements for a 1-hour fire barrier in accordance with the IBC and replaced with separation between the fire command center and the remainder of the building shall be maintained in accordance with the applicable building code.

508.1.3 Size

The size of the fire command center has to be in compliance and maintained in accordance with the applicable building code.

508.1.4 Layout approval

The layout and all features of the fire command center shall be maintained in accordance with the applicable building code.

508.1.5 Storage

Storage unrelated to operation of the fire command center shall be maintained in accordance with the applicable building code.

Robby Dawson– operational requirement, don't change

Andrew Milliken – don't change

William Lloyd – don't change

Richard Bartell – discussion on now we are going to allow someone else to take control of the storage.

Cindy Davis – So we are going to take out maintain in accordance with the applicable building code and sunstrike prohibited.

508.1.6 Required features

The following features of the fire command center, when required by the applicable building code, shall be maintained.

Johnna Grizzard – Isn't NFPA 72 the standard with the maintenance issues?

Linda Hale – The NFPA 72 is our reference for maintenance and testing issues?

Cindy Davis – Should NFPA 72 stay?

Kris Bridges – Shouldn't it say, in the addition of the applicable NFPA 72?

Cindy Davis – Now it has been a suggestion to reference Chapter 9 of the Fire Code because Chapter 9 gives you the NFPA 72 provisions.

Robby Dawson – how do we maintain it?

Cindy Davis – I think everyone agrees that we need standards of maintenance but the question is where we do it? Do you do it with a pointer to Chapter 9 or here in this section?

Kris Bridges – Do in this section, leave in NFPA 72, add language to the applicable NFPA 72 edition

Ron Clements – Where required by the applicable building code and applicable edition of the NFPA 72.

Richard Bartell – what about pre edition of the NFPA 72.

Glenn Dean – This may be problematic; you may want to say the applicable edition of NFPA 72.

Johnna Grizzard – I don't see any problem with leaving NFPA 72 and the applicable building code.

Vernon Hodge – so it's ok to add maintain and test with NFPA 72.

Consensus to add maintaining and testing with applicable code and NFPA 72

Section 509 Fire protection and utility equipment identification and access

509.1 Identification

Add and maintained. Consensus.

Add identification and back to the title. Consensus.

Section 510 Emergency responder radio coverage maintenance of in-building emergency communication equipment

Existing state amendment

Chapter 6 Building services and systems

Section 601 General

601.1 Scope

Construction-related language deleted

No objections.

601.2 Permits

Existing state amendment

Section 603 Fuel-fired appliances

Deleted construction-related provisions from all section and add maintain under the applicable building code and add them to Appendix N for reference.

No objections.

603.1.4 Fuel Oil

William Andrews - Not in building code, needs to be maintained per manufacturers' instruction.

Discussion on fuel oil 1 and 2.

Bob Jenkins, Chesterfield – no one keeps manual.

Vernon Hodge – maybe we need to strike the whole section so it doesn't prohibit the fire inspector from using the general sections.

George Hollingsworth – If there was no requirement during the time of construction, you still can't use what you want in the boiler. We have to know what they are using is what is approved for that boiler.

Robby Dawson – Do I need to have a permit to replace a boiler?

Vernon Hodge – Yes, lots. Discussion on boilers.

Consensus to take strike throughs out on 603.1.4

603.7 Discontinuing operation of unsafe heating appliances.

Richard Bartell – Lets stay with original language.

Glenn Dean – When you have an electrical cook stove, the electrical cook stove is not a building code issue. Only at point of connection, but when that stove becomes defective it needs to be maintained.

Robby Dawson– I have a problem with striking defective.

Vernon Hodge – We may need to re-work this.

Andrew Milliken – What about a chimney?

Vernon Hodge - If you have a problem with the masonry, you would send to the building official because it was not being maintained. Maintain in accordance with the applicable building code.

George Hollingsworth – Lack of Maintenance code.

Russell Furr and Vernon Hodge discussion on chimneys

Linda Hale – Are we changing our purpose. That isn't what Cindy stated we were doing.

Cindy Davis – reviewed again why we are doing this procedure and the people who need to understand and use these codes on a regular basis. We are just trying to take the task, get it completed in a way that will work for everybody. It is not the intent of the board to make anything different than what you are doing now.

George Hollingsworth – shall – enforce as building code. Change shall to may

William Lloyd – lets recess and change our proposed language.

Monty Willaford or Todd Strang – I think there were a lot of changes that we reviewed today, that even though they were well intended, we were more on construction than on safety. We are at least understanding the viewpoint. We had some very good discussions today. No one can argue about taking out the unenforceable items, but I think it was too heavy a hand. After some conversation, I think we have a lot of smart people here. I think it will take a few more meetings.

Cindy Davis – This is why we have these workgroups to bring everyone together and get the information out there and make sure everyone is on the same page.

Anthony Barrero - I think we need to start back at 603 next time.

Linda Hale – I would like to start back at 603 also. We went over this today in lightening speed.

Cindy Davis – If you have any ideas or thoughts for any other language than “in accordance with the applicable building code”. We would like to have your comments.
Please email us any comments you may have. Once we get to other areas, we hope it will go faster and smoother.

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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@nnva.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 same 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
adamsz@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
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.

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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Work Group 2 Meeting (Fire Code Edits)
Henrico Training Center
Wednesday, August 3, 2016

Cindy Davis welcomed the attendees, and after attendee introductions, gave an overview of the new comment feature in cdpVA.

Linda Hale asked how the edits would be correlated with summary notes. She wanted to know if we will see the final updated document. She also wanted to know if the document will be voted on as package or each section individually (change everything or nothing).

Cindy Davis stated, if there was a consensus that something should be done, then that will be done and that will be presented to the board. As soon as the document that will be given to the board is ready, it will be posted. The board will see the final document regarding the consensus of the proposals and they can do what they want, it is up to them on how they are going to vote on it.

Robby Dawson asked if there were any venue or opportunities for corrections to the summaries. Cindy Davis stated you can comment in cdpVA or send an e-mail.

Cindy Davis indicated that the previous meeting had ended in Chapter 6 and that would be the starting point for this meeting. Ms. Davis asked for any comments to Chapter 6.

Linda Hale stated that the requirement to maintain instructions and installation diagrams should be retained in **603.1.6.1**

Anthony Barrero stated that in **601.1 Scope** not all installation provisions have been removed, so deleted “installation” from the paragraph is not warranted.

Anthony Barrero stated he agreed that **601.2 Permits** is an existing state amendment.

Anthony Barrero’s suggested combining 603.1, 603.1.1, 603.1.2 and 603.1.3 as follows: "603.1 Installation and Maintenance. New installations of non-portable fuel gas appliances and systems shall comply with the International Fuel Gas Code. New installations of all other fuel-fired appliances, other than internal combustion engines, oil lamps and portable devices such as blow torches, melting pots and weed burners, shall comply with this section and the International Mechanical Code.

Previously installed and approved non-portable fuel gas appliances and systems shall be maintained in accordance with the manufacturer’s instructions and to the requirements of the applicable code under which they were installed. Electrical wiring and equipment used in connection with oil-burning equipment shall be

maintained to the standards of (NFPA 70 and?) the applicable codes under which it was installed.

Anthony Milliken will email his clarification of language on 603.

Linda Hale suggested in **603.1.7 Clearances**. NFPA70 or 31 is the language we seek because removing would convolute.

Anthony Barrero suggested the majority of content in **603.1.4 Fuel Oil** does not involve installation, but rather use of the items. He suggested the following: "603.1.4 Fuel oil. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the burner manufacturer. Oil containing gasoline shall not be used. Waste crankcase oil shall be an acceptable fuel in Group F, M and S occupancies, when utilized in equipment listed for use with waste oil." ~~and when such equipment is installed in accordance with the manufacturer's instructions and the terms of its listing."~~

Anthony Barrero indicated that he had no comment on **603.1.5 Access**

603.1.6 Testing, diagrams and instructions.

Anthony Barrero suggestion was to simplify 601.6, 601.6.1 and 601.6.2 as follows:

"603.1.6 Instructions and diagrams. Instructions, diagrams, and other paperwork required to be extant on or near the equipment by the code under which it was installed shall be maintained."

603.1.6.1 Diagrams

Linda Hale concerned that diagrams still need to be maintained and if only applicable to the applicable building code, might cause issues beyond authority and timeframes

603.1.7 Clearances

Anthony Barrero suggested "Working clearances between oil-fired appliances and electrical panel boards and equipment shall be maintained in accordance with ~~NFPA 70~~ the code under which the equipment was installed. Clearances between oil-fired equipment and oil supply tanks shall be maintained in accordance with ~~NFPA 31~~ the code under which the equipment was installed."

603.2 Chimneys

Anthony Barrero suggested masonry chimneys, factory-built, and metal chimneys shall be constructed in accordance with the International Building Code. Factory-built chimneys shall be installed in accordance with the International Mechanical Code. Metal chimneys shall be constructed and installed in accordance with NFPA 211. shall be maintained to the standards of the code under which they were constructed and/or installed.

603.3 Fuel oil storage systems

Anthony Barrero suggested ~~Fuel oil storage systems and shall be installed in accordance with this code. Fuel oil piping systems shall be installed in accordance with the International Mechanical Code.~~ Fuel oil storage systems and fuel-oil piping systems shall be maintained to the standards of the code under which they were constructed and/or installed.

603.3.1 Fuel oil storage in outside

Anthony Barrero suggested combining 603.3.1, 603.3.2, 603.3.2.1, 603.3.2.2, 603.3.2.3 and 603.3 as follows: "603.3.1 Fuel oil storage quantity, arrangement and piping. For previously installed and approved fuel-fired appliances, the quantity of fuel oil storage, in any previously approved storage installation, shall be maintained at or less than the quantity approved. For previously installed and approved fuel-fired appliances, the arrangement of fuel oil storage and piping shall be maintained as previously installed and approved.

603.5 Heating appliances

Anthony Barrero suggested 603.5, 603.5.1 and 603.5.2 could be combined into one section. "603.5 Heating appliances. Heating appliances, including all fire and burn safety features, shall be maintained in accordance with the manufacturer's instructions, their listing and the applicable codes under which they were installed."

603.6 Chimneys and appliances

Anthony Barrero suggested Because a primary function of the code is to reduce or eliminate fire hazards through proper maintenance of appliances and systems that are potential fire and life safety hazards, I suggest that the entire paragraph be kept and the desired code wording be appended.

Russell Furr stated shall be maintained to not require a fire hazard. He believes it was added for a reason.

Cindy Davis said we already discussed this when Linda Hale brought it up earlier and we're leaving it in. The maintenance language needs to remain.

603.6.1 Masonry chimneys

Anthony Barrero suggested 603.6.1, 603.6.2 and 603.6.4 should be combined into one paragraph. "Masonry, metal and factory-built chimneys. Masonry, metal and factory-built chimneys shall be maintained to the requirements of the applicable codes under which they were installed."

MR. Barrero read the following statement:

Currently: 603.6.3 Decorative shrouds. Decorative shrouds installed at the termination of factory-built chimneys shall be removed except where such shrouds are listed and labeled for use with the specific factory-built chimney

system and are installed in accordance with the chimney manufacturer's installation instructions.

The first use of the word 'installed' in this paragraph has nothing to do with installation requirements. It seems to me that someone did a search for all instances of the word 'install' and its variants and then used the strike through key indiscriminately and added 'applicable building code' just as indiscriminately.

I can agree with removing "and are installed in accordance with the chimney manufacturer's installation instructions."

I feel that having the sentence as proposed usurps the building code's installation permission authority. I interpret the sentence as meaning that the VSFPC will permit something only if the building code does. It is an inconsistent message.

This section should be left alone or cut out entirely. Codes can be reactionary. There must have been a problem with decorative shrouds that necessitated this section. (I don't know, I am not a chimney expert. And since I have not seen any evidence that the proposal is coming from a chimney expert, I assume the submitter is not either. So deleting something about which we do not know anything is foolish.)

Linda Hale asked if the applicable code indicates cracks in the mortar? This language is maintenance, it is not directing it to be repaired it is just stating dangerous conditions can't be there.

Shaun Pharr stated it was just common sense reading. Would any of those conditions have been allowed or approved under the applicable building code?

603.6.4 Factory-built chimneys

Linda Hale stated it is not construction, it is maintenance

Anthony Barrero recommends combining and use language: maintained in the standards of the code in which they were installed.

603.6.5 Connectors

Anthony Barrero stated he had no comment on this proposal other than to change their universal replacement language with "shall be maintained to the requirements of the applicable codes under which they were installed."

Linda Hale suggested keeping the language the same as maintenance language.

603.7 Discontinuing operation of unsafe heating appliances

Anthony Barrero suggested Replacing "defective or in violation of code requirements for existing appliances" with "applicable building code" does not make sense. He stated that it is in no way inferring a construction requirement and needs to be kept in order for a fire code official to be able to ameliorate such

hazards. He further agreed that the "Note" is an existing state amendment.

He opined that the replacement at the end of the section is unnecessary, but indicated no major objections to it. He did suggest that the wording should be ALL (not any) violations are CORRECTED (not remedied.)

Linda Hale stated if the appliance is defective it is a maintenance issue.

Robby Dawson stated if a recall notice comes out then it gives us the authority to tell them to fix it.

603.8 Incinerators

Anthony Barrero suggested: "shall be maintained to the requirements of the applicable codes under which they were installed."

603.8.1 Residential incinerators

Anthony Barrero suggested "shall be maintained to the requirements of the applicable codes under which they were installed."

603.8.2 Spark arrestor

Anthony Barrero suggested "The means for arresting sparks shall be maintained to the requirements of the applicable codes under which it was installed."

603.8.3 Restrictions

Anthony Barrero suggested this proposal was inane. There are not burning prohibitions in the building code to refer back to. He suggested no changes.

Robby Dawson asked where the building restricts open burning? Consensus on keeping section as-is.

603.8.4

Robby Dawson, not a condition of the building code. Can't be in an appendix. Consensus on keeping section as-is.

603.8.5 Discontinuance

Anthony Barrero stated there was no need to restrict a fire code official to being able to shut down an incinerator only due to lack of maintenance. There is no need for this change proposal.

Robby Dawson stated that these sections have nothing to do with the construction. None of the strike throughs relate to construction. Because of drought, you are prohibited from burning here. Where does the building code prohibit burning?

Cindy Davis said she agrees with Robby's language in 603.8.3, 603.8.4 and 603.8.5. Leave as is.

603.8.6 Flue-fed incinerators in Group 1-2

Anthony Barrero stated no. The proposal is 180 degrees from the original intent.

603.9 Gas meters

Anthony Barrero suggested the barriers referred to are not noted in the building code. Recommend denial of this proposal.

Section 604 Emergency and Standby Power Systems

604.1 thru 604.1.8

Anthony Barrero suggested these sections are proposed to be deleted in their entirety. Much of this is new language in the 2015 ICC FPC.

Robby Dawson stated this is maintenance language.

Cindy Davis agreed to keep maintenance language. consensus.

604.2 Where required

Anthony Barrero suggested emergency and standby power systems. Where required.

604.4 Maintenance

Linda Hale stated we don't know which requirements should be maintained since we are striking so much of it. She doesn't know if 110 or 111 will cover this.

Section 605 Electrical Equipment, Wiring and Hazards

605.2 Illumination

Anthony Barrero had no objection to this wording change.

605.9.1 Attachment to structures

Anthony Barrero had no objection to this wording change.

605.10.1 Listed and Labeled

Anthony Barrero agrees that this is an existing amendment.

605.11 Solar photovoltaic power systems

Anthony Barrero asked why have the installation provisions been allowed to remain for solar photovoltaic power systems?

Emory Rodgers believes we need to review the construction language again. Solar panels need to be changed to maintenance language.

Andrew Milliken stated we should keep NFPA 70 maintenance language and also have a pointer.

Section 606 Mechanical Refrigeration

606.1 Scope

Anthony Barrero suggested: Refrigeration systems shall be ~~installed in accordance with the International Mechanical Code.~~ Maintained to the requirements of the applicable codes under which they were installed.

606.2 Refrigerants

Anthony Barrero said he doesn't believe that this change should be made. There are no refrigerant regulations in the building codes. Even if there were, the original refrigerant can be replaced without a building permit. Therefore the only regulations are in the International Mechanical Code. These regulations are necessary as refrigerants can be considered hazardous materials and pollutants.

606.3 Refrigerant classification

Anthony Barrero stated he doesn't believe this change should be made. There are no refrigerant regulations in the building codes. Therefore the only regulations are in the International Mechanical Code. These regulations are necessary as refrigerants can be considered hazardous materials and pollutants.

606.4 Change in refrigerant type

Anthony Barrero said this change shouldn't be made. There are no refrigerant regulations in the building codes. Even if there were, the original refrigerant can be changed without a building permit. Therefore the only regulations are in the International Mechanical Code. These regulations are necessary as refrigerants can be considered hazardous materials and pollutants.

606.7 Emergency signs

Anthony Barrero believes the first change shouldn't be made. These regulations are necessary as refrigerants can be considered hazardous materials and pollutants. What is the difference between 'provided with' and 'maintained' if the paragraph only references the current edition of NFPA 704? For the second change, the deletion of the last sentence, I have no objection to it being moved to the appendix, but see no need for it to move.

Robby Dawson stated that the signage is not maintenance it is construction. Consensus to keep as is.

Cindy Davis agreed the signage should stay.

606.8 Refrigerant detector

Anthony Barrero stated the proposed change moves the regulation from being about refrigerant detection to being about machinery rooms. He suggested for the first sentence: Required refrigerant detectors with an audible and visual alarm, installed in a machinery room, shall be maintained to the requirements of the applicable codes under which they were installed. No change proposed to 2nd sentence.

He opposed the change to the 3rd sentence. TLV-TWA values are not referenced in the Building Code.

Robby Dawson stated this is an OSHA requirement. The building code does not provide TLV. The fire code should have the ability to change this value.

606.9 Remote Controls

Anthony Barrero believes he understands the goal of the proposed changes, but thinks the reference to Section 1106 of the IMC (Machinery Room, Special Requirements) must be kept. In total, the same thing can be stated more simply. He suggested:

“606.9 Remote controls. Where flammable refrigerants are use and compliance with Section 1106 of the International Mechanical Code is required, remote control of the mechanical equipment and appliances located in the machinery room shall be maintained to the requirements of the applicable codes under which they were installed at an approved location immediately outside the machinery room and adjacent to its principal entrance. This includes, but is not limited to, the refrigeration system emergency shutoff and the machinery room ventilation fan switches.

Robby Dawson stated he had an issue with 606.9. 606.9.2 is moving to an appendix.

606.10 Emergency pressure control systems

Anthony Barrero stated the proposal is more encompassing than the original requirement. He suggested: “606.10 Emergency pressure control system. Emergency pressure control systems for refrigeration systems containing more than 6.6 pounds (3 kg) of flammable, toxic or highly toxic refrigerant or ammonia shall be maintained to the requirements of the applicable codes under which they were installed.

Emory Rodgers stated we should leave manufactured instructions in USBC when appropriate.

606.10.1 Emergency pressure control system

Anthony Barrero suggested “606.10.1 Each high- and intermediate-pressure zone in a refrigeration system provided with a single automatic valve providing a crossover connection to a lower pressure zone shall be maintained to the requirements of the applicable codes under which it was installed, including, but not limited to, overpressure limit set points and manual operations.

George Hollingsworth stated if we continue to use applicable building codes, it might present an issue or conflict if there was a modification. We need originally approved language.

Glenn Dean stated we don't know what this means regarding the applicable building code.

Kenney Payne suggested we pull up the new proposed definition.
Applicable Building Code. Whatever local or state building code in effect when a building was initially constructed, or underwent a subsequent alteration or change of occupancy. If no local or state building code was in effect when a building was initially constructed, or underwent a subsequent alteration or change of occupancy, then the phrase “shall be maintained in accordance with the applicable building code” shall mean to maintain as originally constructed.

Glenn Dean asked about change of occupancy.

Cindy Davis asked if applying this definition was clear?

Kris Bridges stated that it was clear, however, it didn’t spell out how the process applies.

Kenney Payne stated we added as approved by building official.

William Lloyd stated as approved if you have to do anything. He agreed with Glenn

Kris Bridges stated change of occupancy or as otherwise approved.

Linda Hale asked if the subsequent alterations are a defined term during renovations?

Kenney Payne said right now between building codes, you can use the same definition of USBC and IFC. The change of occupancy definition will be just one.

Andrew Milliken asked the purpose of removing this section. There seemed to be no guidance for this quantity in the building code.

Emory Rodgers stated he didn’t understand the question. Quantities are less and some are more, the owners have to have AMSDS sheets.

606.10.1.3 System Design Pressure

Anthony Barrero stated if the goal is to remove installation references in the Fire Code, this section could be deleted in its entirety.

606.10.2 Automatic emergency stop

Anthony Barrero suggested Automatic emergency stop. Required automatic emergency stop features shall be maintained to the requirements of the applicable codes under which they were installed.

606.10.2.1 Operation of an automatic crossover valve

Anthony Barrero suggested Operation of automatic crossover valves shall be maintained to the requirements of the applicable codes under which they were installed.

606.10.2.2 Overpressure in low-pressure zone

Anthony Barrero suggested Operation of overpressure sensing devices shall be maintained to the requirements of the applicable codes under which they were installed.

606.12 Discharge and termination of pressure relief and purge systems

Anthony Barrero suggested that a haz mat expert as well as a mechanical systems expert should evaluate these sections. He is not comfortable saying that systems discharging ammonia, flammable, toxic and highly toxic substances should be maintained to the codes under which they were constructed. Newer regulations for the hazardous substances might necessitate a change to the systems.

606.13 Discharge location for refrigeration machinery room ventilation

Anthony Barrero stated the title of this subsection is misleading. It does not specify a discharge location, but rather treatment of exhaust from certain mechanical ventilation systems. He suggests his preferred wording "shall be maintained to the requirements of the applicable codes under which they were installed."

606.15 Records

Anthony Barrero suggested no changes proposed, however, the last sentence of the 2012 VA code is missing and I believe that it should be restored.

606.16 Electrical equipment

Anthony Barrero suggested the proposed wording to mean that the classification of the rooms be maintained while the original code intent was to have the rooms conform to certain NFPA specs. He suggests: "Where refrigerants of Groups A2, A3, B2 and B3, as defined in the *International Mechanical Code*, are used, refrigeration machinery rooms shall be maintained to the requirements of the applicable codes under which they were installed."

Section 607 Elevator Operation, Maintenance and Fire Service Keys

607.2

Emory Rodgers stated that the standby power should be struck out.

George Hollingsworth stated the maintenance language in the building requirement should be added. When it's required, these are some of the things we need to be looking at.

Cindy Davis stated that we agree with that.

Anthony Barrero suggested in 2012 this was 607.2 Emergency signs which moved to 607.3 in 2015. 607.2 is now Standby power. 607.2 through 607.2.4 are

installation requirements and need to be changed to maintenance requirements to be consistent if the remainder of the code is changed. He suggests: 607.2 Standby power. Standby power refers back to 604

607.5 Occupant evacuation elevator lobbies

Anthony Barrero suggested being consistent with section 607.4 He suggests: 607.5 Occupant evacuation elevator lobbies. Where occupant evacuation elevators are ~~provided~~ required in accordance with the building code under which the elevators were installed, occupant evacuation elevator lobbies shall be maintained free of storage and furniture.

607.6 Water protection of hoistway enclosures

Anthony Barrero suggests his preferred replacement wording: "shall be maintained to the requirements of the applicable codes under which they were installed.

607.8 through 607.8.4

Anthony Barrero stated this was verbatim from Section 607.5 in 2012. He considers the language in 607.8 as leaning towards a construction requirement, but there is no proposal for change. If all the proposals are adopted, perhaps this section should also be tweaked.

Section 608 Stationary Storage Battery Systems

Anthony Barrero stated he was not sure where original installation of these systems is regulated. There is no mention of them in the index of either the building code or the mechanical code.

608.6.1 Room ventilation

Anthony Barrero suggested ventilation shall be maintained to the requirements of the applicable codes under which it was installed. Delete remainder of section.

608.6.2 Cabinet ventilation. #2

Anthony Barrero stated he does not agree with this deletion. The ventilation products as just as hazardous in a room (of unknown cubic volume) as they are in a cabinet. The room into which the cabinet ventilates must also be ventilated.

608.6.3 Supervision

Anthony Barrero stated the proposal is to delete the requirements for supervision of ventilation systems required previously in the Fire Code. It makes no sense to say that they must be maintained in accordance with the applicable building code when the building code is not what required them in the first place. He suggests his preferred wording "maintained to the requirements of the applicable codes under which they were installed. He wanted to know what Appendix N meant.

Bob Adkins wanted to point out that the building code that is used here indicates the VCC and that is what we reference and use every day. He doesn't think we are gaining anything by changing this.

Cindy Davis stated that the (N) is used to designate current construction requirements for new construction in that section that has been moved to the appendix so that if someone is using this to do inspections on current new construction and is using the fire code as a guide they would be able to see what the requirements for current construction is. The maintenance language that is being replaced means that whether or not it was required you have to do research which doesn't change. Nothing is changing, we are just moving the current requirements to the appendix and putting in the maintenance language.

608.8 Seismic protection

Anthony Barrero stated as noted in the chapter heading cell, He does not know where original installations are regulated. If they are regulated by the Fire Code, this section should be retained.

608.9 Smoke detection

Anthony Barrero stated as noted in the chapter heading cell, he does not know where original installations are regulated. If they are regulated by the Fire Code, this section should be retained. However, it refers to 907.2 which might be deleted.

Section 609 Commercial Kitchen Hoods

609.1 General

Anthony Barrero does not agree with this proposal. Since hoods are not regulated by the building code, he suggests: Commercial kitchen exhaust hoods shall be maintained to the requirements of the applicable International Mechanical Code and other applicable codes under which they were installed.

Linda Hale stated that the commercial language shall be maintained in the applicable building section.

609.2-609.3.3.2

Anthony Barrero said no changes are proposed, even though 609.2 is an installation requirement.

609.3.3.3.1 Tags

Anthony Barrero stated the change from inspected to cleaned is NOT an existing state amendment. I believe "inspected" should be kept because it is more encompassing than cleaned. All cleanings should have an inspection component, but not all inspections necessitate a cleaning.

609.4 Appliance connection to building piping

Anthony Barrero stated this is new in 2015 but it has not been called out as such.

Section 610 Commercial Kitchen Cooking Oil Storage

610.1-610.7 Anthony Barrero stated much of this section is new in 2015, but some parts were already state amendments. No changes proposed.

Section 611.1 – 611.2 Hyperbaric facilities

Anthony Barrero said this section is new in 2015 but is not called out as such. No changes are proposed.

Chapter 7 Fire Safety Requirements**703.1 Maintenance**

Andrew Milliken asked about removing visually inspected,

Robby Dawson stated that inspections and maintenance requirements are scattered throughout and is enforceable. The original intent is to remove construction provisions, however, removing this is outside of the scope of this effort.

Vernon Hodge stated the directive from the board was to remove the unenforceable provisions from the model codes, not just construction, but unenforceable provisions. In the maintenance code most of the language looked at was mostly retrofit language, however, they also looked at the Administrative conflicts that existed in the Maintenance Code. The fire code was looked at in the same perspective. This language was debated in the last cycle. There were some changes being made to Chapter 1 which looked at whether the language in the model code is actually enforceable. We already have a proposal submitted that will get looked at by the board even if it doesn't get looked at in this re-write. Chapter 1 states that anything that deals with inspections and gives the authority having jurisdiction to the fire official to have the right to do inspections.

Deidra Peterson stated that we can't require third party inspectors but we can accept them.

Shaun Pharr stated that as a property owner representative he agrees with the revised wording of the authority of inspectors. They are not going to tell you how to do it, the bottom line is that you have to maintain these elements. He believes this enhances the hands of the inspector. Mr. Pharr objects to being maintained on the premises.

Steve Ennis asked if the fire marshal walks in to his hospital doing an inspection it sounds like if we asks me to do certain things, according to this, I don't have to do anything.

Cindy Davis stated that this is not the case. This goes back to Chapter 1.

Andrew Milliken stated that the annual maintenance inspection needs to be done, however, no additional requirements need to be done until the fire official says there is a problem.

Anthony Barrero said he would like this added, "Records of the inspection and maintenance shall be maintained on the premises for a minimum of three years and shall be copied to the fire official upon request".

George Hollingsworth stated we have lost track over one word. The inspection needs to be done annually by someone, if not the owner then someone needs to do the inspection for the owner.

Russell Furr stated the owner shall be responsible for the inspection. The owner is the one responsible. Why is this a conflict?

Glenn Dean stated that the records need to be readily available.

Anthony Barrero said he made a change to this language, "Records of the inspection and maintenance shall be maintained for a minimum of three years and shall be copied to the fire official upon request." He is removing on the premises. Would this be acceptable language?

There is consensus on this language.

Emory Rodgers stated Rick Witt was going to work with Robby Dawson and Zack Adams for clarity of language for what you have been doing.

Linda Hale-asked where to find the conflict in Chapter 1.

Cindy Davis stated this was going to be a state amendment.

703.2 Andrew Milliken suggested adding approved or reference for maintenance language. Include to pointer to 105.

Chris Anderson suggested to un-strike the changes in 703.1.2 because it doesn't seem to be construction language.

Cindy Davis stated it is unstricken.

Chapter 8

Interior finish, Decorative materials and Furnishings

Linda Hale stated the existing building requirements should remain.

Andrew Milliken asked why we need chapter 8 except for 801.1 Scope. Go back to the building code in which it was built. Strike entire chapter

George Hollingsworth said the majority of the fire officials want to leave this alone. He believes there is disagreement on this section.

Glenn Dean stated to leave it alone.

Linda Hale asked about public schools wanting to decorate for prom. When the school wants to decorate they are going to need to go to the building official to get a permit? This is essentially a double inspection. Do we do temporary permits?

Kenney Payne asked if we need to strike anywhere it says existing or new building?

Linda Hale asked about specific thickness. Some of this is to have the schools use certain materials that are flame retardant flame resistant and to meet NFPA code. It's utilized for things on a temporary basis.

Cindy Davis said we hear lots of disagreement, we will put all the comments and disagreements in here and go through and try to identify the construction related material language and put them in the appendix and keep maintenance language for the rest.

Chris Phillips stated they had a haunted house incident in Prince William County that caused a loss of life. He didn't believe they had a permit. The fire marshal has to have access without having to go to the building official.

Andrew Milliken states there are numerous references to sprinklers. We need to specify NFPA 13 systems. Where an allowable exception issued.

Kenney Payne asked that in the scope 808.1 is it the intent to strike existing and new. Will it be correlated through this chapter? If they stay it could cause confusion.

Cindy Davis asked Richard Potts to look up the comments that were made in the fire code edit sessions for this particular section. This does need to be reviewed.

Monty Willaford mentioned he talked with some board members and they do not know why we are doing this. This thing is getting so big and out of control. How are we making a decision on this? Why are we even here? I want everybody to hear about this (edit) The keyhole we are being pulled through. You are taking this away and this will affect public safety. I want this to be seen by the General Assembly, Governor, BHCD, I want everybody to hear what is going on with this (EDIT). He stated that members of the BHCD are questioning this process as well and building departments are not able to do any of this with the work they already have to do. This has turned into a fiefdom and will affect public safety. Somebody has to stand up and say it. I support Loudon and I support Stafford.

Linda Hale asked are those consistent for mattresses and furnishing in multiple sections?

Cindy Davis stated in Chapter 8 we will need to see what needs to be removed. We are trying to abide with Virginia law.

Robby Dawson commented he heard the comments and the way we have gone about this is broken. The people who are making the determinations are non-fire related people or non-fire code certified and don't understand how the fire code is enforced. I believe this is the root of the problem.

Emory Rodgers stated the draft language is from VBCOA that was assigned this. There are very difficult sections in here in 807 building officials would like fire officials to take over this section.

Chapter 9

Fire Protection Systems

Ron Reynolds asked how we are going to get everyone on the same page. This will be a huge job for him because he has five offices across the state from one end of the state to the other. This is nothing against DHCD staff, he just thinks we are moving so fast with this and it is to large right now.

Cindy Davis thanked Ron for his comments.

901.2 William Andrews asked what is wrong with getting construction documents? If the code allows us to require documents and we do not get them, why wouldn't that be enforceable?

Robby Dawson stated by removing his ability to require the plans, he has no way to evaluate this system. Without the ability of having the plans, I don't have a way to evaluate this situation. I think deleting this is a problem.

Andrew Milliken stated to retain the first portion and remove everything after the fire protection systems.

Emory Rodgers recommends a code change for 109 to address their concerns.

Sean Farrell suggested considering the Records Retention Act.

Ron Clements said to require copies of existing construction documents and calculations. They need to have this information to make a determination of a violation.

William Andrews said he doesn't believe it is un-enforceable.

Robby Dawson stated this is up to interpretation and fire officials are responsible for this.

Kenney Payne stated he thinks part of the problem is the change of occupancy definition in the fire code is different than what Cindy is referring to. This needs clarification.

Ron Clements stated he doesn't have a problem with the fire officials having a set of plans.

Andy Wilson stated it was the owner's responsibility, someone has to have the information.

Shaun Pharr asked if it is problematic to go to your building official and say we have encountered this problem at this address?

Linda Hale stated that going to the zoning office is not the approved plans.

Robby Dawson asked if a building official can ask for construction drawings if they don't exist?

Emory Rodgers stated that if something has changed. You can't approve if you don't have a copy of the drawings.

Cindy Davis stated there is no agreement on this. The desire is for the first sentence to remain.

901.2.1 Andrew Milliken stated this was not replicated in the construction code. Maybe we should combine 901.2 and 901.2.1.

Emory Rodgers stated that the records of compliance are the permits and approvals.

Kenney Payne stated he heard the term "as built" are different than the construction documents that were approved. Another cost the owner will need to incur.

Robby Dawson stated this is more than mechanical it also addresses the calculations.

Anthony Barrero stated if you take the changes out, it leads to unpermitted work issues.

George Hollingsworth asked what do you right someone up for when you suspect there is an issue with the fire protection system. You tell the person to go to the building official to get a permit.

Jerome Swain stated that we expect that there is an exceeded hazard. We need the original drawings to know what it was designed for. We need the drawings up front.

Cindy Davis asked should you make the determination or should the fire official. There is a concern that building officials may not be doing what they should be doing.

William Lloyd stated that not every fire department uses the same equipment and pressure.

Shaun Pharr stated that it can't reside with the fire official if VA laws say otherwise.

Andy Wilson said he doesn't see this as unenforceable. Sometime, we cannot give them an informed opinion.

Robby Dawson stated a lot of this is interpretation.

George Hollingsworth said he thinks the issue in the majority of cases, I don't think there are a lot of fire marshals say they need something. We are providing a service of knowledge for them instead of just telling them to go see the building official..

William Lloyd stated that every fire marshal is trained through extensive training that they may not require equipment or anything that relates to the methods of construction. They are re-trained on this in a regular in-service manner.

Glenn Dean made a comment that there is a lack of quantifiable and identifiable problems.

Monty Willaford stated this is about good customer service.

Anthony Barrero stated he knows no reason to change Chapter 8, Chapter 9, or Chapter 10. You are taking away safety guidelines that we work with every day and there maybe consequences if you take this away. Consensus of fire officials to not change Chapters 8,9 or 10.

Cindy Davis stated that it is the fire officials' belief that there are no unenforceable provisions in these chapters and everything should stay as it is.

Mike Maenner stated that in Section 907, Fire Alarm and Detection Systems, the commentary states as indicated in this section, only Section 907.9 is intended to be applicable to existing buildings and structures.

Linda Hale stated when we remove something from the codes, we you remove some language, that tie to help the building official get a right of entry to go in and be able to require unpermitted work to be corrected.

Emory Rodgers stated that un-permitted work that is brought to the building officials they can handle under our current USBC. There is a section that deals with this. Linda, your point about what your building official is doing or not doing, if it is brought to the attention that there is a possible violation for existing buildings or while a building is under construction they do have in Chapter 1 of the USBC the right of entry. This is taught in the CORE program. We have had some instances of some of these violations. There isn't a public safety loss by separating in Virginia in accordance with the statutes the roles and duties of the code official. understanding that if they don't work together as a team it is going to be less user friendly and more difficult to get and keep and maintain buildings for the public safety.

Sean Farrell stated that the building official can always delegate enforcement of the USBC to the fire officials as technical assistants if that is what your locality wants to do. So you may already be empowered.

William Andrews stated that in Chapter 9, 904.12 Commercial cooking systems. These are self-contained. This still needs to be regulated.

Glenn Dean again in 904.12 the hood system language is saying the non URL 300 systems need to be maintained. Are you saying that if they can't maintain it, if the parts are not available, they need to upgrade?

Shaun Pharr stated the only way to remedy the situation is to upgrade.

Mike Maenner said in 106.5.1 the fire official shall prove the use of alternative requirements to the code. You can already do that.

Andrew Milliken said in 901.5, striking the language in the first part doesn't make sense since it sets up the rest of the section.

Cindy Davis said she agreed.

901.5.1 Don't delete

This should stay

Blake Toepke stated that his building official has started granting partial change of occupancy. This means that the occupant can occupy certain floors while others are under construction, if you take this away we have no leverage to say that this is not safe. These were apartment buildings and hotels.

Anthony Barrero stated we have been talking about this section for some time, there are so many changes that are going to affect citizens. This takes away our

authority and will promote unpermitted work. Do we need to oppose these changes?

Emory Rodgers addressed this to Anthony, when a new building goes up some floors can be used while the others are still being renovated. The USBC allows this to happen and to issue a temporary certificate of occupancy. Conditions are set on the uncompleted work areas. I don't think the code is broken.

Andy Wilson stated we came here to discuss the changes. I understand what Anthony is saying but I don't know if Anthony understands what you are saying. If we decide to close off discussions on these chapters it does not mean you are accepting Anthony's suggestion that these will remain the same.

Cindy Davis stated so we will continue chapter by chapter.

Shaun Pharr said in Chapter 9 for instance there are dozens of sections that have been revised and the note says, deleted construction related provisions; and if you look at many of those provisions if not all of them they are undeniably construction related.

William Lloyd said that we made reference regarding obtaining the AG's opinion.

Cindy Davis said that as part of the regulatory process, the regulations have to be approved by the Attorney General. No opinion just the process.

Andrew Milliken stated **905.7.1** and **905.7.2** should be unstricken.

Cindy Davis agreed.

William Andrews stated 904.12.6.1 rather than delete, needs to be maintained. We missed putting maintained in it.

Cindy Davis said we got that.

Chapter 10

Section 1001 General

Anthony Barrero stated the proposal to remove all language that seems to be a new construction requirement is too far-reaching. Things such as temporary tents and public assemblages not inside a building still require egress, but egress cannot be required under the VCC. All parts of chapter 10 that must be used if the VCC is not used must be retained, but perhaps altered to clarify the extent of use.

My suggestion is: 1001.1 General. ~~Buildings or portions thereof shall be provided with a means of egress system as required by this chapter. The provisions of this chapter shall control the design, construction and arrangement of means of egress components required to provide an approved means of egress from structures and portions thereof. Sections 1003 through 1029 shall apply to~~

~~new construction. Section 1030 shall apply to existing buildings.~~

~~**Exception:** Detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.~~

Means of egress systems for buildings or portions thereof which have received a Certificate of Occupancy from the Building Official shall be maintained to the requirements of the applicable code under which they were installed. Buildings or public gatherings not subject to the VCC shall be provided with a means of egress system as required by this chapter.

Ron Clements stated that this is right out of the building codes. It is clearly for buildings and not outdoor events.

Chris Phillips stated this needs to be included .

Linda Hale stated there are many scenarios that this could apply to., but it doesn't apply to axles.

Monty Willaford said we don't live in a black and white world. We have to deal with this.

Emory Rodgers stated we have gaps in every code cycle. This is a separate issue.

Cindy Davis said the first part of his language is perfect, however, the second part Introduces a new part that has not been covered by the code before and may need to be addressed separately.

Sean Farrell stated that if you limit it to those that have been given a certificate of occupancy by the building official what do you do with pre-USBC that the building official has not issued the co for?

Anthony Barrero stated he cannot agree with this proposal for the reasons stated in 1001.1. They shall be retained! At worst, sections 1003 thru 1015 can be created as an annex with specific language in the body of the code that directs and makes legal the use of the Annex in situations not covered by the VCC. As proposed, only 1003 through 1010 are in Annex N and they are specifically not enforceable.

1001.3 Overcrowding

Anthony Barrero stated he agreed that this is an existing amendment. Should USBC be changed to the VCC?

Linda Hale stated we need to reduce occupancy load .

1010.1.9.1 Hardware William Andrews stated maintaining is not enough, it needs to be maintained.

1004.3 Posting of occupant load Robby Dawson stated in keeping with consistency of keeping sign sections unchanged, shouldn't we be able to keep this?

Anthony Barrero stated in **1003.2 through 1015** the most harm would be done by losing sections:

1004.1 Occupant load. As an aside, I do not like ICC changing the first 'shall' in the sentence to 'are'.

1004.1.2 Allows use of table 1004.1.2 and directs the Fire Code Official to determine occupant load in areas without fixed seating.

1010.1.9 Door operations. Readily openable without use of key or special knowledge or effort.

1010.1.9.4 No bolt locks.

1017 Exit access travel distance. This section gets used in evaluating new layouts for booths and displays in the Expo Center. No building permit needed to move around the pipe and drapes, but they can be set up so no one can quickly get to an exit.

Emory Rodgers said we don't have anything about food trucks in the code now but the 2018 does. F23 puts in a whole new standard. He is hoping that fire services will support putting this in their fire prevention code for both operational permits and standard so it will be statewide.

Robby Dawson stated that this reference of signage is a maintenance issue, so **Section 1004.3** shall remain?

Cindy Davis stated that if a sign is required by the building code, if it gets missed, destroyed or removed illegally you still have the authority to require it.

Emory Rodgers stated that zoning is a land use decision.

William Andrews – already required under retrofit. 1701.

Anthony Barrero stated in **1017 Exit access travel distance**. This section gets used in evaluating new layouts for booths and displays in the Expo Center. No building permit needed to move around the pipe and drapes, but they can be set up so no one can quickly get to an exit. It needs to be retained along with the table.

Anthony Barrero stated **1018 Aisles**. This section gets used in evaluating new layouts not only for the Expo Center, but in mercantiles when displays are rearranged. It needs to be retained.

Sean Farrell stated in Part 3 of the VA Maintenance Code all buildings must be maintained in the code in which it was constructed.

Robby Dawson stated signage on a door appendix is not enforceable.

Anthony Barrero stated in **1023.5 Stairway penetrations**. A critical section, the remediation of the penetrations must be immediate. Not whenever the building official can investigate the FCO generated complaint. John Sevier Hotel Fire. Although not a stairway penetration, on Christmas Eve, 1989, 16 elderly residents died in a fire in a building that met all the codes when it was converted to housing. “The Johnson City (TN) Fire Marshal's office had investigated the fire which occurred on October 25, 1989. A final inspection of Apt #513 was also conducted during the week of November 27. Another inspection of smoke towers and standpipes was also conducted because of reports that heavier than usual accumulations of smoke had traveled to the upper floors at the time of the fire. This heavy smoke accumulation was later attributed to a break in the pipe chase between floors, thereby allowing the smoke to travel freely to the upper floors of the building. Fire officials had attempted to correct the situation by working with building officials and engineers to convince the owner of the seriousness of this situation and bring the building into compliance.” However, 16 persons lost their lives, because the deficiency was not fixed immediately. I do not have access to the NFPA report, but seem to remember that the size of the penetration was tiny.

1010.1.9.3 Locks and Latches

Linda Hale asked about 2.2 regarding a readily visible durable sign is posted on the egress side on or adjacent to the door stating: This door to remain unlocked when this space is occupied.

Robby Dawson stated if it wasn't required by the building code, can he tell them to put the sign up?

Chapter 11 deleted

Chapter 20

Robby Dawson **Helistop 2007.2** Clearances need to remain. Un-strike, it must be maintained.

Cindy Davis said we are un-striking heliports.

Emory Rodgers said he agreed with un-striking heliports

Robby Dawson stated in **2007.2** that this is a safety regulation and needs to remain. Clearance is not just related to structures. Un-strike consensus.

Robby Dawson said he also has concerns with removing 903-905. It depends on the correlation with what is being deleted.

Chapter 21 Dry Cleaning

Linda Hale stated in **2105.2.3 Ventilation**, we need to put in maintenance language per Cindy.

William Andrews said this must be operating as required. This is an operational issue. Using maintenance language doesn't guarantee its use. Consensus to add applicable operational language.

William Lloyd stated in **2104.2.4 Bonding and grounding** that it does not require a permit from the building official. It is not a construction requirement but a life safety requirement.

Robby said it could be a drum that is being transported that needs to be grounded.

Cindy Davis stated that we will take a look at this.

Robby Dawson said it might include things that aren't building code related such as a 55 gallon drum.

Linda Hale stated in **2105.2.3 Ventilation** that this is maintenance.

The consensus was to add the maintenance language as it relates to operations.

Linda Hale stated in **2105.3 Type IV and V Systems** that this is also maintenance.

The consensus was to add the maintenance language.

William Lloyd stated in **2106.3 Class II and III solvents**, said this needs to remain. Disagreements with quantity direction.

Andrew Milliken agreed in **2108.4** to leave in, however, the language needs to be cleaned up. Reference to 906 is okay. Approved fire extinguishers for this purpose. It needs a pointer.

Cindy Davis asked if we said approved portable fire extinguishers shall be installed and maintained.

Vernon Hodge stated he thinks we need to un-strike that whole section.

Robby Dawson stated I agree with Vernon Hodge.

Cindy Davis said this was a good place to talk about quantities of materials. We were at a meeting that there was a discussion and we said we didn't know. Wonder if there was a dry cleaning facility under a code in the 1980's were permitted to have additional materials. Half said they could not remain, half said they could remain. She explained the position of the AGs office on this topic.

Virginia statutes and laws are written is to generally allow whatever was constructed at the time to remain and it could continue. Quantities can remain.

Kenney Payne asked that in **2108.4** that you are going to un-strike all of it?

Chapter 22 Combustible Dust-Producing Operations

Nothing

Chapter 23 Motor Fuel-Dispensing Facilities and Repair Garages

William Andrews stated in **2301.3** we need to keep these in order to know what's there.

Robby Dawson suggested that we needed to keep NFPA 30A in **2301.4** and **2301.5** since it contains many operational requirements.

Russell Furr commented on **2301.4.1** that this was operational to prevent flammable liquids to flow from one area to another.

Robby Dawson stated that in **2304.3.7 (2) Quantity limits** that this is operational and not regulated by the building code. This needs to stay here.

Robby Dawson commented that in **2306.1 General** that we need to change to the original language or at the very minimum keep the last part. This just changes the scope drastically.

Cindy Davis stated that the staff would check the storage requirements.

William Lloyd states that in **2306.2.1.1 Inventory control for underground tanks**. This is an existing amendment. Notify the fire official after consistent loss of product.

Anthony Barrero stated that in **2306.7.4 Dispenser emergency shutoff valve** This could be potentially fatal to everyone and especially first responders. Un-strike this.

Vernon Hodge stated we can't retroactively require it. We can un-strike where installed provisions.

Andrew Milliken suggested in **2306.7.5 Dispenser hose** that we un-strike this language.

William Andrews stated that in **2306.7.8 Gravity and pressure dispensing** that this is operational. Flammable liquids by gravity need to be regulated.

Cindy Davis said staff will look at this.

William Andrews said in **2306.8.1 Listed equipment** that this should be un-stricken.

Vernon Hodge stated we should un-strike it. **Consensus to un-strike**

William Andrews said in **2309.3.1.2.3 Ignition source control**, that the building code does not regulate these items. I suggest un-striking.

Cindy Davis agrees

Linda Hale stated that in **2310.3.4 Portable containers, 2310.6.1 Standpipe hose station and 2311.2 Storage and use of flammable and combustible liquids** needs to be un-stricken.

Robby Dawson stated that **2309.1 General** along with **2309.3.1 Location of operations and equipment and 2309.3.2 Canopies**, references Chapter 58

Andrew Barrero said that Chapters 20-30 strikes a lot of safeguard issues.

Vernon Hodge commented that if required it needs to be maintained.

Robby Dawson stated that in **2309.5.1.1 Vehicle fueling pad**, Hydrogen fueling needs to stay, or add verbage that the vehicle needs to be grounded, this is operational.

Linda Hale and William Andrews stated in **2310.3.4 Portable containers** to un-strike

William Andrews stated **2311.3 Sources of ignition** needs to be left in.

Cindy Davis indicated that this has been captured.

Emory Rodgers stated that public and private unattended motor fuel dispensing inconsistent will you please check into this?

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

adam.sz@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.

Workgroup 2 (Fire Code Edits Only)
Virginia Housing Center
August 26, 2016

Cindy welcomed everyone and after attendee introductions, we started with **Chapter 24 of the Fire Code.**

Chapter 24 Flammable Finishes

2403.2.1, Electrical wiring and equipment.

Andrew Milliken asked to keep NFPA 70 reference, keep for maintenance.

2403.2.1.1 Flammable vapor areas.

Linda Hale keep NFPA 70 reference.

2403.2.1.2 Areas subject to deposits of residue.

Linda Hale says electrical equipment is struck. Why don't we want to maintain the electrical equipment?

Exception 1 of 2403.2.1.2

Linda Hale stated that there is nothing in here regarding maintenance.

Johnna Grizzard could we accept as permitted by applicable building code in which it was constructed and then leave the rest of it?

Linda Hale asked which flammable finishes they can use so that we know that the flammable limits have not changed or increased.

Richard Bartell stated you have to be aware of which building code was in effect during the time of construction to know what was allowed. You have to have reference to VCC and the appropriate year.

2403.2.1.3 Areas adjacent to spray booths.

Linda Hale stated that this is not just a construction statement we need to go back to the building official.

Johnna Grizzard stated I think this is the exact same language.

2403.2.5 Grounding.

Linda Hale stated that grounding maintenance language of NFPA 70 needs to remain.

Richard Bartell said shouldn't the VCC language regarding the building code that was in effect during the time of construction be included. If not, you are not going to know how to maintain unless you know what code was in effect when installed.

Emory Rodgers thanked Linda Hale for her comments For the proposed regulations; I am ok with NFPA 70.

Cindy Davis stated the grounding language should read something like this, the grounding must be maintained in accordance with the code under which originally constructed and in compliance with the maintenance sections of the applicable standards.

2404.3.1 Spray Rooms.

Linda Hale stated we need the maintenance capability language.

2404.3.1.1 Floor.

Linda Hale stated the cleaning operations need to be maintained in the code in which it was constructed.

Cindy Davis stated this language is specific to design and will be removed and placed in the appendix. We will say must be maintained in accordance in which it was constructed.

Robby Dawson (for the comment section) said if you want to place a Spray Room in, this is how it must be done? I can see a fire official saying you have to maintain it.

2404.3.2 Spray Booths.

Linda Hale stated the reference in NFPA 33 which has maintenance in it along with **2404.4.1 – 2404.8** are still applicable and should not be struck.

Cindy Davis stated that we will take a look at this.

Emory Rodgers stated that when we leave NFPA33 or NFPA70 references in, maybe we should direct the reader to the maintenance provision sections.

2403.2.1.4 Areas subject to overspray deposits.

Andrew Milliken stated we need to keep this.

2405 Dipping Operations.

William Andrews asked if the dipping tanks are going to be under the building code or portable tanks.

Glenn Dean said it doesn't have to be portable.

Johnna Grizzard said the building code sends you to the IFC. It is not exempt if it has hazardous materials.

Cindy Davis said that we would look at the whole 2405 Dipping Operations. If it is equipment it is exempt.

Richard Bartell stated it is the owner's decision as to what they use.

Emory Rodgers said we are leaving this in for maintenance. This language will be changed to maintenance language.

Glenn Dean stated it is being proposed in appendix N.

2404.3.2.5 Clear spaces. Robby Dawson stated maintenance provision should stay in. Take out shall be installed. Clear space must be maintained. Add shall be readily accessible for cleaning.

2404.3.2.5 Exceptions. Linda Hale stated that exceptions 1 & 2 were also struck.

Cindy Davis stated that when we struck the construction language in the fire code edit re-writes, we stated that we would go back and put maintenance language back in and place the construction requirements in the appendix. It is not showing up there yet, however, it will be placed there.

Glenn Dean asked if today was the last day for workgroup meetings.

Art Lipscomb asked when the comment period would stop.

Cindy Davis stated that the comment period never stops. For the purposes of putting it to the board, the board package needs to go out 10 days before the board meeting. Whatever comments we have up to this period will be forwarded to the board along with the new version. If there are comments between then we will probably take them to the board as a separate package because it will be too late to send out as part of the package. We are going to capture them; we are not going to ignore them. It will be revisited in October and then again in November.

The September board meeting requires a joint review by the SFPC joint code committee and the codes and standard counsel. They will take a look at each individual proposal and they will decide what to do with them based on what has been done at the workgroups. They are going to either approve them as consensus or non-consensus. Then in November the board will make a final decision.

We will have another chance to edit in the second half of the process with other workgroup meetings.

Henry Rosenbaum stated why not another meeting to go over comments. We would like to see the final version.

Cindy Davis stated that DHCD has blocked out every day next week for staff to work on this fire code edit to get the comments into cdpVA.

Robby Dawson stated why is this going so fast? This is such a big document, two weeks is not enough for everyone to look at, digest and make comments. I think this is inadequate time. I think this is the recommendation that should go before the board. I think that staff has the ability to make this decision.

William Lloyd stated “me to” that Robby Dawson speaks for a lot of us.

Linda Hale suggested the following:

2404.6.2.1 Glass panels. This is a maintenance issue to replace one appropriate glass panel with another. Keep.

2404.7.1 Operation. Linda Hale stated this is an operational section, why is it being struck? Keep.

Cindy Davis said we talked about this and this will stay. If it is there, it needs to be maintained.

2404.7.3 Air velocity. Keep, it needs to be maintained.

Cindy Davis stated she agreed.

2404.7.8 Filters. Must be maintained or replaced. Keep

2404.9.4 Electrical wiring. Keep

2405.3. Construction of dip tanks. All the maintenance will be kept

2404.7.2 Recirculation. Glenn Dean asked if this is taken out, what do I have to work with. It has to stay.

Cindy Davis stated she didn't understand the question. This language is going into the appendix.

Deidra Peterson stated she has a general comment we need to stay away from the blanket statement. We need prescribed maintenance codes.

Richard Bartell stated one size doesn't fit all. There are very few retroactive requirements in VA.

Andrew Milliken stated that we can't have every building code in our possession. Most jurisdiction do maintenance, however, with no pointer, there is no knowledge to know if there is a hazard. If we don't have pointers, what's to say that there isn't a hazard?

Cindy Davis stated the pointer is the end. You have to go to the back

You cannot site construction language in the fire code as a violation.

Johnna Grizzard asked can we revise the section to say air exhaust from spraying shall not be recirculated unless approved by the applicable building code.

Andrew Milliken stated taking out a lot of pointers could be hazardous.

Johnna Grizzard asked if we can deal specifically with this section.

2406.6 Sources of ignition. William Andrews stated maintenance stuff should not to be deleted.

2405.9.2 Flues. Linda Hale stated we should un-strike.

2406.2 Location. Powder coating operations, un-strike more operational.

Emory Rodgers stated that the VBCOA team was put together in August of 2015. We went through the bar code looking for design and construction. Maybe we didn't strike out or struck things we didn't need to. We knew from the beginning we knew we had to go line by line. We really appreciate your input. Staff is going to make edits. Make clear you can blame us for doing our best effort. It is a big process. The process will continue and we are here to work with you in a collaborative way.

Andrew Barrero stated he sent DHCD his comments and asked if they were captured.

Cindy Davis stated that we have them. These are separate, the summaries and the public comments.

2506 Ethylene Generators. William Andrews asked about portable generators. This should be unstruck.

2503.1 Location. Andrew Milliken stated we should un-strike.

Johnna Grizzard lets leave that.

2504.1 Ignition prevention. Linda Hale stated we should un-strike.

William Lloyd stated that this can be explosive.

Chapter 26

None

Chapter 27

William Lloyd the majority of the chapter process of fabricating semiconductors. Most materials are toxic, corrosive and combustible.

2701.4 Existing buildings and existing fabrication areas. un-strike

2703. Emergency control station. un-strike

2703.3 Construction requirements. Un-strike. This is a control system.

2703.3.3. Liquid storage rooms. The reference to Chapter 57 has been deleted. un-strike.

Cindy Davis stated this is an area of disagreement. It is not clear.

2703.7.2 Workstations. Andrew Milliken stated to keep the NFPA maintenance language.

2703.3.5 Gas cabinets. Linda Hale stated that portable cabinets should be provided and maintained. Un-strike

Emory Rodgers stated we need more discussions on this.

Cindy Davis stated we will look at it. Should be provided and maintained.

2703.3.8 Service corridors. Un-strike.

2705.3 Transportation and handling. Un-strike and change to operations.

2703.10.1.1 Combustible work stations. Maintain as was designed

Chapter 28

2803.4 Electrical equipment. Chris Anderson suggested adding the maintenance provision. Keep in NFPA70 reference.

2804.2 Fire alarms. Chris Anderson suggested language “approve means for transmitting fire alarms to the fire department shall be maintained in accordance with the applicable building codes.” Approves when it is required.

2807.2 Size of piles and Exception. Chris Anderson wants to un-strike the references.

Johnna Grizzard is there an issue with it being approved as defined in the fire code by a fire official?

Richard Bartell stated we don’t regulate a lot of these.

Robby Dawson asked if there was a change of definition of approved.

Cindy Davis stated not currently, but I think we will have to. Referencing for both code official and fire official approval may be better stating approved by the authority having jurisdiction. This is better yet.

2808.7 Pile fire protection. Glenn Dean asked outside of the building, if we were talking about the same thing, the conveyor and enclosure.

Cindy Davis said we will check on this. Are you proposing to un-strike this and add a sprinkler system? Are you proposing a retroactive fire sprinkler?

Rick Witt stated conveyors were exempted from the building code.

Andrew Milliken asked how this is retroactive if it is not required by the building code.

George Hollingsworth asked if a piece of equipment brought into a building as content, it requires a sprinkler system to make it safe? It is not a change of use.

Cindy Davis stated that Change of Use also includes the change of a level of hazard. If it has changed it will need a sprinkler system. A retroactive requirement for a conveyor system for a sprinkler system, where is the authority to require this?

Johnna Grizzard stated maybe the conveyor is hazardous material. We need to take a look at this. Take it out or leave alone.

Emory Rodgers asked if any piles stored in VA that are sprinkled.

Linda Hale stated yes. In Loudoun County we have wood chip processors. They are very careful because if there is a fire, it would burn up their profits.

Glenn Dean stated we would have to access and evaluate what is in front of me.

Robby Dawson asked if there have been any complaints for a sprinkler system.

Andrew Milliken said this is in the fire prevention code for a reason.

Cindy Davis stated again that this is to take out only legally unenforceable provisions. We are going to put a big question mark on it to verify this and move on.

Chapter 29

2904.3.2 Vehicles. Russell Furr stated that this is a grounding and bonding issue. It needs to be unstruck.

2903.1 Building features and 2903.2 Location. Andrew Milliken stated a pointer is needed.

2904.3 Bonding. Russell Furr stated this is a fire hazard and we need to un-strike.

2905.4 Explosion control. Andrew Milliken stated we should keep the first sentence and strike the rest.

William Lloyd stated that the majority of this chapter clearly says where they can conduct the activities.

George Hollingsworth said the fire inspector and the maintenance inspector are the only ones who see if an occupancy has changed.

Cindy Davis said nothing is changing.

Richard Bartell stated the building official only sees on the site visit of an existing building. No one ever tells us that someone is doing something wrong.

William Lloyd said one of the tools fire official uses comes out of Title 27 and Chapter 1. If you put it in the appendix, it is not enforceable and the fire official cannot stop the process.

2909.6 Finished products. Linda Hale stated this must be maintained.

Andy Wilson stated we should add maintained.

2909.2 Tank storage. Linda Hale suggested to un-strike.

2909.4 Nitrocellulose storage. Andrew Milliken suggested we un-strike.

2906.1 Mills. William Lloyd stated that process mills were exempted from the building code.

Cindy Davis stated this was noted.

Chapter 30

Anthony Barrero stated he has concerns about going so fast.

Emory Rodgers said that when Anthony Barrero talks about public safety guidelines, this doesn't impact your jurisdiction.

Robby Dawson asked if all industrial ovens are regulated by the building code. They are pieces of equipment that may not be regulated by the building code.

Cindy Davis stated so that everything that goes into the equipment, the fuel gas, pipelines, and supplies of this oven are regulated by the code. It is not exempt.

Robby Dawson says, however, the oven is not regulated.

Cindy Davis said we want to make sure we are capturing your comments. If a piece of equipment which has been decided to be exempted under the building code, it is now to be regulated under the fire code.

3003.2 Exposure, 3003.3 Ignition source, and 3003.4 Temperatures. Andrew Milliken suggested these need work.

Jerry Swain with Loudoun County said they have portable kilns which are not covered under the building code. How do we apply maintenance to this section?

Emory Rodgers stated if there is an industrial oven that has components, such as 3007 which is covered and those not covered 3007.4, if it needs tweaking it is fine. I don't think the struck language needs to be unstruck because of construction requirements.

Chapter 31

3103.2 Approval required. Chris Anderson suggested shouldn't this be 900 sq. ft. so it is consistent with Chapter 1?

Cindy Davis said we had a discussion with the edit committee that it needed to stay at 400 sq. ft. because there had to be a way to regulate the smaller ones if they didn't fall under a building code.

Richard Bartell says it causes problems with 400 and 900.

Vernon Hodge said this will be addressed by a proposal that has been placed in cdpVA regarding this issue. It will address the whole section.

Emory Rodgers asked if this was a consensus.

Vernon Hodge stated yes.

Chapter 32

None

Chapter 33

None

Chapter 34

3401.1 Scope. Andrew Milliken stated if it is illegal they need to get a permit to start over. Correct?

Chapter 35

None

Chapter 36

3604.2 Standpipes. Robby Dawson said this is not a structure, it should stay in.

Rick Witt stated it is regulated.

Monty Willaford said he grew up in Deltaville and a boatyard and the boatyard should stay in.

3604.3 Access and water supply. Andy Wilson stated we should add boatyard.

Richard Bartell said we need a defined term.

Rick Witt said he has a question on this section. We need a code change for this.

Chapter 37

None

Chapter 50 Hazardous Materials-General Requirements

5001.3.3.8 Detection of gas or vapor release. Deidra Peterson stated this needs to stay.

Glenn Dean stated there is no reference to a building, structure or system. This should be operational. This should stay.

5001.3.3.4 Spill mitigation. Robby Dawson says this applies to this section as well. This should stay. Leave as is. Consensus.

Monty Willaford stated this is 2 excellent examples of why there is so much disagreement. Throughout this process, a group of people in which the majority of them have never enforced the fire code, looked through here with tunnel vision and made these determinations and everything was construction oriented. A lot of it is not. We deal with people in fires. We want to make the citizens in the Commonwealth as safe as they can be.

Cindy Davis believes this was a typo. We will un-strike.

George Hollingsworth said you have to have a plan.

Cindy Davis stated so you are saying if we remove the construction requirements and the retroactive reduction of quantities then we don't necessarily mean the maintenance and the scope. Suggestion is to take out maintenance.

Cindy asked if adding operation and maintenance would solve the issue.

5003.1.1 Maximum allowable quantity per control area. Jerry Swain asked what we do about the buildings that were built before this was adopted.

Richard Bartell said the red book addresses chemical storage in schools. I don't recall how they address chemical storage.

Johnna Grizzard stated she thinks if a new chemical is being used that was not covered or you can't classify them with the public safety regulations, you would apply a Change of Occupancy.

Michael Maenner stated previously there were no sprinklers so during the course of the building construction, when sprinklers became introduced into the buildings, we allowed increased rates of hazardous materials in a lot of cases.

So where there is a sprinkler system in there, they allowed increased hazards. In the older building code, no sprinklers and there was all compartmentation.

Russell Furr stated if you used it before and now it is extremely hazardous and has been deemed very unsafe. Now what.

Andrew Milliken stated we have to have some standard.

Anthony Barrero stated that the removal of hazardous materials is advocated by this workgroup because it is a direct threat to firefighter's safety as first responders.

Richard Bartell said the law needs to be changed.

Monty Willaford said the issue I have is the moderator makes the decision to strike or un-strike.

Rick Witt stated we need to move on.

George Hollingsworth asked if you take the quantities out of the fire code, I have nothing to write up. We feel this is an issue.

Robby Dawson says in Chapter 1 of the SFPC says the appendices are not enforceable unless the locality that has jurisdiction has specifically adopted it. Can I adopt appendix N? We have a code now that we are enforcing that no one has an issue. We are going to through this out. Don't break it by trying to fix it.

Glenn Dean said Emory Rodgers mentioned a proposed change to hazmats for colleges and universities labs. Based upon everything he is hearing today and at past meetings, if that proposed change is adopted, an existing laboratory that wants to take advantage of something that is more liberal in that proposed change, comes to me and wants to get a different permit and he says "No", they don't get the benefit of this change. Emory Rodgers stated that he should be sent to the building official at this point.

5003.2.6.2 Defective containers and tanks. Russell Furr said to un-strike. Consensus to un-strike.

5003.1.3 Quantities not exceeding the maximum allowable quantity per control area. And 5003.1.4 Quantities exceeding the maximum allowable quantity per control area. Jerry Swain has objections to taking away the quantities by striking.

Richard Potts stated we will flag this for staff to review.

5003.2.1 Design and construction of containers, cylinders and tanks. Linda Hale stated this also needs to be unstruck.

Richard Potts stated we will flag this for staff to review.

5003.2.6.2 Defective containers and tanks. Robby Dawson stated we need to un-strike this.

Richard Potts said we are un-striking this.

5003.2.8 Seismic protection. Linda Hale where provided it should be maintained. Un-strike.

5003.8.3.5 Hazardous material in Group M display and storage areas and in Group S storage areas. Jerry Swain stated this is operational and needs to be unstruck.

5003.11 Group M storage and display and Group S storage. Robby Dawson asked where we stand with this section.

Vernon Hodge stated that just because we are saying to un-strike something doesn't necessarily mean it will be. We are going to flag these sections and the staff will review.

5003.11.2 Maximum allowable quantity per outdoor control area in Group M. Glenn Dean stated this is outdoor. Flag to review

5004.2.3 Containment pallets. Russell Furr stated this is dealing with outdoor. Flag to review

5004.2. Exception Spill control and secondary containment for liquid and solid hazardous materials. Glenn Dean said to un-strike. Flag to review

Robby Dawson asked if the building code regulates store displays.

Richard Bartell said yes, the building code regulates the height, not the table but the height of the displays.

Outdoor tank provisions. Flag to review

5003.11.2 Maximum allowable quantity per outdoor control area in Group M or S occupants. Robby Dawson has a question about this. Flag to review

Glenn Dean asked where in the USBC, can he find or make references.

Johnna Grizzard stated maybe it should say not to exceed 6' unless otherwise approved.

Robby Dawson stated storage and display is not a building code issue.

Johnna Grizzard suggested keeping the height.

5004.2 Spill control and secondary containment for liquid and solid hazardous materials. Andrew Milliken said this is the primary section. Flag to review

5003.11.3.3 Container location. Jerry Swain clearly takes about containers less than 4 gallons. Un-strike. Operational in nature.

Review all subsections on this.

5003.9.8 Separation of incompatible materials. William Andrews asked if this is being deleted. Flag to review

5003.11.3.7 Incompatible materials. Jerry Swain said we struck this section, however in **5004.2.2.2 Incompatible materials** this was not struck. Flag to review

5005.1.6 Supervision and monitoring. Linda Hale stated the maintenance language is in here. Flag to review

5005 Review the entire outdoor subsections. Monty Willaford and Linda Hale said we need to review the outdoor section.

Chapter 51 Aerosols

5101.1 Scope. Deidra Peterson should remain the same. It references NFPA 30B

5104.1 General. This also references NFPA 30B. This should remain

5005.4.4 Dispensing, use and handling. Andrew Milliken said this section deals with hazardous materials. All agree with this -- consensus

Monty Willaford said anything that would help the spread of fire from aerosol cans, etc. please put back. Flag to review

5104.1.1 Plastic containers. William Andrews said to keep. Flag to review

5104.2.1 Excess storage. Jerry Swain said clearly this is operational so un-strike.
Flag to review

Chapter 52

Reserved (None)

Chapter 53 Compressed Gases

5303.16.6 Vehicle impact protection. Russell Furr said to un-strike.
Consensus of the group was to keep the vehicle impact protection section intact.

5301.1 Scope. Robby Dawson believes this is problematic. He stated the scope shall only apply to the storage, use and handling of compressed gases where such provisions are not governed by the USBC. It only applies when the building code doesn't. Flag to review

Johnna Grizzard believes it is a problem the way it was written. She thinks the scope needs to be re-written and leave in. Just tweak the language.

William Lloyd said if he comes across something not covered by building code, first off compressed gases are not addressed in the building code. If he does look in the building codes, it sends him back to the IFC. We have to purchase multiple books to find the answer.

Robby Dawson said to take the new language out.
Flag to Review

Andrew Milliken realizes this is a large document. This is a huge undertaking. We believe this is different than the other codes.

5303.16.4 Internal clearance. Linda Hale believes it needs to be unstruck.
Flag to review

5303.16.13 Accessway. Linda Hale believes it needs to be unstruck.

5306.16.11 Liquid removal. Russel Furr stated it needs to be unstruck and the reference of NFPA 70 needs to stay. Flag to review.

Chapter 54 Corrosive Materials

5404.2.1 Above-ground outside storage tanks. Andrew Milliken stated the secondary containment language needs to be unstruck. Some language needs to be added.

Richard Bartell said what about adding the secondary containment shall be made in accordance with the applicable building code?

Andrew Milliken stated at a minimum that would be ok.

5305.5 Venting. Emory Rodgers asked to review this.

Chapter 55

5503.6.2 Electrical grounding and bonding. Robby Dawson striking out NFPA 70. Cindy Davis stated we are ok with that. Consensus

5403.1 Quantities not exceeding the maximum allowable quantity per control area and

5403.2 Quantities exceeding the maximum allowable quantity per control area.

Flag for review

5503.5.2 Securing of containers. Chris Anderson suggested adding something that indicates they shall be secured in accordance with the building code.

5503.10 Lighting. Chris Anderson asked to un-strike. ok with that

5504.2.1.1. Containers. Andrew Milliken asked to un-strike. Flag to review

5505.4.1.1 Ventilation. Robby Dawson asked to scratch the exception. Flag to review

5504.2.2.3 Ventilation. Glenn Dean asked to replace with maintenance language.

Compare with **5305.5** another similar ventilation section. Flag to review.

Cindy Davis said the reference to the IMC ventilation where required or installed must be maintained in accordance with the code in which it was installed.

5504.2.2 Portable containers. Andrew Milliken said we need to add shall be maintained...Flag to review

Chapter 56 Explosives and Fireworks

5601 Scope. Jerry Swain asked what was the reason behind this one. Scope should be left as is.

Cindy Davis stated as we mentioned in previous sections, you are suggesting to leave the Scope as is and if there are any construction requirements then they should be removed.

George Hollingsworth said when you are regulating the contents of a building, sometimes it may require the person to go back and get a building permit. The contents are a fire official's job and deciding how the building is going to be handled is the building official's job.

5605.3 Intraplant separation of operating buildings. Flag to review
Cindy Davis asked if anyone had an issue with this. No one responded.

5604.1 General. Jerry Swain said there may be other similar sections.

Cindy Davis stated we can take out maintenance and operational and leave storage.

Robby Dawson added that the last sentence should be taken out. This creates a conflict.

5604.2 Magazine required. Exceptions. Jerry Swain said to leave this

Cindy Davis asked if everyone was ok to leave this. OK

5605.4.1 Determination of net explosive weight for operating buildings. Jerry Swain said this could be operational and construction as well.
Ok to leave.

Johnna Grizzard said you could use this to force a change of occupancy.

5605.6.4 Quantity limits. Jerry Swain said we should add approved by which it was constructed.
Add approved load limits. Flag to review.

Glenn Dean said not to strike this.

Chapter 57

5701.2 Andrew Milliken asked if we are changing these and placing them in the appendix.

Cindy Davis stated the section stays and maintenance language stays and the N indicates there is additional construction requirements for new construction that you may want to look at for guidance.

5701.5 Material classification. Jerry Swain asked why we struck this.
This is operational.

Cindy Davis said I think I agree with you. Does anyone have any objections for un-striking this?
No one responded.

5701.11. Emory Rodgers stated we may need to take a look at this. Flag to review.

5703.1.1. Classified locations for flammable liquids. Deidra Peterson asked that the general requirements for flammable liquids remain unchanged. A table was also taken out. Flag to review.

5703.4 Spill control and secondary containment. Emory Rodgers asked for further review of this.

George Hollingsworth also stated that if this is exceeded, why this was taken out.

Richard Bartell said he agreed. Cindy Davis agreed

5704.2.8.5 Anchoring. Linda Hale said this needs to be maintained. Flag to review

5704.2.8.4 Internal clearance. Jerry Swain mentioned this is the same language as one of the previous chapters. This is operational. Flag to review. Cindy Davis said we agreed to un-strike the previous one.

5704.2.8.6 Vehicle impact protection. Jerry Swain mentioned this is the same language as one of the previous chapters. Flag to review. Cindy Davis stated we agreed to un-strike the previous one.

5704.2.9.7.7 Spill containers. Andrew Milliken asked to un-strike. Flag to review
This is speaking to scope. Cindy Davis agreed.

5704.2.8.12 Liquid removal. Jerry Swain said this could go either way. Cindy Davis agreed.

5704.2.8.17 Classified area. Jerry Swain said this takes away the safety element. Cindy Davis said we agree.

5704.2.8.15 Accessway. Flag to review

5704.2.10.4 Combustible materials in diked areas. Andrew Milliken asked to un-strike. Cindy Davis agreed.

5704.3.3.5 Shelf storage. William Lloyd stated this one and sub points deal with shelves. You don't need a building permit to put in shelves. This is not construction related.

Cindy Davis said we will put in code for which it was constructed. Flag to review

George Hollingsworth said this doesn't state whether it is fixed or unfixed shelving.

Emory Rodgers stated he believes this section needs more work.

George Hollingsworth maybe this needs a code change.

5704.2.7.5.4 Manual gauging. Andrew Milliken stated this was operational. Cindy Davis stated she was ok with un-striking.

5704.2.7.6 Repair, alteration or reconstruction of tanks and piping. Andrew Milliken said the last sentence needs to stay. Cindy Davis said ok.

5704.2.7.5.6 Location of connections that are made or broken. Jerry Swain stated the last sentence needs to stay, Flag to review.

5704.3.7.2.2. Separation and aisles. Jerry Swain asked to un-strike. This is operational. Flag to review

5704.3.3.6 Rack storage. Andrew Milliken said this should be un-stricken.

William Lloyd stated this is not referencing fixed racks. Flag to review

5704.4.2.2 Access. along with **5704.4.2.3. Security.** Linda Hale said this is not construction. Un-strike

Cindy Davis said she agreed with this. Flag to review

5704.4.4 Security. William Lloyd said this applies to the same thing. Flag to review

5704.2.9.2.2 Foam fire protection system installation. Emory asked about this one. Flag to review

5705.2 Liquid transfer. George Hollingsworth said this is an operational issue (whole section). Cindy Davis said if not regulated by the building code. Flag to review.

5705.3 Use, dispensing and mixing inside of buildings. Flag to review
If not regulated by the building code.

5705.3.8.1. Spill. Jerry Swain said we need to review because of the same issues in all of 5705.

5705.3.3 Heating, lighting and cooking appliances. Linda Hale said it does not rule out portable. Un-strike. Flag for review.

5706.2.6 Spill control drainage control and diking. Jerry Swain said not sure what language to use.

Cindy Davis said we will take a look at the spill control language. Flag to review.

5706 Special operations relating to fences. Flag to review

5706.5.1.18 Security. Jerry Swain says the location of the vehicle inside the fence which would be operational. Flag to review

Chapter 58

5801.1 Scope. Russell Furr said to un-strike. Cindy Davis said she is ok with un-striking this.

5803.1. Quantities not exceeding the maximum allowable quantity per control area. Un-strike Flag to review

5706.4.3 Heating. George Hollingsworth said to un-strike

Cindy Davis said she is ok with un-striking this. The maintenance language needs to be added throughout.

5706.6 Tank vehicles and vehicle operation. Jerry Swain just leave maintain in here.
Cindy Davis said to un-strike.

5806.4.4 Anchorage and security. Linda Hale said we need to add maintenance language.
Cindy Davis said she agreed.

5808 Hydrogen Fuel Gas Rooms. Linda Hale said we need to add maintenance language.
Cindy Davis said she agreed. We will make sure maintenance language gets in here.

Chapter 59

5904.1.3 Basement storage. Russell Furr said we need to add the maintenance language. Flag to review

Cindy stated that if we changed this to maintenance language and added that liquids would not be stored in basements unless approved under the code in which it was constructed.

5801.1 Scope. Linda Hale said this is operational. Maintain doesn't add anything.

Cindy Davis said she agrees to take this out in previous scoping sections.

5906.5.1 Melting pots. Linda Hale asked if all melting pots permanent fixtures?

5904.1 Indoor storage. George Hollingsworth had a question regarding the standards.
Flag to review.

Cindy Davis asked if George had language he would like used, please e-mail to her.

5906.4.1 Separation. Linda Hale stated this is operational. Cindy Davis said she agreed this is operational.

Chapter 60

6004.1.1 Special limitations for indoor storage and use of occupancy. Jerry Swain said this deals with highly toxic compressed gases.
Cindy Davis said we will un-strike the whole section.

6003.2.5 Weather protection for highly toxic liquids and solids-outdoor storage or use. Linda Hale said this has to have a sprinkler system if it has a roof over it. Flag to review.

6004.1.1.1 Group A,E,I or U occupancies. George Hollingsworth said this is talking about toxic gases. Flag to review

Chapter 61

6103.1 General. and **6104.1 General.** Russell Furr asked to add NFPA 58 to both of these. Cindy Davis said we need to add the applicable maintenance language of NFPA 58.

Richard Bartell said it should say installed.

6101.1 Scope. Jerry Swain said this scope should be similar to other scopes and suggests to leave as it was. Flag to review.

Chapter 62 Organic Peroxides

6201.1 Scope. Linda Hale said to treat this similar to other scopes.

William Andrews asked as far as the storage is concerned are the building codes going to cover?

6203.1.1.2 Group R occupancies. Linda Hale said this is an operational aspect. Flag to review

Chapter 63 Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids

6303.1.1.1.2 Group R occupancies. Linda Hale said this is operational. Flag to review

6303.1.1.2 Class 3 liquid and solid oxidizers. Jerry Swain said a portion of this is operational. Flag to review

6303.1.2.1 Shutoff at source. Russell Furr asked about automatic shut offs. Then he stated never mind. Flag to review

6303.1.3. Ignition source control. William Andrews said this needs to account for portable ignition sources being brought into the area.

Chapter 64 Pyrophoric Materials

6404.1.4 Separation from incompatible materials. Exception. Russell Furr said this is operational and is similar to others we have talked about earlier. This needs to be maintained. Flag to review

6304.1.2 Automatic sprinkler system. Linda Hale had questions on this. Flag to review

Chapter 65 Pyroxylin (Cellulose Nitrate) Plastics.

6504.1.3 Storage of additional material. and 6504.1.5 Accumulation of material. Andrew Milliken asked why this was struck. Do we have a threshold to say accumulation is prohibited? Un-strike Flag to review

Robby Dawson said the same would apply to **6504.1.1 Storage of incoming material.** So we should un-strike.

Cindy Davis asked about thoughts and stated we would review this further and possibly say accumulation is prohibited.

Robby Dawson asked how do you define accumulation is prohibited?

Chapter 66 Unstable (Reactive) Materials

6603.1.2 Limitations for indoor storage and use by occupancy. Russell Furr stated there is no reference to anything here.

Jerry Swain said in 6603.1.2-6603.1.2.5 suggests how dangerous this is. This should stay because of being such a hazard. Flag to review

Glenn Dean said storage and use be maintained by the applicable building code. How is use regulated?

Andrew Milliken said un-strike and add be maintained by the applicable building code.

Cindy Davis said she thought we were in agreement.

6604.1.4 Storage configuration. Linda Hale asked if this was in an earlier section. Flag to review

6604.1.5 Location in building. Russell Furr said shall not be stored in basements.

Cindy Davis said we will come up with language similar to previous locations in buildings.

Chapter 67 Water-Reactive Solids and Liquids

6704.1.4 Water tight containers. William Andrews said to un-strike
Take a look at Chapter 4, leave maintenance language.

Russell Furr stated we may want to look at **6704.1.5 Storage configuration.**

Cindy Davis said it makes sense, we will un-strike. We will take a look at Chapter 4, and leave the maintenance language.

Robby Dawson said he still has an issue with this going before the board in less than 2-weeks without an opportunity for us to comment on this. I think DHCD has done a good job on this.

Workgroup 1, 2, 3 & 4 Meeting
Virginia Housing Center
April 11, 2017
Summary Notes

Cindy Davis explained that since there were 3 or more board members of the Board of Housing and Community Development present it was advertised as an official board meeting, it was necessary to open the meeting and call roll to determine that a quorum was not present and then close the meeting. This was done on advice from our legal counsel.

Cindy Davis welcomed everyone and had attendees introduce themselves. Review of code proposals began.

A-75 cdpVA-15 Proponent: Michael Redifer
mredifer@nnva.gov

Reason: A number of localities do not have certified amusement device inspectors on staff and in many cases must secure the services of a private inspector. This section as written requires the locality to reduce permit fees by seventy-five percent when a private inspector is used regardless of whether the inspector is compensated by the owner/operator or the locality.

Comments:

Michael Redifer gave an overview of his proposal. There was no opposition to the proposal.

Consensus for approval.

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

Reason: This proposal was carried over from the proposed phase and reassigned to WG1.

Comments:

Cindy Davis gave an overview of this proposal. Although this was carried over to allow for changes, no changes have been made from last cycle. Last code cycle there was opposition to this proposal because of the wording.

William Andrews gave an overview of his proposal.

Consensus for disapproval. No support

C-106.4 cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

Reason: The building official is responsible for issuing permits which involve changes to fire protection systems, including fire department connections. Firefighters use fire department connection to use standpipe and sprinkler systems as fighting fires in buildings so equipped. Firefighters need to be informed where a new fire department connection is being installed, moved, disabled, removed or changed.

Comments:

William Andrews gave an overview of his proposal.

Glenn Dean stated he wasn't opposing, just had a question as to how it relates to state buildings versus your department. Normally the state doesn't respond to local officials. I have a concern about the relationship.

Robby Dawson added it should be fire chief instead of fire official since some jurisdictions don't have fire chiefs. Mr. Yost asked how this proposed change impacts private fire protection system when it is control of the owner.

William Andrews said rather than the owner notifying the fire official then we put the responsibility on the building official. Rick Witt stated this is a coordination and communication issue for the locality. He doesn't like regulations trying to create behaviors. Have issues with it.

Non-consensus.

C-108.2 cdpVA-15 Proponent: Charles Bajnai, representing self and Richard Bartell of Hanover County
bajnaic@chesterfield.gov

Reason: Section 108.2 item #14.6 currently stipulates that replacing more than 100 square feet of roof decking would require a building permit. This proposal changes the limit to 256 square feet before a building permit is required.

Comments:

Chuck Bajnai gave an overview of his proposal. Mr. Bartell stated he and Mr. Bajnai are in agreement of the 256 sq. ft. change.

David Beahm stated he needed to speak twice, once for the administrative committee for VBCOA that supports this change. He personally does not support due to townhome construction problems.

Robby Dawson asked if there was additional language added in item number 9 of that code section as it appears a new section has been added. Vernon Hodge stated this is not a change, but rather a hyperlink, which will be removed.

Richard Bartell stated this is for a typical standard plywood roof. Special conditions are retained for any special fire resistance requirements.

Jeff Morrow stated he was against this. David Beahm stated he was also against.

Non-consensus

C-113.7.1 cdpVA-15 Proponent: Michael Redifer, representing City of Newport News

mredifer@nnva.gov

Reason: Although it is common practice in a number of localities, the authority to require third-party inspections outside of the Special Inspection provisions of Chapter 17 is not clearly stated nor is the responsibility for cost when this procedure is used.

Comments:

Michael Redifer gave an overview of his proposal.

Vernon Hodge said that we have statutory laws that require the building official to inspect. This addresses new and existing buildings. We would need to talk with our legal counsel.

Richard Bartell stated it is what it is. This is what we do now. Rick Witt asked if this language should also be in maintenance code.

Consensus for approval with legal counsel advising about the statutory issue.

C-115.2 cdpVa-15 Proponent: Ronald Clements, Jr

clementsro@chesterfield.gov

Reason: VCC Section 118.4, SFPC section 111.1 and VMC section 1004.5.4.2 specify that the NOV should include a timeframe to make corrections. Section 115.2 stipulates a reasonable time to correct violations before the NOV issued but the section is silent on timeframes for compliance with the NOV.

Comments:

Ron Clements standing on his supporting statement.

Consensus for approval

C-119.7 cdpVA-15 Proponent: Richard Witt representing Richard Witt

witr@chesterfield.gov

Reason: This change is intended to clarify that the decision of the LBCCA is not restricted to a formal format of a resolution and that a letter would be sufficient. Hearing and decision.

Comments:

Rick Witt gave an overview of his proposal. Shaun Pharr asked if Rick would entertain adding, shall be explained in writing. Rick Witt accepted that as a friendly amendment.

An additional “resolution” was inadvertently left in and needs to be changed to “decision”. Mr. Witt agreed.

Consensus for approval

CB-202(1) cdpVA-15 Proponent: Arthur Berkley representing Isle of Wight County
aberkley@isleofwightus.net

Reason: There is currently no definition in the code providing a definition of a farming operation although the term is utilized in the definition of a farm building or structure. This leads to confusion and an inability to effectively define a farm building or structure eligible for the exception to permitting found in Chapter 1, Section 102.3

Comments:

Art Berkley is standing on the supporting statement.

David Beahm stated the administrative committee of VBCOA opposes this. Andrew Smith with VA Farm Bureau opposes this proposal. Jonathan Harding with Virginia Agribusiness Council also opposes this proposal

Chuck Bajnai suggested Art Berkley get with others to modify language and bring back to the workgroup. Andrew Smith stated he would be happy to sit down with the proponents.

Jeff Morrow opposes this. Haywood Kines stated that some are coming to get a building permit for a barn and then use this building for other uses.

Vernon Hodge stated we cannot change state law. We will have to take to legal counsel. Shaun Pharr stated that the Technical Review Board took this up. State law was not at all vague. Andrew Smith and Art Berkley will discuss and bring any suggested language back to the next workgroup.

Carryover to the June workgroup meeting.

CB202 (2) cdpVA-15 Proponent: Kenney Payne, representing AIA-VA
kpayne@moseleyarchitects.com

Reason: As currently written, there were so many different definitions and applications of a change of occupancy, it was very confusing and could possibly be interpreted as having conflicting provisions. This code change proposal starts with the 2012 VCC 103.3 “definition” (concerning the “greater degree” of the listed six elements) and attempts to simplify the definition of a change of occupancy...

Comments:

Kenney Payne gave an overview of this proposal. This came out of training preparation for VBCA along with multiple definitions and codes.

Rick Witt stated his support for this. We need one definition for all codes. Jeff Morrow said the IEC committee is supporting this. Robby Dawson noted there may be a question to the verbiage regarding the IBC reference. Vernon Hodge said we can do either. We can use VCC throughout to pick up all state amendments. Kenney Payne stated he had no problem with this.

Michael Redifer said he commended all the hard work on this. We are looking at a change in components such as what was required in a building. I would recommend or suggest adding a few more words for clarity.

Haywood Kines stated that a general office could be changed to a dental office; it is the change of use.

Jeff Morrow stated this is just a definition clarification.

David Beahm stated VBCOA supports this change with items noted IBC language.

Consensus for approval with changes to make references to IBC to the VCC and IEBC to the VEBC and add “or any change in use within a group for a specific occupancy classification” to all the definitions.

CB-903.2.4 cdpVA-15 Proponent: Emory Rodgers
errpp1242@verizon.net

Reason: This proposal is to correlate with the Virginia amendment in the 2012 VCC for Group M. Fire driving this change was in improperly built building without separation and permits. If remains penalizes owners of factories built to code. VA fire data not supports.

Comments:

Emory Rodgers was not present at this workgroup meeting. Cindy Davis gave an overview of this proposal.

Art Berkley is in favor of deleting this proposal. This will be putting self-storage warehouse buildings out of business. Take the 2500 sq. ft. out. The current wording ties you to the occupancy and not the area.

Robby Dawson stated that this has been in the code since 2009. The ICC Codes have it right, F1 and S1 use. Andrew Milliken stated that the fire data shows that this occupancy can be problematic.

Glenn Dean said deleting it because it would put the self-storage warehouse buildings out of business is a moving target and hardly a reason for a code change.

Richard Bartell asked who is enforcing putting your furniture in a storage area.

Rick Witt stated he agreed with Art Berkley regarding self-storage being an issue. I don't know if they have 2500 sq. ft. of furniture or mattresses. I think we should carry this over to find a better way to say it. Jeff Morrow said he didn't agree with the F1.

Carry over to the June workgroup meeting to tweak the language.

CB-903.3.5.1.1 cdpVA-15 Proponent: Emory Rodgers
errpp1242@verizon.net

Reason: Limited area sprinkler systems were changed from 20 heads to 6 based on using NFPA 13 calculations water supply had to be 4 inches line not 1-2 inches. Thousands of these systems have been approved for decades to allow sprinklers to be added in windless stories or work areas that need sprinklers with separations. VRC existing buildings

would prove to be too costly for renovation thus a barrier to reuse of older buildings and revitalization efforts.

Comments:

Cindy Davis gave an overview of Emory Rodgers proposal.

Robby Dawson stated he is standing on his public comment in cdpVA.

Shaun Pharr stated there are productive uses for added sprinklered areas. Richard Bartell stated that he has used the 20 head limit for a long time.

Mike Armstrong stated he disagrees. We are getting into commercial. Linda Hale stated they are seeing very large limited area systems in commercial buildings and that is the problem. George Hollingsworth stated in a 2 story space, we want something that we know can control the fire.

Non consensus

CB-915.1.1 cdpVA-15 Proponent: Kenney Payne representing AIA Virginia
kpayne@moseleyarchitects.com

Reason: VCC Section 915.1.1 (modified to 916.1.1 Installation in the “Proposed Regulations”). Radiating cable is a coaxial cable. Also, radiating cable does not work in metallic conduit so installing such cable in dedicated conduit does not work.

SFPC Section 510. It describes that the locality has to install and maintain necessary additional communication equipment. This is in accordance with the federal regulations of the FCC. However, the final sentence needs to be clarified that this does not apply to radio amplification or repeater equipment.

Comments:

Kenney Payne gave an overview of his proposal which was submitted on behalf of a ham radio user. Provided in accordance with the manufacturer’s instructions.

Andrew Milliken stated he wanted to make sure the radio amplification terms are correct.

Shaun Pharr asked if we are talking about modifications to meet the concerns of a ham radio. Robby Dawson stated he had a concern with coaxial cable. I don’t think it is broke.

Consensus for disapproval.

CB-1023.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA and Emory Rodgers
kpayne@moseleyarchitects.com errpp1242@verizon.net

Reason: Structural framing is allowed to penetrate other rated assemblies, including rated corridor walls and other fire barriers and rated construction (e.g., those elements governed by Chapter 6) or even penetrate into fire walls. As long as the penetrations are

fire-stopped and/or installed and tested as required by Section 714, the level of safety should be equivalent to that of a corridor or shaft that was penetrated by such structure...

Comments:

Kenney Payne gave an overview of his proposal.

Jeff Morrow stated VBCOA gave their support. Andrew Milliken stated that this wouldn't apply to high rises.

Consensus for approval

CB-2603.5.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: DHCD Staff Note: This proposal was carried over from the proposed phase and reassigned to WG2.

Comments:

Kenney Payne gave an overview of his proposal. Some concerns raised by codes and standards and some concerns about combustible in walls.

Chuck Bajnai said we have an exception within an exception.

David Beahm stated that you currently can use exception 3 or exception 1.

Kenney Payne said we are just trying to get one story buildings sprinklered. Kenney agreed to amend the language to combustible materials instead of using a laundry list of products.

Consensus for approval with amendments

CR-E3902.16 cdpVA-15 Proponent: Haywood Kines
hkines@pwcgov.org

Reason: DHCD Staff Note: This proposal was carried over from the proposed phase and reassigned to WG3. The proposed phase proposal with the workgroup disposition and reasons may be viewed at Proposed Phase Proposal.

Comments:

Haywood Kines gave an overview of his proposal. Prevention devices are on the market now. Jeff Sargent stated his support for Mr. Kine's proposal. It is time for VA to move forward.

Mike Toalson stated his concerns since he cannot find fire data for this. I suggest rejecting this. We urge going forward as non-consensus

Don Surrena stated that we don't have enough statistics for this right now.

Haywood Kines suggested that he re-read the proposal no nuisance tripping.

Non-consensus

CR-R308.4.5 cdpVA-15 Proponent: J. Robert Allen

All56@henrico.us

Reason: This revision eliminates the exception by inverting the condition stated in the exception and including it in the general requirement. The result is the same; however, this would help clarify a requirement that users sometimes find confusing.

Comments:

Robert Allen gave an overview of his proposal. He stated it was just for clarification.

Consensus for approval

CR-R313.1 cdpVA-15 Proponent: Ned Yost

nedjanet@gmail.com

Reason: Summary Statement: Code requirements for life safety measures to protect elderly residents living independently in one and two-family dwellings designed or developed and marketed to senior citizens 55 years of age or older do not address the life safety risks to which such older residents are exposed.

Comments:

Ned Yost gave an overview of his proposal. He speaks as a resident of 1 and 2 family dwellings. He watched a neighbor survive a kitchen fire in an unsprinklered dwelling. Retirement communities in multi-story buildings have sprinklers. One and two family dwellings are exposed. This change would give future residents in new construction to have sprinkler protection.

Glenn Dean asked how old the building was that had the fire. Mr. Yost responded that it was around 20 years old.

Mike Toalson stated that most 55 plus communities built today are single story buildings. We object to this proposal. Any person who wants to add sprinklers to their dwelling can do so individually. We just don't want this required.

Robby Dawson stated he supports Mr. Yost proposal. Steve Ennis stated he understood the cost factor is because it is an option you can add in. Because it is an option, the cost continues to stay high because it is not mandatory. Andrew Milliken stated he realizes this is a growing population for this component and should be provided by the developer to protect its residents.

Chuck Bajnai stated that this is the fastest growing market in Chesterfield. Wants Clarification whether you want duplex or townhouse construction.

Ned Yost stated he believed it was the free standing and town house construction. He is in this for life safety for the elderly.

Linda Hale stated she agreed with this proposal. George Hollingsworth stated that he also supported this proposal.

Robert Allen said he wasn't speaking against this; he just has a problem with the language. Kenney Payne agreed and said he wasn't in favor or in opposition; he thinks the exceptions are confusing. Robby Dawson believes there is a better way to structure this.

Randy Grumbine stated his builders object to this.

Mike Toalson stated that only 2 states, MD and CA, have mandated this. We believe it is unnecessary. It would be a significant burden and unnecessary expense. Many 55 plus are trying to reduce the cost of their homes.

David Beahm stated he didn't want to get into the marketability aspect.

Rick Witt stated that he addresses water quality and quantity because it is an issue in some areas. Mike Armstrong stated that he would like to re-iterate that we are an aging population and when we lose people in our homes, it is mostly young children and older adults.

Carryover to the June workgroup meeting

CR-R602.10.9 cdpVa-15 Proponent: J Robert Allen
All56@henrico.us

Reason: This exception was added to the 2009 Virginia Residential Code as a compliance alternative to the stem wall reinforcement requirements of the International Residential Code. For unknown reasons, this exception was not included in the 2012 VRC.

Comments:

Robert Allen gave an overview of his proposal.

Consensus for approval

CR-R802.2 cdpVA-15 Proponent: Charles Bajnai representing Chesterfield County
bajnaic@chesterfield.gov

Reason: I rewrote Section R802.2 with the help of AWC. My proposal (RB310) was approved as modified by the ICC Committee at the Louisville meeting.

Comments:

Chuck Bajnai gave an overview of his proposal. ICC approved this as consensus and he stands on his reason statement.

Robert Allen said that he was talking on behalf of Chris Snidow who suggests adding "column or posts" to Section R802.3. Chuck Bajnai said he would accept that. Ron Clements suggested just putting a period after the word "end" and striking "...by a wall or girder." Chuck Bajnai said he would also accept that.

Mike Toalson suggested since we are in the middle of our code cycle, shouldn't we wait to 2018 to bring in 2018 code changes. Chuck Bajnai said right now he would use the 2018 to grant a modification.

Non-consensus

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.

Comments:

Tom Clark gave an overview of Mr. Adkins (who has retired) proposal. Mesh barriers is only temporary and not permanent.

Kris Bridges said the mesh barrier has to meet barrier requirements. Kenney Payne said the term needs to be duplicated in the heading of the proposal. Tom Clark stated he would make the changes to the proposal.

Rick Witt asked if this intent was to use the barrier only during construction. If temporary, it could be used for 6 months or whatever is defined as temporary.

Carryover to the June workgroup meeting

CTS-305.2.9 cdpVA-15 Proponent: Ronald Clements, Jr.

clementsro@chesterfield.gov

Reason: The requirement for a clear zone adjacent to a pool barrier prohibits placement of fences and barriers on or within 3 feet of a property line per TRB ruling 1/2017. This seems like an excessive requirement...

Comments:

Cindy Davis gave an overview for this proposal that this was a result of the TRB interpretation.

Kris Bridges stated that the pool barrier is not intended to be a privacy fence for your backyard. By deleting this section, it does far more harm than good and the consequences deadly.

Haywood Kines stated that the 3 ft. it is still going to get climbed. Richard Bartell said he is in favor of this proposal. Tom Clark stated he was in favor of the code changes.

Mike Toalson stated he would support this proposal. Rick Witt said he would support this proposal. Bob Allen said that this intent was well. I don't have a problem with this change.

Non-consensus.

F-102.1.1 cdpVA-15 Proponent: William Andrews

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)...

Comments:

William Andrews gave an overview of his proposal. Rick Witt stated he has issues with this. Greg Revels said add 102.1.1 changes to the description. Robby Dawson said he will help work on it for the next workgroup.

Carryover to the June workgroup meeting

F-107.2 cdpVA-15 Proponent: James Dawson representing The VA Fire Services Board and Glenn Dean

dawsonj@chesterfield.gov; gad.pompier@gmail.com

Reason: The 2015 Session of the Virginia General Assembly saw two proposed bills dealing with the prohibition or regulation of exploding or reactive targets. Those bills were laid on the table at the time with the intention of addressing the issue through the normal SFPC development process. In subsequent meetings, the legislators agreed to not pursue further legislation provided the concepts addressed by this code change were approved.

The Virginia Fire Services Board, working with stakeholders including reaching out to shooting sports enthusiasts and retailers, developed this proposal as a reasonable regulatory process to address the threats and risks associated with the use of these chemical compounds...

Comments:

Glenn Dean gave an overview of his proposal.

Linda Hale said consistently using 1 lb. or less causes glass breakage and ear drum problems.

Rick Witt asked if a homeowner stock up and have 10- 10 lbs. without a permit. Linda Hall said yes as long as you don't mix it. We have a need for this. SFMO agrees and supports this.

Consensus for approval

F-107.2 (2) cdpVA-15 Proponent: James Dawson and Glenn Dean

dawsonj@chesterfield.gov and gad.pompier@gmail.com

Reason: Because of an increased use of mobile food preparation vehicles and a commensurate increase in fire incidents involving such vehicles, this proposal was created to address the commercial use of mobile food preparation vehicles.

Comments:

Robby Dawson gave an overview of his proposal and asked to carry this over.

ICC approved version based on the final action hearings.

Jeff Morrow said he doesn't have problem with concept. Excludes private recreational use. Only commercial vehicles. Please make it clear.

Cindy Davis stated this is under the operational permit so this gives the jurisdictions latitude to decide whether they want it or not. How would this work in areas covered by the SFMO? Robby Dawson said it would still have to comply with this unless the SFMO has requested a code change to require a permit.

Anthony McMahan said he has an issue with this.

Andrew Milliken said this is very important and is a Virginia issue. I think we need guidance and it needs to be addressed.

David Beahm said it definitely needs to be worked on to clarify those issues that were brought up. Last issue with VCU.

Robby Dawson asked if we added vehicles and enclosed areas. Would this help? Robby asked that folks email him with concerns and he will work on the proposal for review at the June workgroup meeting.

Carry over to the June workgroup meeting

F-319 (1) cdpVa-15 Proponent: Emory Rodgers

Errpp1242@verizon.net

Reason: Provides a statewide standard when localities want to permit food trucks. Now local FO's often use standards that in the IFC are only for systems in buildings. Uniformity is achieved statewide.

Comments:

Carryover to the June workgroup meeting

F-319 (2) cdpVA-15 Proponent: William Andrews representing City of Richmond Fire Marshal's Office

William.andrews@richmondgov.com

Reason: Cooking is main cause of fires, so fire official needs regulation on cooking that produces grease vapors. Fire official have been using Section 609 which requires Type I hood for such cooking, yet state's proposals editing building feature requirements might lessen our authority to stop frying in a store, not under hood with suppression system approved by the building code.

Comments:

William Andrews gave an overview of his proposal.

Rick Witt said we should hold this over.

Carryover to the June workgroup meeting

F-403.12.3.1 cdpVA-15 Proponent: Emory Rodgers

errpp1242@verizon.net

Reason: Rather than having five crowd managers if over 1,000 persons, this proposal would establish one crowd manager for events having 1,001 through 1,250 persons and an additional crowd manager for every 250 persons above 1,250.

Comments:

Cindy gave an overview of his proposal. Adding one crowd manager for every 250 persons above 1,000 persons.

Robby Dawson submitted a public comment through cdpVA.

Jimmy Moss asked doesn't this say 1 for 1,000 persons. Haywood Kines stated that in 403.12.3.1 for every 250 you need 1 crowd manager.

Andrew Milliken stated there is no substantiation for Emory's suggestions. Rick Witt stated there is confusion for original and proposal. I suggest we get the groups together and work on this.

Carryover to the June workgroup meeting

F-507.5.1 cdpVA-15 Proponent: Mike Toalson representing Home Builders Association of Virginia

mltoalson@hbav.com

Reason: Hydrant system upgrades or extensions are generally required or proffered when creating new subdivisions or in large commercial projects and the cost can be absorbed in the development costs. The cost of extending a hydrant system for a single building should not have to be borne by the owner or developer as it would prevent the project from moving forward.

Comments:

Mike Toalson gave an overview of his proposal.

Robby Dawson asked if we really needed exception 1, said to reduce from 5-1

Haywood Kines said he agrees with exception #2.

Chris Snidow stated we should add to the first sentence without a lateral.

Kenney Payne asked if this was typical to have this in this location.

John Ainslie stated that people are tearing down homes in older subdivisions that currently have a fire hydrant system. The person tears the house down and they can't get a permit unless they agree to put sprinklers in or add infrastructure at their cost. It would cost \$5,000 to \$30, 000 in some cases. Requiring private funding of a public system that would benefit anyone who constructed on a remnant infill lot later without any cost is not a fair requirement.

Non-consensus

F-609.1 cdpVA-15 Proponent: Richard Witt

witr@chesterfield.gov

Reason: This change will clarify that commercial hoods must be maintained and if there is a change in cooking use or an appliance replacement it must be referred to the building official.

Comments:

Proponent would like to carryover to the June workgroup meeting.

F-609.3 cdpVA-15 Proponent: William Andrews representing City of Richmond, Fire Marshal's office

William.andrews@richmondgov.com

Reason: Cooking is the main cause of fires. Fire code needs to regulate where cooking that produces grease vapors occurs inside a building or structure.

Comments:

Proponent would like to carry over to the June workgroup meeting.

F-609.3.3.1 cdpVA-15 Proponent: Joseph Mullens representing Rockingham County Fire and Rescue

jmullens@rockinghamcountyva.gov

Reason: The reason I am requesting this change is to clear confusion among fire inspectors and property owners and occupants.

Comments:

Joseph Mullens gave an overview of his proposal. Just adding or cleaned.

Consensus for approval

F-703.1(1) cdpVA-15 Proponent: Zachary Adams

adamsz@vt.edu

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. Also, what tangible benefit does imposing an annual inspection requirement achieve? Finally, it appears sections 108.1(1) of the VCC and 105.1 of the VRC would require any work affecting such construction must be performed under a permit and are subject to inspection by the code official and during which any needed repairs to this construction would be identified...

Comments:

Zachary Adams was not present to speak on this proposal.

Robby Dawson stated the next proposal was an alternative to this. Suggested he talk about this one and his proposal F-703.1(2).

Rick Witt stated that he would like to see this carried over so Zach could have a chance to speak about this proposal.

Jeff Morrow stated is it to be inspected annually or when penetrated?

Carryover to the June workgroup meeting

F-703.1(2) cdpVA-15 Proponent: James Dawson
dawsonj@chesterfield.gov

Reason: This proposal is the result of discussions held at the August 7, 2016 WG Meeting and August 17th WG Meeting. In those discussions, it was proposed that annual inspections of some of these fire-resistant features may be excessive when those areas are not occupied or entered for normal service work in the building. This proposal allows a building owner to petition the fire official, based on past history of finding no penetrations or damage to these construction elements, to inspect them on a less than annual basis.

Comments:

Robby Dawson gave an overview of his proposal.

Kenney Payne asked what if it was done under a different reference or the code under which it was built.

Rick Witt stated this dramatically increases what needs to be tested and annually inspected.

Sean Farrell stated he just wanted to add a comment that the edit group doesn't touch either one of these proposals.

George Hollingsworth said he believes we should carry forward because he is not here and give him the option to attend.

Carryover to the June workgroup meeting

F-703.4 cdpVA-15 Proponent: James Dawson
dawsonj@chesterfield.gov

Reason: This alternative proposal to Justin Biller's 703.4 proposals simplifies the flow of the SFPC and meets the objective of the original code change. It moves the testing requirements to a position that provides clear intent that the maintenance of opening protectives includes those types of protectives listed in 703.4, and provides the testing and maintenance standard (NFPA 80 specifically Chapter 5-Inspection, Testing, and Maintenance) for those fire resistance rated protectives...

Comments:

Carryover to the June workgroup meeting since there is no agreement and Justin Biller withdrew his similar proposal and is not present to comment.

F-1030.1 cdpVA-15 Proponent: Andrew Milliken representing Stafford County Fire marshal's Office
amilliken@staffordcountyva.gov

Reason: The intent of this proposal is to clarify that the requirements of emergency escape and rescue openings apply to R-4 occupancies...

Comments:

Andrew Milliken gave an overview of his proposal.

Consensus for approval

F-2311.7 cdpVA-15 Proponent: William Andrews representing City of Richmond Fire Marshal's Office
William.andrews@richmondgov.com

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...

Comments:

William Andrews gave an overview of his proposal.

Haywood Kines stated that 511 International Electrical Code addresses both lighter than air gases and heavier than air gases for all motor repair garages. Ventilation requirements or ventilation methods that would allow you to declassify both areas for 4 air changes per hour. If they are changing and increasing the level of hazards it is a change of occupancy.

Andrew Milliken stated this language makes it clear. We need to identify this hazard.

Greg Revels said he is just looking for clarification between the building official and the fire official.

Cindy Davis stated that the lighter than air requirements in the building code, the issue seems to focus on the fact that fire inspectors won't know that there is certain safety precautions that have to be in place for working on vehicles with lighter than air. This needs to be a communication between the fire official and building official.

Non-consensus

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

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...

Comments:

Andrew Milliken stated there is pending work on the proposal and asked that it be carried over.

Carryover to the June workgroup meeting

F-3501.2 cdpVA-15 Proponent: Glenn Dean

Gad.pompier@gmail.com

Reason: Correct an omission from the '12 adoption cycle and to reference the proper permit section in Chapter 1. And to properly correlate the permit requirements with the table in Chapter 1.

Comments:

Glenn Dean said he would like to correct an omission. The Section number is needed to be changed to Section 107.2. cdpVA would not allow this.

Consensus for approval.

F-5706.1.1 cdpVA-15 Proponent: James Dawson

dawsonj@chesterfield.gov

Reason: Submitted on behalf of the Fire Services Board Code Committee. This replaces a previous proposal submitted to modify Section 2304

Comments:

Robby Dawson stated he is standing on his reason statement.

Linda Hale gave an overview of this proposal relating to her jurisdiction. This is a mobile gas station. Glenn Dean stated that there is a developing business model to go around filling up vehicles.

David Beahm stated that construction and farm vehicles are exempt. Jeff Morrow asked about his diesel truck filling vehicles.

Keith Chambers asked if someone wants to start a business model do they have this capability to do it. They can't make it protective and grounded?

Linda Hale stated it has to do with emergency shut-offs and protecting the public. Making sure there is no smoking around this procedure.

Mike O'Connor suggested looking up the Code of Virginia, Chapter 22 Virginia Fuels Tax Act. Cindy Davis read Section 58.1-2272. Prohibited acts; criminal penalties A.18. Delivering fuel from a transport truck or tank wagon to the fuel tank of a highway vehicle, except in an emergency.

Carryover to the June workgroup meeting

F-6701.2 cdpVA-15 Proponent: Glenn Dean
Gad.pompier@gmail.com

Reason: Correct an omission from the '12 adoption cycle and to reference the proper permit section in Chapter 1. And to make this section correspond to all other sections referencing permits to the proper table in Chapter 1.

Comments:

Glenn Dean said he would like to correct an omission. It should only have the 107.2 underlined and have 105.6 stricken from the IFC language.

Consensus for approval

M-104.5.4.3 cdpVA-15 Proponent: Sub-workgroup for Manufactured Home Parks
DHCD Staff Contact: Vernon Hodge vernon.hodge@dhcd.virginia.gov

Reason: This code change is submitted in response to HB 2203 (2017 session). There were cases cited to the General Assembly where manufactured home park operators had been cited for code violations that potentially impacted park residents and the residents had not been notified.

Comments:

Consensus for approval

M-202 cdpVA-15 Proponent: Phillip Storey representing Legal Aid Justice Center
phil@justice4all.org

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 § 105.1 to threaten with condemnation owner-occupied homes it claimed met VMC § 202's definition of Structure Unfit for Human Occupancy ("Unfit") because they lacked "primary heating systems." The homeowners argued that, because the Board of Housing and Community Development ("Board") had consistently amended the model maintenance code each cycle since 1990 to limit the requirement for heating facilities to only rented or leased dwellings (VMC § 602.2), owner-occupied homes could not be considered Unfit for local of a primary heating system...

Comments:

Phillip Storey was not present to give an overview of his proposal. He wanted to add the word "required" into the definition of structure unfit for human occupancy.

Ron Clements stated he has opposition to this proposal and the one that follows. The building code, the maintenance code, and the fire prevention code are about things that are built. The question is whether or not they are required.

Richard Bartell asked where is the schedule that tells you how to maintain it? John Walsh stated he is opposed to this proposal.

Consensus for disapproval

M-603.1cdpVA-15 Proponent: 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.

Comments:

Consensus for disapproval

M-606.1 cdpVA-15 Proponent: Emory Rodgers representing self
erpp1242@verizon.net

Reason: This section is being clarified that the owner has 3 separate options for displaying the elevator, escalator or dumbwaiter certificate of inspection.

Comments:

Emory Rodgers was not present to give an overview of his proposal.

Cindy Davis gave an overview. If not displayed in the elevator where is it?
When it is not displayed you have to know where it is. Change where to when.

Consensus for approval with a change to replace “where” with “when”

Commonwealth of Virginia, Department of Education

Subject: Frequency of Fire Drills and Lock-Down Drills During the 2016-17 School Year

Vernon Hodge gave an overview of this issue. There has always been a state law that addresses fire drills, however, it may not address lock-down drills. The SFPC also addresses this issue. The frequency of these drills is different in the Code of Virginia and the Statewide Fire Prevention Code.

Vijay Ramnarain with the Department of Education is here to address this issue. Last year the General Assembly enacted some modifications regarding this issue. The schools need to have clarification. It would be less cumbersome on the schools if we could align the fire code in accordance to what the General Assembly has requested.

Vernon Hodge explained that if you look at the Lock-Down Drill requirements in state law and in the Fire Code, the Fire Code really doesn't require a Lock-Down Drill. This is another discrepancy and he doesn't know the history of the legislation but it appears in reading it that the reason the Fire Drills were changed is because of the increase of the Lock-Down Drills in the law. We will work together.

Andrew Milliken asked what was the purpose and intent for the proposed frequency for fire drills. Why is this ok when it doesn't go along with national and international standards of the fire codes?

Vijay Ramnarain stated that he thinks that they looked at the total drills required. If you tally them based on what was required then and now it is the same number of drills. They have just changed the frequency and I think the intent was to make it less cumbersome on school districts. The legislature thought it was more important to have Lock Down Drills because of all the shootings that are happening in the schools around the country. Not to say that fire drills are less important.

Andrew Milliken asked why they didn't wait until it happened on the national level? He doesn't see the justification.

Glenn Dean stated that up until last year, from day one of the SFPC in 1988, this statutory requirement for fire drills under Title 22 has always been static. The Fire Code required more so when you comply with the Fire Code by default you were complying with Title 22. He thinks what the General Assembly is saying in Title 22 that we want you to decrease the number of Fire Drills and create drills for Lock-Down without increasing the amount of time being spent on drills. This is still not in conflict with the Fire Code.

Vernon Hodge stated the Fire Code is going to require more drills than the state law.

Robby Dawson said he was at the General Assembly and it was not their intention to decrease the frequency of Fire Drills. Linda Hale stated we have to realize we are dealing with children and they need frequency in order to understand the difference between the two drills. Andrew Milliken asked about tornado and earthquake drills?

Vernon Hodge stated that if the Department of Education wants to submit a proposal they can and we will work with you. May 26 is the deadline for submitting proposals.

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

Reason: As a member of the team that developed the Jack A. Proctor Virginia Building Code Academy content for the rehab code training, and as one of its instructors for the rehab code, I have become aware of much confusion among the code officials, designers, and owners on how to apply the rehab code, especially when it comes to VCC Chapter 1, VRC Chapter 1, the VRC technical provisions, including how to apply the change of occupancy provisions. This proposal attempts to address those concerns and make the provisions more user-friendly and/or allow code officials the ability to properly interpret and/or enforce the rehab code.

Comments:

Kenney Payne gave an over view of his proposal.

Consensus for approval

R-301.1.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: Various references to the *International Fire Code* are deleted when it is used in the context of “new” construction – which in these cases should be governed by the current *building* code and not the *fire* code. In some cases, such elements should be based on when the building was built and not based on the most recent version of the IFC.

Comments:

Kenney Payne gave an overview of his proposal.

Andrew Milliken asked what they meant by this. Construction?

Kenney Payne stated it shall comply with Chapter 4 IBC. Robby Dawson asked if we should take it out of IFC.

Andrew Milliken asked about scoring and indicated that he is in support of the committee’s effort.

Consensus for approval

R-302.3 cdpVA-15 Proponent: Kenney Payne
kpayne@moseleyarchitects.com

Reason: Per 2012 VRC 103.6, all references to “dangerous” and/or “unsafe” conditions in the technical provisions are not valid. Also, the VRC is not the vehicle to require such fixes, only the VMC, SFPC, or other legal means shall be used. IN other words, it is not the intent of the VRC to allow a code official to fix unsafe and/or dangerous conditions through the VRC.

Comments:

Kenney Payne gave an overview of his proposal.

Consensus for approval

R-302.6 cdpVA-15 Proponent: Ronald Clements, Jr
clementsro@chesterfield.gov

Reason: The provisions of COV 36-99.2 and VRC section 1701.17 are applicable to the replacement of glass. These provisions are not retrofit provisions because they do not require glazing to be replaced unless the building owner intends to replace the glass. Replacement of glass is either a repair or alteration regulated by the VRC or IRC. Since the requirement for replacement glass applies regardless of the compliance method selected the proper location for this Virginia amendment is VRC section 302, and VCC103.5 for one and two family dwellings.

Comments:

Ron Clements gave an overview of his proposal.

Consensus for approval.

R-402.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: These are tantamount to a “retrofit” requirement (requiring elements in an existing building, even if the scope of work does not involve that portion or portions) and are noted as such in the 2012 Code Commentary because it is the desire at the national level to apply these provisions “regardless of whether an alteration, addition or change of occupancy is occurring.” This has not been the “Virginia Way” in the past (“if you don’t touch it, you don’t need to do anything”) and goes against the purpose of VRC 102.1 by requiring a scope of work that could go well beyond what was originally intended and thus become a costly and time-consuming imposition.

Comments:

Kenney Payne gave an overview of his proposal. Retrofit requirements are in their own chapters.

Non-consensus due to multiple comments about whether or not retrofit requirements were valid.

R-403.1 cdpVA-15 Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: As written, it could be interpreted that an existing stairway would be required to be replaced unless the existing space did not allow such a new stairway, or existing handrails would need to be replaced. The intent is not to require replacement, as confirmed by the Code Commentary, but only IF replacing such elements, then the exceptions might apply.

Comments:

Kenney Payne gave an overview on his proposal.

Consensus for approval

R-404.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: Requiring FULL compliance with current flood hazard area code requirements (e.g., raising an entire building or portion thereof) for ANY repair that constitutes a substantial improvement could prove to be onerous and would be contrary to the purpose of the VRC per VRC 102.1.

Comments:

Kenney Payne gave an overview on his proposal. This code change said that if not caused by flood then they shouldn’t have to raise the building.

Carryover to the June workgroup meeting

R-405.1.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: Regarding 405.1.1: Such “new building” provisions are not necessary in an “existing” building code; otherwise, you could include such language throughout the entire VRC/IEBC. Regarding 405.1.3, 805.3.1.2, and 805.3.1.2.1: The original provisions do not take into account if you are just replacing or repairing an existing fire escape...

Comments:

Kenney Payne gave an overview on his proposal. Comply with requirements of the section.

Robby Dawson asked who would make the determination.

Andrew Milliken said in an ADA situation, the fire escapes need to be in good working order, you don’t have time to make plans. Robby Dawson asked about what is safe? He placed a public comment in cdpVA regarding 405.1.3.

Consensus of approval with revisions

R-408.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: Regarding 408.1: The term “improvements” is not a defined term. Also, there are no provisions in the code that “require” improvements unless some form of construction is undertaken. However, this “section” does not actually “require” anything; thus, it creates a circular provision. The proposed language is similar to the language used under the 2012 VRC 408.1...

Comments:

Kenney Payne gave an overview on his proposal. Provisions aren’t needed unless it is a life safety issue.

Rick Witt said distinct should be struck. Kenney Payne stated he would strike distinct.

Consensus for approval with striking “distinct”

R-410.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Reason: Based on questions fielded during multiple presentations of this code to various code enforcement personnel, including the Code Academy Training Modules, it became apparent that some clarifications were required when dealing with accessibility in existing buildings, especially as it related to the route to primary function areas...

Comments:

Kenney Payne gave an overview of his proposal. This is getting closer to ADA standards. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.

Consensus for approval

R-803.2.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: The term “All” is causing confusion because VRC 803.1 limits the scope to “work areas...and beyond the work area where specified” yet VRC 803.2.1 says “All.” So, is it “all” within a work area or “all” within a building? The 2012 IEBC Commentary says it means “all” within a work area. The relevant Commentary portions are provided below

Comments:

Kenney Payne gave an overview of his proposal. Deleting all.

Consensus for approval

R-804.4.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: Cleans up this section by deleting all of the duplicated language (e.g., “a fire system shall be installed in” and “as required by the IFC”, which are (or will be) already stated in 804.4.1/charging paragraph) and sends you directly to the relevant and applicable section of the IFC.

There are no technical changes.

Comments:

Kenney Payne gave an overview of his proposal. Not a technical change. A fire alarm system shall be installed.

Robby Dawson withdrew his opposition.

Consensus for approval

R-805.5.3 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

Reason: As currently written, the provision states that any other corridor opening shall be sealed. This is regardless of the level of protection that might already exist. So, an otherwise code-compliant opening or window would still need to be sealed. Sealing should only be required when such protection or rating is not already provided in accordance with the IBC.

Comments:

Kenney Payne gave an overview of his proposal.

Consensus for approval

R-808.2 cdpVA-15 Proponent: Aaron Greene

Aaron.greene@yorkcounty.gov

Reason: These definitions are pulled from the 2011 NFPA 70, “Health care Facility” is word for word, and “Patient Care Area” is the first sentence plus the informational note. Both are needed to understand the proposed change in section 808.2...

Comments:

Aaron Greene was not present to provide an overview of his proposal.

Steve Ennis asked if movables were to be sprinklered? Haywood Kines suggested this will open a can of worms. Ron Clements thinks this seems to be a change of occupancy this is retrofit requirement.

Consensus for disapproval

R-902.1.2 cdpVA-15 Proponent: William King

William.king@alexandriava.gov

Reason: An elevator car capable of accommodating an ambulance stretcher is a critical component of rapid and effective responses to medical emergencies. As a Level 3 Alteration of a High Rise building would represent a significant investment in the existing building, this appears to be a reasonable threshold at which to place a requirement for this type of upgrade. To minimize the burden, an exception has been provided if the existing shaft is too small to allow for a compliant elevator car to be installed.

Comments:

William King was not present to provide an overview of his proposal.

Kenney Payne asked how this requirement gets done. David Beahm asked if the Rehab Committee has looked at this proposal. Kenney Payne indicated that he was not sure.

Ed Rhodes asked if the ambulance stretcher was raised or lowered. It does make a difference in size.

Chris Snidow asked about elevator shafts sized for two elevators in one shaft and then replacing only one elevator. Does that mean you can now only have one?

Carryover to the June workgroup meeting to allow review by the VBCOA rehab committee.

R-902.1.3 cdpVA-15 Proponent: William King

William.king@alexandriava.gov

Reason: This section is to clearly require that a fire command center be installed in high rise buildings. These command centers are critical to addressing the specific challenges associated with significant events within these massive structures. As this requirement is limited to Level 3 alterations and above, it is only required where the majority of the building is undergoing significant construction or change in use.

Comments:

Carryover to the June workgroup meeting to allow review by the VBCOA rehab committee.

R-1001 cdpVA-15 Proponent: Ronald Clements, Jr.
clementsro@chesterfield.gov

Reason: 1001.1 and the exception to 1001.2.1 the exception to 1001.2.1 for historic structures is misplaced because section 1205 applies to all *change of occupancy* conditions, not just when there is no change in classification.

Comments:

Ron Clements gave an overview of his proposal.

Consensus for approval

R-1002.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Comments:

Withdrawn

R-1012.4.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

Comments:

Withdrawn

Workgroup 2, Fire Code Edits
Virginia Housing Center
April 25, 2017
Summary Notes

Cindy Davis explained that since there were 3 or more members of the Board of Housing and Community Development (BHCD) present it was advertised as an official board meeting, it was necessary to open the meeting and call roll to determine that a quorum was not present and then close the meeting. This was done on advice from our legal counsel. BHCD meeting minutes can be accessed through the Virginia Town Hall website at <http://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=25895>.

Cindy Davis welcomed everyone and gave an overview of this process and then had attendees introduce themselves.

F101.4.1 Construction Requirements

This is a new section which has nothing to be compared with from the previous proposed cycle because this was added by the Fire Services Committee.

Comments:

Emory Rodgers asked if this should be moved to 101.2 since this is the Scope of the Fire Code. William Andrews commented this was valid. William Lloyd agrees with Emory.

Linda Hale asked about food trucks, would this apply since not regulated by USBC?

Robby Dawson stated he had a problem with the second “not”. He thinks it should be removed. He will re-write to make affirmative instead of two negatives.

William Lloyd stated we want the localities to regulate food trucks.

Cindy Davis said staff will change the status of the proposal to “comments to proponent” and make a note in Section 101.4.1 which may end up being Section 101.2.1 and will bring back to the proponent.

Cindy Davis stated that the workgroup that came up with the proposed regulations came up with the definition of “applicable building code” and the Fire Services Committee edits came up with the definition of “building code”. The definition of building code says “building code, including construction and rehabilitation portions, which was applied to the building when it was constructed, renovated, or rehabilitated.” Applicable building code says “Whatever local or state building code in effect when a building was initially constructed, or underwent a subsequent alteration or change of occupancy. If no local or state building code was in effect when a building was initially constructed, or underwent a subsequent alteration or change of occupancy, then the phrase shall be

maintained in accordance with the applicable building code shall mean to maintain as originally constructed.

Glenn Dean asked what the benchmark was for originally constructed. If there is no code, what is the benchmark?

Cindy Davis stated the benchmark would be that it was legally allowed to be there when it was constructed.

Glenn Dean stated that if no local or state building code was in effect at the time, what am I trying to maintain to?

Cindy Davis stated that whatever was there when it was constructed. If a building legally existed with no building code in effect when it was constructed, the flip side would be to retroactively require something be applied to.

Emory Rodgers said some of the pre USBC buildings in many localities had local building codes such as Fairfax, Arlington and Alexandria. In 1950 adopted the BOCA code. Buildings pre 1935 would be able to be maintained in accordance with the way they were built until the owner came in, paid the building permit for alterations and then you would start applying the Virginia existing building codes.

Robby Dawson stated there was confusion from the FSB committee and felt that the definition proposed was more concise than the proposed regulations. That same concern about pre USBC buildings exists for both proposals, but there is more ambiguity with the proposed phase proposal. Another question raised by the committee was how many buildings in the Commonwealth do not have any building code applied?

Kenney Payne asked if the SFPC utilizes the definitions from the IBC or the VCC.

Robby Dawson responded that that's the part two below and they pulled the definition for Change of Occupancy from today's building code.

Vernon Hodge said we have talked about the new definition of building code. Maybe we can add a provision in Chapter 1 dealing with those buildings that didn't have any code in effect when they were built.

Cindy Davis stated that there is a section of pre-USBC buildings. She stated that we talked about adding one sentence to clarify this at the end of this definition and this would take care of it.

Robby Dawson stated personally he doesn't see a problem with the way it is written in the existing 102.2. Nothing is broke so why fix it? If it was built before 1970 and rehabilitated in 1990 it may add confusion. 102.2 is clear.

Rick Witt stated the definition of change of occupancy should be consistent throughout the code. It should be the same in VRC, VCC and IBC. He also stated we need to address “applicable building code” upfront. It should be the applicable building code. The best thing might be a combination of both proposals.

Cindy Davis said she heard “the change of occupancy should be what everyone agreed to as consensus at the last workgroup meeting. She asked for clarification about adding applicable in the definition.

Rick Witt said in front of the definition or the term and you have to address this somehow even if it’s a second sentence “those buildings that were built prior to the code” because of numerous buildings fitting this criteria.

Vernon stated if you strike the last sentence in the applicable building code version both proposals really are the same and 102.2 addresses pre USBC buildings.

Greg Revels stated he was concerned by the scoping criteria in definitions. This needs to be in the body of the code text. Older buildings belong in Chapter 1 in the scoping provisions and not here in the definitions.

Cindy Davis stated that she is hearing this term “applicable building code” that is being considered for use throughout the code should not be defined.

Greg Revels responded that he thinks we need to be cautious and address this in Chapter 1.

Andrew Milliken agrees with Greg Revels and stated we need to be consistent with scoping language.

Glenn Dean also agrees with Greg Revels stated he wasn’t confused before; however, he has some confusion setting in now.

Cindy Davis stated as an overview of what we started out doing, we were replicating everything here and every single section of the code where construction requirements were removed. There was a consensus of the group at that time not to have to repeat this everyone and define what the applicable building code is. We shouldn’t have to repeat this every time. Can we just define what the applicable building code is, place in italics and this is how you know it is a defined term and then go back and put it in the book once instead of copying and pasting in every section of the code. Now what she is hearing is the description of the applicable building code should be in the text everywhere it is used and not defined.

Robby Dawson stated it is telling you which book to go to.

Cindy Davis stated that if the SFPC is a maintenance operation document that is based on being maintained in accordance with the code that was in effect at the time the building was constructed how can you use the term “applicable building code” without defining it.

Greg Revels stated just edit it in Chapter 1 not in the definition.

Brian McGraw stated that in the SFPC it refers to a more generic definition to clarify that it is not. As we go through further edits, we have replaced Virginia Uniform Statewide Building Code with just the generic building code as defined in the fire code.

Glenn Dean stated he believes the existing 102.2 of 102.3 addresses that.

Cindy Davis stated we would set this aside for the moment as we work through the technical requirements of the section, it may become more clear on how this needs to be defined.

Chapter 3 General Requirements

Book Part II General Safety Provisions

Section 304 Combustible Waste Material

304.1.2 Vegetation

Workgroup struck the last sentence “Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Wildland-Urban Interface.” The FSB edits leaves the reference to the International Wildland-Urban Interface intact.

Glenn Dean asked what the measurement was. Doesn’t the FSB edit accomplish this?

Cindy Davis stated that this was a question that was brought up and I think what we did at this point we said, how about if staff goes into the Wildland-Urban Interface Code and whatever the parameters are for vegetation in that lets chop them out and put them in this section so there is clear parameters.

Robby Dawson stated that one of the goals of the FSB edit was to eliminate the Appendix N.

Cindy Davis stated that when we went to that code and looked for the vegetation requirements to try to move them in here, we found out there isn’t any. When you go to that code, the only thing it tells you to do with vegetation is to adopt a map, identify which properties are within the Wildland Urban Interface Code and then prepare a vegetation plan that will be approved by the fire official. It doesn’t give you any other specifics.

Kris Bridges wanted to point out that weeds and grass are addressed in other codes.

Cindy Davis stated the Wildland Urban Interface Code is not in effect in Virginia. It was proposed to have been adopted in the last two code cycles and it was not.

Robby Dawson said it is the code today and it is enforceable because it's a referenced standard.

Glenn Dean stated that the reference to the Wildland Urban Interface Code is not for construction requirements.

Rick Witt stated VBCOA is against leaving that text in the code. Was developed for properties out west.

Glenn Dean stated a state forester reported there was more acreage and more property damage east of the Mississippi than west of the Mississippi. The difference being while the western part of the country had larger fires they were fewer in number. Whereas the eastern part of the country had a larger number of small fires. More acreage more damage. In regards to grass, it is applicable primarily to urban areas not rural.

Robby Dawson stated that the proposal that came through the BHCD about a cycle or two ago included the whole Wildland Urban Interface Code to include the construction provisions in the Wildland Urban Interface Code that was turned down. There was no discussion about how the Wildland Urban Interface Code, the SFPC, the IFC interact. He thinks to delete this is creating a condition for local fire officials not to have guidance.

Cindy Davis stated this puts the burden on the owner of the property to develop the vegetation plan and how they will maintain it and get it approved.

Andrew Milliken asked for an elaboration on how this is unenforceable?

Cindy Davis stated for vegetation, you have to enforce the Wildland Urban Interface Code in total, which requires adoption by the locality of an official map that shows which properties are included in the Wildland Urban Interface area. Even then, the requirement is for the property owner to submit a plan showing how the vegetation will be maintained, there are no technical requirements per se that can be enforced by local fire officials.

Shaun Pharr stated you have a historic record of the reference standard being rejected.

Glenn Dean stated in 102.4 it is a prescribed extent of each such reference. Does not include construction requirements.

Cindy Davis responded that it does include administrative requirements.

Non-consensus, the Attorney General's Office will be asked for their legal opinion.

Brian McGraw stated based on your rationale, the Wildland Urban Interface Code being a referenced standard, not enforceable, how is it then for all construction standards that the intent of using the IFC as a reference code?

Cindy Davis stated it is not.

Robby Dawson stated the BHCD never debated the vegetation part of this specific section. It was a debate on the construction part of the Wildland Urban Interface Code.

Emory Rodgers stated the VBCOA recommends striking this. Building code sometimes can be more stringent than the fire code. We are not going to agree.

Brian McGraw stated local jurisdictions can adopt something more stringent. 67% of the land mass in the Commonwealth of Virginia is under enforcement of the SFMO so what comes in here is what gets enforced. If it is not here, we have not ability to enforce it. For those of you who said the Wildland Urban Interface Code is intended for out west, and that it can't happen here. One word, Gatlinburg.

304.1.3 Space underneath seats

William Lloyd stated the fire official should be able to regulate underneath the seats such as trash and sawdust, especially a circus. We are not talking about 1-hour condition only the trash. Anything combustible cannot be stored here because it creates a storage environment. You have taken away the ability to regulate the debris and the trash underneath the seats.

Cindy Davis responded that the discussion of the work group during the proposed phase was specific to construction requirements and the ability to enforce the storage of trash remains.

Shaun Pharr stated the wording is clear, spaces shall be kept free from combustible and flammable materials, that's your authority right there. 304.2 still says you can't store combustible rubbish.

Glenn Dean stated the fire official is not requiring 1-hour construction to be installed; he is approving the storage of materials based on the rating.

Rick Witt said pre USBC storage space underneath what is going to be applied to it? Does it have 1-hour rating? Any rating? No storage is allowed.

Glenn Dean responded that if there is a rating, then he will allow storage, if not, there is no storage.

Keith Chambers stated the problem he has is it doesn't give the fire marshal the ability to allow storage.

Non-consensus

304.3.3 Capacity exceeding 1.5 cubic yards.

Exception 1

Andrew Milliken stated this deals with sprinkler systems of NFPA 13, 13R and 13D standards. This specifically gives guidance of the fire code system. I think we need to add applicable before NFPA. There is no retroactive exception in this section.

Greg Revels said he believes applicable should be added.

Kenney Payne asked how long NFPA 13, 13R and 13D have been around. How can we apply this if it didn't exist? Glenn Dean stated 13 has been around a very long time, not sure of 13R and 13D, maybe 1970's.

Russell Furr stated he believes the storage issue is not construction issue but a fire storage issue. Linda Hale stated that this is specific to a 1.5 cubic yard dumpster or larger that require mechanical means to dump and inquired as to how long these large dumpsters have been in existence. She made the point that these large dumpsters didn't exist back when these historic buildings were built so if you want to be able to put this new hazard in place, then this is what has to occur.

Brian McGraw stated that NFPA 13 was first published in 1896, the first edition of 13D was published in 1975, and the first edition of 13R was published in 1989. We learn from our mistakes regarding unprotected dumpsters.

George Hollingsworth stated we are not considering the intelligence of the person that's out doing this and their training. We need the inspectors to be properly trained.

Non consensus there was a compromise on using "applicable" in front of NFPA 13 standard.

304.3.4 Capacity of 1 cubic yard or more.

Exception 1

Cindy Davis stated it is the exact same language regarding applicable building code versus identifying NFPA 13.

Non consensus

Section 308 Open Flames

308.3 Group A occupancies

Gas lights

Emory Rodgers stated some gas lights are in a gas system. If hooked up to a gas system, it will come under the International Mechanical Code.

Linda Hale stated the FSB edit is more specific to allowing when the building official approves it. The proposed language is more limited to when it is not part of the construction of the building.

Keith Chambers stated the proposed language limits you from allowing combustible materials.

Consensus for FSB edit. The Original language in Item #3 should be left as proposed by Fire Services Board.

Section 311 Vacant Premises

311.1.1 Abandoned premises

Kris Bridges stated they effectively say the same.

Andrew Milliken said the only difference is the word abated. Shaun Pharr said he believes it should say unsafe “until” abated. Sean Farrell stated the Property Maintenance Code or Virginia Maintenance Code indicates that when you have an unsafe structure by simply securing that structure you have abated the unsafe condition without actually fixing the problem.

David Beahm stated he has a problem with “and”. It means that you have to do both. It should be Virginia Maintenance Code or Building Code.

Emory stated that the FSB proposal unintentionally has the fire official enforcing the maintenance code and is not statutorily permissible to do so.

Robby Dawson stated this isn’t the fire official enforcing the maintenance code, it says you have to fix it with the property maintenance code. You have to go to the building official to find out how to building the structural wall.

Shaun Pharr stated perhaps we should say “shall be considered abandoned and unsafe until declared abated in accordance with the Virginia Maintenance Code or the Building Code.” The only person who can declare it abated under the two codes is the building code or maintenance code.

Consensus for FSB edit with adding Shaun’s language.

311.2.3 Fire Separation

Robby Dawson stated the difference was the definition of maintained.

Linda Hale – When we started with Chapter 3 we were to remove the unenforceable items, take out protected and add maintain. This makes it enforceable.

Kenney Payne asked if you were allowed to enforce this under the current IFC versus how it was constructed.

Andrew Milliken said we are trying to maintain it according to Chapter 7.

Kris Bridges stated we need to make sure we are using the correct version of Chapter 7.

Glenn Dean stated the premise is supposed to be to massage Chapter 7 where it is fully enforceable. Whatever comes out we maintain in accordance with Chapter 7. The problem with the proposed version is that you need to determine what is applicable and what is not.

Robby Dawson said it shall be maintained in accordance with the applicable building code. The building code does not specify maintenance as in service-related maintenance (changing oil, rotate tires), the fire code does. Maintained in accordance with Chapter 7 which tells you what service related maintenance has to be and that you have to keep it the way it was built. You are to keep it as it was built.

Emory Rodgers suggested the FSB edit could work if we change Chapter 7 to be maintenance provisions only. No objection to the new proposal from FSB edit.

Bill Aceto stated the last sentence says “Openings, joints and penetrations in fire-resistance-rated assemblies shall be maintained”. If the opening is there, it should be maintained. He suggests taking protected out and add at the beginning of the sentence, “protection of openings joints and penetrations”. He doesn’t think you can take out protected and replace with maintained.

Sean Farrell stated this is not proposed being changed and should be a separate proposal in cdpVA. Linda Hale says what is being proposed in Chapter 7 by FSB will address this concern.

Greg Revels suggested just deleting the sentence if it is already in Chapter 7.

Consensus for FSB with some revisions made by proponent clarifying what is being protected and provided that Chapter 7 reflects maintenance only.

311.3 Removal of combustibles

Same difference in terminology that needs to be resolved. Will be up to the BHCD to decide.

311.6 Unoccupied tenant spaces in mall buildings

Robby Dawson said we just struck #2 without substitution. If the rated assembly is there it must be maintained.

Consensus for FSB edit

Section 313 Fueled Equipment

313.1 General

Vernon Hodge stated we don't need to make decisions on to use the reference of NFPA or applicable building code because this will be settled by the BHCD. The difference is using "protected" vs. "equipped" in item #3.

Kenney Payne thinks the FSB edit is ok.

Andrew Milliken asked if there was consensus for applicable NFPA 13 language with corrective scoping by adding "applicable" NFPA standard. Rick Witt stated he thinks Andrew Milliken has a resolution to adding "applicable" NFPA language. In support of the concept.

Vernon stated that if this can be resolved here, it can be changed throughout the document. This gets rid of the conflict where the current NFPA is referenced and takes you back to the appropriate building code.

Consensus for FSB edit in Item 3 with adding "applicable" NFPA 13 and striking equipped and keeping "protected" to stay in alignment with the rest of Chapter 3.

Section 315 General Storage

315.3.4 Attic, under-floor and concealed spaces

Linda Hale stated she thinks it is addressing the storage of combustible materials. The building code does not typically address and allows an exception that the building official can provide for that 1-hour fire resistance rated construction. We are not trying to dictate how to build something we are just trying to be sure that there are ticklers for the fire official for the storage.

Exception 1, Exception 2

William Andrews says if there is no documentation for the attic saying it has always been used for storage or not explicitly prohibited, there is no way of knowing if it was allowed.

Vernon Hodge stated you make a referral to the building official and if this is a change of occupancy you can't do it without some changes. The FSB version makes subjective judgement about the construction. Both may need some work.

George Hollingsworth stated unless you can show me your permission it must be removed.

Carry over pending with revisions to proposed regulations and FSB edits

315.6 Storage in plenums

Rick Witt stated he preferred the proposed regulations. Storage shall not be used in a plenum.

Glenn Dean asked if the intent was to say unless the construction approved by the building official is to be used for storage.

Cindy Davis answered that the approval comes from the building official and may or may not be based on construction.

Shaun Pharr stated you need the proposed language (on the right) otherwise you are from this point on prohibiting the continued use and I don't think we want to do this.

Andrew Milliken asked about a modification and pre USBC. We are getting stuck in every chapter.

Robby Dawson said the fire official should get credit for understanding how Chapter 1 is being applied throughout the code. You should replicate Chapter 1 right behind 315.6.

David Beahm stated that it is not just for the fire official or the owner, but for everyone to understand. The FSB edit says you cannot do it period.

Shaun Pharr stated he could not find the authority to use in the FSB edit.

Sean Farrell asked when plenums became prohibited, as a point of consideration.

Non-consensus

Section 317 Rooftop Gardens and Landscaped Roofs

317.1 General

Section 318 Laundry Carts

318.1 Laundry carts with a capacity of 1 cubic yard or more

NFPA 13 add applicable

Consensus for FSB edit with adding "applicable" before NFPA 13

Chapter 4 Emergency Planning and Preparedness

403.8.3.2 Employee staffing

Consensus for FSB edit pending "Building Code" definition

Chapter 5 Fire Service Features

501.4 Timing of installation

No action - State amendment

504.2 Maintenance of exterior doors and openings.

Robby Dawson stated you have to have a building permit to take out the exterior door or opening.

Kenney Payne suggested he would support the FSB edit.

Consensus for FSB version (keep original text) referenced sections will have construction provisions removed.

504.3 Stairway access to roof
Consensus for FSB edit

507.5.6 Physical Protection

Andrew Milliken stated you have to provide this.

Sean Farrell stated it was not struck in proposed phase version.

Consensus for proposed version leaving in reference to Section 312

Section 508 Fire Command Center
508.1 General

Andrew Milliken stated the FSB edit wants to make sure the command center shall be maintained where required or provided. Kenney Payne suggested saying “where provided”.

Shaun Pharr stated the FSB edit pertains to Sections 508.1.1 through 508.1.6. That would be the current version of those provisions. If I have a fire command center that has been built in accordance with the applicable code, will this require me to comply with the current versions of these sections?

Robby Dawson stated we didn’t change any of Sections 508.1.1 through 508.1.6. Fire rated construction shall be maintained.

Andrew Milliken stated it is not the intent to take the fire command center out. Go through an approval process if they take it out.

David Beahm said if the command center is not required and is only made up of fixtures that are not regulated by the building code, who gives authority to have it removed or what is that approval process?

Cindy Davis said this is similar to the maintenance code where a toilet is not required in the basement, but if it’s provided, it must be maintained.

George Hollingsworth stated this is no different than the fire protection system.

Robby Dawson stated that you are changing the layout or modifying what is listed in the layout section and you need the approval for this change. Approval needs to come from the fire official.

Brian McGraw said that changes to the layout of the room (tables, chairs, telephone, etc.) should be approved by the fire official. This will have an impact on the fire department's operation when they come into that building.

Rick Witt stated that the fire official should be notified, not just for approval, it is your choice to have it or not. For an operational standpoint please notify me first, but if it is not required, it can be taken out.

Cindy Davis asked how often a fire command center is provided that it isn't required.

Brian McGraw stated Northern Virginia has a famous practice for where you can't meet the access requirement specified then the catchall was meet the high rise apartment requirements which gives additional protection. To him if you meet the additional high rise requirement, you meet the fire command center requirement. Look at a shopping mall or industrial facilities and they have a legitimate fire command center because of the type of operation.

Cindy Davis asked what the consensus of the room "if provided it has to be maintained" or changes have to be approved? If there are problems with this language, then we need to stop here. Is it required or provided?

George Hollingsworth had a question of the items in the fire command center don't they still require a permit whether it is elective or not?

Bill Aceto stated you can't take out a fire alarm control panel without getting a permit.

Shaun Pharr stated it is technically optional in the first place. There should be provisions for making a decision on down the line to decommission that feature. He thinks this section should recognize or contemplate that a fire command center cannot be removed or decommissioned without have some sort of approval process. It has to have an optional reference that it can't be taken out without permission from the building official.

Andrew Milliken believes we are all on the same page. He thinks it should be necessary to get approval to remove it from the fire official.

Robby Dawson stated he didn't necessarily disagree with Shaun's comments. He stated this may need a separate code change outside of this.

Linda Hale stated this is just assuring there is a give and take. There does need to have a removal process that it goes through. It is not just the building code that it is impacting; this is definitely an operational aspect. Storage becomes limited and then you see this as someone's office. We need to be able to address that.

Emory Rodgers stated he was ok with the FSB edits except down to the list of features. Then I would prefer to see the proposed language. Required features would require an applicable code of maintaining. Layout typically putting required or not required should go to the fire officials. Altered or changed panels need to go through the approval process.

Shaun Pharr stated that his concern was that the 508.1 in the FSB edits strictly requires compliance with 508.1.6. With this list of required features, it has changed over the various cycles. Currently there are 18 items there and if you don't have all 18 you are not in compliance.

Andrew Milliken stated we do need to pay attention to maintaining all the components. We may need to re-write the proposed regulation to accomplish this.

Robby Dawson stated the problem he sees with the proposed regulation is the following features shall be maintained. We want at least the minimum equipment that is required on this system.

Brian McGraw stated in 508.16 the list of 18 could be separated into things that are system related items that are covered by the building code at the time they were installed. Then there are other items such as schematic plans and signage that fall into the operational and maintenance category where those requirements have been added in recent years based on real fire fighters fighting high rise fires.

The FSB edit is pending due to additional work needed

Section 509 Fire Protection and Utility 509.1 Identification

Robby Dawson said we are dealing with the access shall be maintained in an approved manner.

Consensus for FSB edit

Chapter 6 Building Services and Systems 603.1 Fuel fired appliances Installation

Kenney Payne asked if comply and maintain mean the same thing?

Andrew Milliken stated the first sentence applies to installation. The installation shall be maintained. He is a little unclear about the proposed regulation proposal.

William Andrews stated the FSB edit says if not a non-portable one including portable devices shall comply with this section. The FSB should care about this maybe not the building official.

Cindy Davis stated the group was saying permanent devices need to be under the building code while portable devices under the fire code.

Robby Dawson stated the issue he has with the proposed regulation proposal is that – maintained to the fire official means to be serviced. It is an installation section.

David Beahm stated the portable devices, if unstruck in the proposed regulation proposal that is only addressing items that are regulated by the IMC whether they be portable or installed. If it is not regulated under the mechanical code, this section does not apply to that. Portable is off the table whether it is struck or unstruck.

Cindy Davis stated she thinks everyone is in general agreement that installation is governed by the building code and portable equipment is under this section. The question is does either proposal say what they need to say?

Greg Revels asked when it says “all other fuel fired appliances including portable devices”, what else is there other than portable?

Andrew Milliken stated he thinks he knows what he is saying, and his suggestion was to go back to the IFC, portable items that are not regulated. These are the other items the code is pertaining to. Go with IFC language.

Robby Dawson said take out installation add the use of all other fuel fired appliances, remove design and construction section. Take out approval of design and construction.

Andrew Milliken and Robby Dawson will look at this edit and bring back to the table. Un-strike the second sentence and replacing install with use.

Rick Witt stated we do have work to do on this.

Carry over, Pending

603. 2 Chimneys

One references NFPA 211 and one references specifically maintenance provisions in NFPA 211. It precludes the construction requirements of 211.

Consensus for FSB edit

603.3 Fuel oil storage systems.

Rick Witt stated it is purely maintenance.

Robby Dawson stated the NFPA 25 schedule applies to maintenance repair not to change it. It doesn't apply to something that doesn't exist.

Cindy Davis stated we will make a note regarding a question about whether or not the reference to the maintenance standard should be the applicable maintenance standard.

Brian McGraw stated the entire fire code is a maintenance document so does that mean that if I have a building that was constructed in 1972 I now have to go back to the 1972 fire code to find my maintenance provisions?

Rick Witt responded that he is just concerned with subjecting people with something they weren't required to do before.

Kenney Payne said 20 years ago the decibel reading was 25 now it is 45. Under the current language, how would you read it?

Andrew Milliken stated under the NFPA72.

Robby Dawson summarized his notes that the concept was to strike the 2nd sentence and replace installed with use and strike IMC.

Consensus for FSB edit with Rick Witt's committee looking into the maintenance provisions.

603.3.1 Fuel oil storage of outside, above ground tanks

Robby Dawson stated that 660 gallons still needs to stay. Quantity limit needs to stay.

Consensus for FSB edit

603.3.2 Fuel oil storage inside buildings

William Andrews stated that oil storage in a building could be in 55 gallon drums. Does the building code address this?

Andrew Milliken stated the proposed regulations is too broad and needs some guidance.

Glenn Dean suggested we need to keep the exceptions or we may get into some unintended consequences.

Kenney Payne stated he heard Robby Dawson said they wanted to get rid of the "N". Can you explain the Appendix "N"?

Cindy Davis stated when the workgroup first started discussing this, some of the questions that came up was that the fire services often uses what requirement codes are as a starting point to know what may or may not trigger compliance or non-compliance. They shouldn't have to carry around 2 separate books to know. If there are criteria, construction requirements that are being struck may not have been in effect at the time of construction. These will be moved to an appendix just to give a reference point so that

you can always flip back and look to see what those requirements were. This was for reference.

Shaun Pharr stated to preserve what was allowed before should still be allowed.

Andrew Milliken asked if we could leave the quantity thresholds with the caveat “unless otherwise permitted by the applicable code”, said we want to leave it here instead of placing in the back of the book.

Robby Dawson stated he agreed and added that the violation is less ambiguous.

Non-consensus

603.5 Heating Appliances

Glenn Dean stated it is not regulated by the building code. Maybe change to two sections permanently installed and portable appliances.

Robby Dawson stated the building code doesn’t specifically address maintenance. Specific maintenance items, filters, etc.

Non-consensus

603.5.1 Guard against contact

Glenn Dean stated you are always going to need a guard.

Emory Rodgers stated he thinks this needs some clarification.

Andrew Milliken stated this is to prevent injury.

Robby Dawson stated it is ambiguous and there is a pecking order that makes it enforceable or not.

Emory Rodgers stated that Rick Witt and his group will work on this. Both are broken and need fixing.

Robby Dawson stated the FSB edit should move forward.

Non-consensus

603.6 Chimneys and appliances

Robby Dawson stated there is no construction in this. It shall be maintained so as not to create a fire hazard and it is an enforceable provision.

David Beahm asked if there was no clean out; would you require them to add a clean out?

Andrew Milliken stated it should be maintained so as not to create a fire hazard.

Bill Aceto stated to leave the original language in the FSB edit.

Glenn Dean stated if there is a build- up of creosote, I am not going to retrofit a cleanout. He would tell them to go to the building official and install a clean out to eliminate the fire hazard.

Andrew Milliken stated this is to eliminate fire hazards.

William Andrews said if we determine that the short chimney is causing the down draft in that occupied building, we will require them to maintain to keep the chimney safe. We may suggest adding onto the chimney.

Bill Aceto suggested they may suggest them going to a design professional to make it safe and hazard free.

Brian McGraw stated if you have an accumulation of creosote, you have a fire hazard. My direction to you is the maintenance of this chimney creates a fire hazard since you are not cleaning it out. His direction would be to clean it out and make it safe. We are not directing them how to accomplish this just that it has to be done. They have the choice.

Shaun Pharr stated this sounds like a backdoor avenue to retrofitting to me.

Andrew Milliken stated this is just a maintenance issue.

George Hollingsworth stated we are reading way too much into this. Any professional he knows would say, stop using your chimney, clean it out and don't use it until it is safe.

Rick Witt asked about this statement shall be maintained as constructed in accordance with the applicable building code so as not to create a fire hazard. Would anyone object to this?

Robby Dawson and Glenn Dean asked what words mandate construction?

Non consensus

603.6.1 Masonry chimneys

Strike re-lined in accordance with building code.

Rick Witt said it should be repaired not necessarily re-lined.

Consensus with the amendment to strike “or relined”

603.6.2 Metal chimneys

Andrew Milliken stated the FSB proposal says you have to pay attention to this; the proposed version has little purpose. Damaged and corroded is operational.

Skip Harper stated this is an existing state amendment in the USBC Chapter 1 that requires chimneys to be replaced if they're corroded.

Consensus for FSB edit

603.6.3 Decorative shrouds.

Consensus for FSB edit

603.7 Discontinuing operation of unsafe heating appliances

Robby Dawson stated he thought this was a state amendment. Vernon indicated that the Note is a state amendment.

Cindy Davis asked if this was administrative. Discussion on the ability to write enforcement notices.

Consensus for FSB edit

603.8.1 Residential Incinerators

Andrew Milliken asked about residential incinerators.

Shaun Pharr stated this is requiring a construction element...shall be of an approved type.

Glenn Dean asked where the residential part came in.

Cindy Davis asked if we are talking about a 55-gallon drum used as a burn barrel and if so, isn't it open burning at that point? Discussion on regulating chimineas. Some yes, some no.

Consensus for FSB edit add "not under building code" language

Section 603.8.6 and 604.1 both are just the applicable building language that must be determined.

Section 604 Emergency and Standby Power Systems

604.1.1 Stationary generators

Consensus FSB edit

604.1.2 Installation
Consensus FSB edit

604.1.3 Load transfer
Consensus FSB edit

604.1.4 Load duration
Consensus FSB edit

604.1.5 Uninterruptable power source
Consensus FSB edit

604.1.6 Interchangeability
Consensus FSB edit

604.1.7 Group 1-2 occupancies
Consensus FSB edit

604.2 through 604.2.6
Consensus FSB edit

604.2.7 Group 1-3 occupancies

Rick Witt asked if the first sentence is construction. If it was required, it has to be maintained.

Andrew Milliken suggested adding “door and emergency power.”
Consensus FSB edit

604.2.8 Hazardous materials
Consensus FSB edit

604.2.9 High rise buildings
Consensus FSB edit

604.2.10 Horizontal sliding doors
Consensus FSB edit

604.2.11 Hydrogen fuel gas rooms
Change to NFPA 70
Consensus FSB edit

604.2.14 Semiconductor fabrication facilities
Typo should be NFPA 70
Consensus FSB edit with fixed typo

604.2.15 Smoke control systems

NFPA 70

Consensus FSB edit

604.2.16 Underground buildings

Consensus FSB edit

604.3 Critical Circuits

Amendment to end the first sentence after “listed” and strike “in accordance with UL2196”

Consensus FSB edit

604.4 Maintenance

NFPA 70

Consensus for FSB edit

605.2 Illumination

Consensus for FSB edit

605.9 Temporary Wiring

Consensus for FSB edit

605.9.1 Attachment to structures

Consensus for FSB edit

605.11 through 605.11.1.3.3 Solar photovoltaic power systems

Consensus for FSB edit

605.11.2

Ground mounted photovoltaic arrays

Consensus FSB edit

606.6 Testing of equipment

Change to the Building Code

Consensus FSB edit

606.7 Emergency signs

Change to the Building Code

Consensus FSB edit

606.8 Refrigerant detector

Consensus FSB edit

Linda Hale stated they need to have language that lets them know to look a little closer.

Andrew Milliken stated this provides guidance.

606.9 Remote controls
Consensus FSB edit

606.9.1 Refrigeration system emergency shutoff
Consensus FSB edit

606.9.2 Ventilation system
Consensus FSB edit

606.10 Emergency pressure control system

Robby Dawson made a not to change the wording to say "...maintained as installed in accordance with the building code and this code".

Consensus FSB edit

606.12 Discharge and termination of pressure relief and purge
Consensus FSB edit

606.12.1 Standards
Consensus FSB edit

606.12.1.1 Ammonia refrigeration
Consensus FSB edit

606.12.2 Fusible plugs and rupture members
Consensus FSB edit

606.12.3 Flammable refrigerants

Brian McGraw asked in the normal course of operation of a refrigeration system is the refrigerant vented.

William Andrews asked if the system was installed in a 1940 building and the 1940 building code didn't stipulate where this flammable refrigerant is to be vented, what's the issue with the fire official requiring ductwork so it's vented to the outside?

David Beahm responded that now you have introduced construction.

Brian McGraw stated that without this, if the system is purged in order to perform maintenance, you could purge the system inside the building and create a hazard.

William Andrews stated when you have to replace the refrigerant, attach a tube to the outside of the building.

David Beahm said if a rubber tube or other device is used, the manufacturer will say it needs to be disposed in a well ventilated area.

Rick Witt stated it has to be discharged in accordance with the building code in which it was constructed.

George Hollingsworth believes this would be a maintenance issue and doesn't believe the building code would address it. Mike Williams stated by law, you should never be venting the refrigerant into the air.

Brian McGraw stated just for a point of reference in the mechanical code, 1101.9 Refrigerant Discharge shall be provided in accordance with the SFPC.

Cindy Davis stated if we have an old building with a refrigeration system that was not regulated by a building code when it was installed this would give you the method to do it. Skip Harper stated if you took out the underlined text and put it back after systems contained it wouldn't be a problem. It is telling you how to discharge the refrigerant.

Andrew Milliken stated he thinks we are getting hung up on very small things. If you have an existing system that is creating a hazard by discharging refrigerant into the building, shut the system down.

Non-consensus, the committee will work on this.

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**Workgroup 2, Fire Code Edits
Henrico Training Center
May 31, 2017**

Summary Notes

Cindy Davis welcomed everyone, gave an overview regarding the code change process and then had the attendees introduce themselves.

606.12.4 Toxic and highly toxic refrigerants

Robby Dawson stated that he along with the rest of the Fire Services Board Committee believe this is an operational issue in dealing with ammonia refrigerants not necessarily how you build it. This is why we struck the construction piece as the approved system is built within 606.12.6.

Cindy Davis asked if their intent for the new #2 was if it was installed in accordance with the code in which it was constructed was good to go. Robby Dawson stated if it was approved then it is fine.

Kenney Payne stated we started on 606.12.4 and are pointing to 606.12.5, did we skip 606.12.4?

Richard Potts stated that 606.12.4 FSB version had no change. Cindy Davis stated let's make a decision on 606.12.4 as to whether this language should be stricken or whether it should have no change.

Robby Dawson stated again that it is an operational issue and he still has a concern of the statement "maintain in accordance with the applicable building code". This phrase is throughout the document, if you are looking at it, you need to maintain it now, and have to look to the building code for the inspection services and testing which doesn't exist in the building code.

Rick Witt asked wasn't this determined right up front code when the building was built what system was to be used?

Jay Davis stated there are a lot of questions about maintained or operational. It looks like you guys have taken it out and the FSB Committee is looking at it as an operational function. His question to the group is does DHCD see 606.12.4 as a function of the building code to apply something to this and that it is not an operational function and we are looking at it as if we find this being vented, this is an operational that we need to have this corrected and stopped because this is a distinct difference.

Cindy Davis said there are two very different scenarios where this may apply. How do you capture that because if there is a refrigeration system that was approved 20 years ago and has been maintained it seems inappropriate to actively say you can no longer use this system. Separately, if you have a system that you are operating incorrectly that is now an operational issue of that equipment, it is a challenge capturing both.

Jay Davis said that was a good explanation and the reason this was not stricken in the FSB edits is that we need to be able to do something about this. He thinks this will help the rest of the day if we can get this figured out. Cindy Davis stated that she thinks we are in agreement, however the language on the proposed phase gives you the ability to capture that.

Andrew Milliken stated the proposed phase language doesn't give you any indication that discharging to the atmosphere is what is appropriate and what is not. The FSB edit states that refrigerants shall discharge vapor to the atmosphere only through an approved treatment system and no other additional requirements are needed. This does both. The proposed phase language does not do both. We need guidance for the discharge.

Cindy Davis asked if we take out the 6.6 pounds and place "approved" in the proposed phase language, approved refrigeration discharge system. It indicates they had to have been approved at the time the building was constructed or at the time the system was installed. Andrew Milliken stated that if not approved, we need language.

Robby Dawson stated that going back to the problems with some of the changes that degrades our authority to enforce a fire safety code. We go to a facility that is discharging highly toxic refrigerants, not through an approved treatment system; we write them that they are in violation of 606.12.4. Turn this around and 2 or 3 years from now they are doing the same thing but they are not in violation of 606.12.4 because we cannot enforce the applicable building code. There is nothing left to enforce. The system may have been approved but they are discharging through another pipe before it gets to the system. What does he write a violation on?

Cindy Davis stated they are not discharging through an approved system. They are illegally discharging.

David Beahm stated that the issue with withdrawing in the proposed phase language is the building code was approved under; it may have contained a UL standard for that approved system. It may no longer carry that UL approved standard or does no longer exist. It is no longer approved under the current code. It doesn't mean it is not effective it just means that they no longer chose to update their UL standard and pay the fee.

Kenney Payne asked what if a code 20 years ago said systems containing more than 10 pounds shall be discharged through a pipe and not the atmosphere. New codes seem to get more stringent so his understanding is if Fire Services is using current codes to regulate older systems, is this what they are doing and is this what we are trying to fix?

William Andrews stated the building code approved this system 40 years ago; it is a closed system and there is no built in means of discharge. The discharge comes around and needs to be replaced as part of the maintenance code. Now they have to discharge the toxic material that was not a part of the system that was under the building code.

Chris Anderson stated we have several that we inspect annually. Today he goes in and sees that the system is fine, it is in compliance with no issues. Next year when I go back, he sees that lack of maintenance is causing issues. This is when he would write a violation. I would prefer the proposal of the FSB edits.

Jay Davis stated he is concerned about the proposed phase language and feels we are removing something that gives us some ability to recognize that there is a problem and we are going to cite the code so that you cannot continue to do this. Can the proposed phase language explain to us how this is not enforceable?

Cindy Davis stated that Kenney Payne explained it best, what if the code in which it was originally installed allowed 7.5 lbs. and now you are going into this building which has been operating illegally and say this system is in violation because you have more than 6.6 lbs. of refrigerants in your system. This would be a retroactive reduction and a retroactive notice of violation given to a system that is legal.

Jay Davis stated we would then send them back to the building official to get approved or stop the operation. We can cite what is on the FSB edits.

Linda Hale stated that if it was 7 lbs. it would still have been through an approval process. Leaving it in place does not negate that. What it does is makes it so that we are not looking at systems that are 1.5 (smaller quantities) of toxic refrigerants. There is no retrofit in there.

Jay Davis asked why we don't have consensus.

Sean Farrell stated the trigger for you to implement this section is simply 6.6 lbs. in today's code. Now you have a moving target. If you get rid of this prescriptive language and address it in a more global manner, I don't think you are going to have that argument.

Andrew Milliken stated the 6.6 lbs. is where we pay attention to the issue, not where we change something. Now we have to compass all amounts.

Shaun Pharr stated it is not saying all systems, only toxic or highly toxic refrigerants discharge. Those methods have to be maintained in accordance with the code under which it was initially installed. This seems clear. It gives the fire services official the ability to make the call.

Rick Witt said he agreed with Shaun. He thinks the 6.6 lbs. is the problematic part. You are establishing a threshold.

Linda Hale said to take out the 6.6 lbs.

Cindy Davis asked if this is what she is saying, “systems containing toxic or highly toxic refrigerants shall discharge vapor into the atmosphere only through an approved treatment system”... Linda Hale said yes.

Robby Dawson stated just as long as everyone understands this expands the scope of the code.

Sean Farrell said it not just taking it out it is replacing it with something that is all encompassing. You can say something like systems containing more than the allowable toxic or highly toxic refrigerants shall discharge.

Non-consensus

606.12.5 Ammonia refrigerant.

Non-consensus

606.12.6 Treatment systems.

Non-consensus

606.12.7 Flaring systems.

Bill Aceto asked regarding the proposed phase language is this in the mechanical code or are we sending this to nowhere?

Cindy Davis stated it depends when it was constructed.

Jay Davis stated his concern was over growth around this building and now you still have an approved system operating but the concern is that it could affect another building. The building code doesn't address this. When we see another building being built next door, we are going to look at the operations and see if it would be acceptable or if there is a need to go back to the building official to get approval for another system approved.

Cindy Davis stated that every system, discharge and opening in the existing building should be looked at as part of the permit system because there are requirements for where that discharge can be located.

Jay Davis asked what is the unenforceable one in the FSB edits. Cindy Davis stated it is the retroactive requirement.

Kenney Payne asked has it always been required to be automatic upon initiation of discharge. Have you always had to have standby power?

Cindy Davis stated it may have at the last code iterations, but maybe not before that. Do the unsafe provisions provide recourse for when that may happen?

Linda Hale said it may mean that in Chapter 1 other laws are enforced. We may have to go to DEQ.

Non-consensus

606.12.8 Ammonia diffusion systems

Linda Hale stated that if the tank freezes it will cause a significant hazard. Cindy Davis asked what the application is of an ammonia diffusion system operation. David Beahm stated it is a refrigeration system.

Shaun Pharr said by keeping the proposed phase language you are mandating their applicability to ammonia diffusing systems that were built under a different code.

Bill Aceto asked what if there wasn't any code for these. Codes have changed and we need to address this. We need to progress. Do you want to maintain a hazard in a building by ignoring it?

Kenney Payne said he doesn't disagree we have to be careful. 20 years ago we were allowed to have open stairways but now we have discovered they need to be closed. We have widened all doorways. We need to discover things before a need arises. Robby Dawson stated there is a difference in stairways and a hazardous material issue.

Andrew Milliken stated we are trying to provide the owners of the building to understand their requirements and the inspectors to understand their requirements or are we going to tell them to go to 3 different books which may work if you are sitting behind a desk somewhere. It is not the most effective way to identify a hazard.

Kenney Payne stated that his understanding was this will be in an appendix, so it will be in the book. The language is there for you to reference. Robby Dawson stated it is not in the Fire Services Board version.

Non-consensus

606.13 Discharge location for refrigeration machinery room ventilation.

Bill Aceto stated may we can use this scenario in a lot of sections; if we keep all the language there, and then say (before maintained) "or be maintained if addressed in the applicable building code." If this is there in the applicable building code, then they use that; if not addressed at all they use our information. Is this a possibility? Cindy Davis explained the problem was statutorily the way it was written.

David Creasy said he understands that we are taking out unenforceable language but can we keep existing language that may be referred to if the system is existing it shall be maintained in

accordance with the building code or maintenance code. He thinks we are doing our customers a disservice doing this.

Cindy Davis explained that from the very beginning the workgroup suggested that current language be retained in the appendix. If you cannot retroactively require someone to put in a larger tank or apply those tanks specifications to an existing system then those prescriptive requirements should be moved as they would only be applicable to current installations. The only thing we are trying to do is to remove the prescriptive requirements that are only applicable to construction and put them in the appendix and make it clear that existing systems have to continue to be maintained in whatever the prescriptive requirements were at the time they were installed.

David Creasy asked if we could add that statement to the code and stripping everything else out and leaving maintained in accordance with the applicable building code.

Cindy Davis stated the way it has to be installed with new construction that language is still there. The reason is because the building code and mechanical code for these systems reference the International Fire Code for installation of new systems. The requirements don't go anywhere because we are not changing the IFC. It is a reference document for construction. The only thing we are changing is the Virginia Statewide Fire Prevention Code because of the way the state law is written which limits its application to maintenance and operation only.

Brian McGraw stated just to go back regarding the issue with that whole concept, at what point does the International Fire Code get reviewed to insure that what is being required with that and does not conflict with other Virginia law? Cindy Davis stated we are not doing anything with the International Fire Code. We have MOU's with DEQ and those are addressed separately. They don't have anything to do with the SFPC.

Brian McGraw said we are adopting the IFC as a reference design standard lock, stock and barrel. There are requirements in the IFC that have operational requirements for fire departments. Yet, you are not giving the fire service any opportunity to weigh on this and to amend that reference document so that it gets incorporated into the construction. Cindy Davis explained that anything operational will stay. We are using the 2015 Fire Code as the base document. The only thing being removed which could be perceived as retroactive requirements relating to construction or installation that would not be applicable at the time it would be maintained. Operations of the fire department are not changing. The operations stay in the SFPC.

Brian McGraw stated the building code references in your world the IFC for certain construction requirements. Some of those construction requirements have operational implications on fire department operations. Yet we, fire services, are not being afforded an opportunity to make state-wide amendments to address the way the fire service in Virginia operates to impact new construction. Because we are taking that code book off the shelf with no amendments and no opportunities to do an amendment.

Rick Witt stated he could submit a code change to the IFC just like you would to the IPC or the IMC or any other standard. Nothing prevents you from doing that.

Brian McGraw stated he was aware of this, however, if he makes a code change today it would take 6 years before any version of it shows up in Virginia. Still there are local operational issues, construction related, that we are not having an opportunity to have a voice in.

Shaun Pharr said if this is the case, your beef is with the General Assembly. The ICC codes do not have a clean division that is mandated by the Code of Virginia. You have a lot of stuff in the IFC that has implications for design construction installations. The Code of Virginia does not allow this. If I'm a big user, and you come in and tell me my system that when it was designed and built by code required less than 1 gallon per pound and now you are telling me I have to meet this current code requirement and there is significant cost involved, I'm going to fight you on this. You are going to lose because the Code of Virginia says that you can't have this stuff in the SFPC, it is unenforceable.

Linda Hale stated she did not agree with this statement. The point of this was to remove the unenforceable items.

Andrew Milliken asked why it was un-statutorily appropriate to add this term unless approved by the applicable building code.

David Beahm stated if it was not addressed in any of the building codes, this is what you are required to do.

Cindy Davis stated if a code requires XYZ back to the 70's that it has to be in accordance with whatever was in effect at that time. If nothing was in effect at that time, that addresses those systems, then that should apply. From a statutory perspective, the SFPC cannot affect a method of construction. Whether or not any code existed at the time something was legally constructed, it can remain so in Virginia until something changes.

Andrew Milliken stated we have never applied a construction provision to this section.

Linda Hale stated that 606.12 and 606.13 are very similar. What is the difference in the two?

William Andrews said the FSB edit talks about the exhaust itself. The proposed phase language talks about the system. He doesn't believe there's anything in the building code that talks about the exhaust.

Cindy Davis stated this was about the discharge location.

Rick Witt stated the FSB edit is fine.

Kenney Payne asked if the proposed phase language is inconsistent with what we have seen.

Robby Dawson stated he thought through the ICC it will be updated. The federal gets updated differently. In the FSB add the word “Treatment system for exhaust...”

Shaun Pharr said unless you delete “capable of exceeding 25 percent of the LFL or 50 percent of the IDLH” and say systems shall be maintained in accordance with... Otherwise you are looking at capacity standards from current code.

Andrew Milliken stated again these thresholds are where you look for the problem that can be retroactively applied. Overtime we can change at what point we look for the problem and then fix or modify the problem.

Rick Witt I don’t see any installation issue with this one.

Consensus FSB edit with the insertion of “for” exhaust from mechanical ventilation systems. Also, the terminology for applicable building code is yet to be determined.

606.16 Electrical equipment

Non-consensus

607.1 State amendment

607.2 Standby power

Consensus FSB edits

607.2.4 Machine room ventilation

Consensus FSB edits

607.4 Fire service access elevator lobbies

Consensus FSB edits

607.5 Occupant evacuation elevator lobbies

Kenney Payne stated the proposed phase language doesn’t address the storage part.

David Beahm stated he objected to the FSB edit. If it was allowed in the building code for a specific reason, it should be allowed.

Vernon Hodge stated if the evacuation elevator was required, it doesn’t make any sense. Edits were inappropriate.

David Beahm stated he agreed with the proposed phase language not being appropriately placed but don’t agree with the removal of the code provision at all.

Andrew Milliken asked do you feel if the one on the right remains (FSB edit) elevator lobbies you are not going to be able to have furniture. Is this your concern?

David Beahm stated if it was allowed under the building code when it was constructed now we are imposing something new that was not allowed at that time.

Andrew Milliken stated this is not a retroactive issue. David Beahm stated he still disagreed.

Kenney Payne said the proposed phase language does not address this.

Robby Dawson asked when you give a co for a building; do you require the furniture to be in place first before issuing the co? David Beahm answered no. Robby Dawson said therefore the storage of furniture anywhere in the building is not within the scope of the building code.

Both move forward as Non-consensus

Shaun Pharr asked if he could have submitted plans that show the occupant evacuation elevator lobby where I also indicated that I was also going to use some storage space. I think we can tweak the FSB edit. He thinks we could say “with storage or furniture shall be maintained with an applicable building code.”

Andrew Milliken stated a modification trumps the applicable building code. Linda Hale stated this is not an exception to the rule. This is a basis of the whole code section we are looking at.

David Beahm stated to add the language at the end and he would agree. Robby Dawson asked if the building code allowed storage. Vernon Hodge stated the building code can grant a modification.

607.6 Water protection of hoist way enclosures Pending definition of building code.

608.1 Scope Consensus FSB edit, pending definition of building code

608.4 Room design and construction Consensus FSB edit, pending definition of building code

608.6.1 Room ventilation Consensus FSB edit, pending definition of building code

608.6.2 Cabinet ventilation

Sean Farrell stated if you un-strike 608.6.1 it points you back to the applicable building code under which it was constructed.

Kenney Payne said doesn't this again establish a threshold.

Consensus FSB version item #2 unstruck

608.6.3 Supervision

Consensus FSB edit, pending definition of building code

608.8 Seismic protection

William Andrews stated if it is there, it has to be maintained.

Non-consensus

Robby Dawson said the building code didn't require seismic protection.

Brian McGraw asked if a customer needed to change out batteries do I need a building permit for this or is this considered a furnishing change out.

Cindy Davis said this would be a change out and David Beahm stated if it has to do with the seismic portion of it, yes it would require a permit.

608.9 Smoke detection

Brian McGraw stated if we remove the language, on the left, saying "if it is in a room containing stationary battery systems" then there is no reason for it at all. Chapter 9 will address this.

Andrew Milliken stated the proposed phase language is not relevant; Chapter 9 needs to be referenced here. Cindy Davis said the criteria for the maintenance are in a table in Chapter 9 to address this.

Robby Dawson stated he goes to Chapter 9 to find out about the maintenance and he goes to the building code to find nothing about this. If not provided no maintenance is needed.

Consensus FSB edits

609.1 General

Robby Dawson said this is the code that we enforce not the building code. It has to be maintained in accordance with the building code, the maintenance, cleaning, testing, inspection, etc. This is what applies to the maintenance of the commercial kitchen exhaust hoods.

William Andrews stated the proposed phase language only deals with buildings whereas the FSB edit deals with the Mobile Food Preparation Vehicles.

Cindy Davis questioned if the intent is to apply these sections only to Mobile Food Preparation Vehicles shouldn't they be the same.

Rick Witt said when we get to 609.2 this is where the difference is, it takes all the kitchen hoods in buildings out and applies this to food trucks only.

Sean Farrell stated Section 609 applies to all commercial kitchen hoods but the only time it is required in accordance with this code is in Mobile Food Preparation Vehicles.

Vernon Hodge said this is a new subject matter that we aren't supposed to be addressing now.

Robby Dawson stated this section has to stay. We need to correlate this with the Mobile Food Preparation Vehicles proposal.

Kenney Payne said I think one works but only if you put in 2.

Andrew Milliken stated if a business uses a deep fryer without a hood in the building, he doesn't see the fire official able to stop the operation. 609, the proposed phrase language, mentions the kitchen exhaust hoods. This means you have one. He doesn't see either of these proposals working.

Rick Witt asked can you not site this under an unsafe condition. It is an unsafe condition.

Andrew Milliken stated we have a model code, if we don't have a SFPC stating grease and vapors offers a hazardous condition. He doesn't think just saying an unsafe condition would work.

David Beahm stated he with cite it under 609.2 under an unsafe condition because it is required under the building code. If it is producing grease and vapors it is unsafe.

Brian McGraw said if he used his George Foreman electric fryer at 7-11, that is a domestic appliance for commercial use that does require a hood. The George Foreman does not require a permit because it is a portable piece of equipment.

Vernon Hodge stated this is an issue that has come up a lot; we worked on the definition of a change of occupancy at the national level to encompass these things. If the building code applies to it, you don't want to say the same thing in the fire code. You have to defer to the building code. How does the fire official get involved in it? The building official can delegate the authority to the fire official to deal with this situation by putting on his building code hat and writes a stop work order. Another way is under the General Hazards Provision under the fire code. If a change of occupancy has occurred, the fire official has the authority to raise the red flag. He is going to stop them until they go to the building official.

Andrew Milliken stated he would not agree on either of these proposals today.

Cindy Davis stated if we deleted "where required" and it just talks about the operation and maintenance of required type 1 hood systems.

Andrew Milliken stated that if you have a hood then we through maintenance in and we are fine. If you don't have a hood, that's the problem.

Rick Witt said in 609.2 if we could say change in cooking operation shall require a permit or reference back to the building code official.

Blake Toepke said he wasn't telling them to put the hood in they just can't keep cooking without it.

Sean Farrell said if you could change the title to prohibited – commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors without approval shall be prohibited.

Andrew Milliken said starting with “all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors shall be maintained in accordance with the building code, changes in the equipment for operations without prior approval and permits shall be prohibited.

Kenney Payne said isn't this section about the hood itself? Sean Farrell said the trigger is newly introduced.

609.1 and 609.2 will come back at the next edit meeting.

610.7 Electrical equipment

Robby Dawson said talking with a colleague, it was stated that 70B captures the maintenance provisions.

Consensus with reference to NFPA 70

First 2 sections in 701 are the same in both

703.1.1 Fireblocking and draftstopping.

Andrew Milliken stated the proposed phase language doesn't address the unenforceable provisions or construction related provisions.

Robby Dawson also stated there is another proposal in for tweaking this a little.

Robby Dawson and Sean Farrell worked on this proposal and are both fine with the language. Let this go (FSB edit) and see how it ends with the code change system.

Consensus FSB edit is pending on the outcome of the code change process.

704.1 Enclosure

State Amendment

704.2 Opening protectives

Consensus FSB edits

803.1 General Interior wall and ceiling finish and trim in buildings

William Andrews stated the FSB edit should be grouped and classified as ASTM E84

Robby Dawson stated there are things that get added into the room after the co that doesn't require a permit.

David Beahm asked if this goes forward does this still deal with the pending building code definition.

Sean Farrell stated "provisions of this section shall... in existing buildings."

Andrew Milliken stated there is a difference in existing and new buildings.

Carryover, All 803 pending with Rick Witt's changes

803.1.1 Classification in accordance with ASTM E84

Chris Anderson gave an overview of a problem they had in Hanover County dealing with untreated pallets covering the ceiling. The building official gave the business owner a modification. If approved by the building official, we have no jurisdiction. We pushed forward to get them removed.

David Beahm stated in this situation, if they were up originally and then had 3 that were damaged, would it then be a violation because it wasn't approved by the building official?

Vernon Hodge stated if something is an alteration they need approval and a permit to do so unless there is a permit exemption. There are no permit exemptions for alterations to interior finish in the building code. The fire official could say it looks like you have done something that requires a building permit.

Andrew Milliken there has to be a balance between the two.

Linda Hale gave an overview of a problem she had in Loudoun County regarding material or felt installed on the walls of an old movie theatre.

Cindy Davis questioned if standards cannot be applied to old existing buildings, how do you get to newly introduced?

Sean Farrell stated 803.5.2 talks about newly introduced materials; this is the governing section for newly introduced.

Robby Dawson said this newly introduced could be added into 803.1.1. This is old but it is not original equipment therefore 803.1 applies.

Cindy Davis asked Kenney Payne how does the pallets on the walls or ceilings or fabric wall coverings apply to the rehab code. Kenney Payne stated his opinion would be that this is an alteration. It references the work area or the IBC. You cannot make it less conforming by what already exists.

Robby Dawson stated that all renovations may not get approved.

Rick Witt said maybe a place in 803.1 should say “changes to any of these either have to meet applicable building codes or the provisions in this section.”

Vernon Hodge stated alterations have to apply with the building code. If you say “not allowed to make alterations unless approved by the building official.” You have to be careful how you word it.

Kenney Payne suggested using existing building code as a starting place. Introduce the definition of alterations in this? What does newly mean?

Sean Farrell stated that in the building code, there is a definition of ordinary repair that relates to interior wall and ceiling finishes. Class C interior wall for ceiling finishes installed which includes A, E and I and replacement of all classes of interior wall or ceiling finishes in other groups. Class C only applies to a couple of use groups. If you are replacing Class C materials, you need a permit. If you are changing a classification you need a permit.

All 803 pending with Rick Witt’s changes

All 804 pending with Rick Witt’s changes

805 Upholstered furniture and mattresses in new and existing buildings.

Consensus FSB edits

805.1.1.2 Heat release rate

1. Exception

Using NFPA 13

2. Exception

Mike Perdue stated it is more dangerous today than in the past. The risk is higher to the occupant.

Consensus FSB edit

805.1.2.2 Heat release rate

Consensus FSB edit

805.2.1.2 Heat release rate

Consensus FSB edit

805.2.2.2 Heat release rate

Consensus FSB edit

805.4.1.2 Heat release rate

Consensus FSB edit

805.4.2.2 Heat release rate

Consensus FSB edit

806 Decorative vegetation in new and existing buildings

No changes

807 Decorative materials other than decorative vegetation

Kenney Payne asked if we made a state amendment to the IBC does this automatically get picked up in the IFC.

Vernon Hodge stated only through the standpoint of the Scope where it says you need to maintain buildings in accordance with the code they were approved under. If they see something that is not being maintained, then they can say you are not maintaining it.

Kenney Payne stated he had a code change under 2009 dealing with these exceptions but I don't see them here, on either side.

Consensus FSB edits

807.3 Combustible decorative materials

Consensus FSB edits

NFPA vs applicable building code

807.5.1.2 Motion picture screens

Consensus FSB edits

807.5.2.1 Storage in corridors and lobbies

Consensus FSB edits

808 Furnishings other than upholstered furniture

NFPA vs applicable building code

Consensus FSB edits

901.1 Scope

Same in both versions.

901.2 Documents

Rick Witt stated that nothing says you are required to keep the documents from an owner's perspective after the building is built. We can get rid of residential in one year and commercial in three years from the date of the co.

Brian McGraw stated a code change proposal has been introduced to require that.

Kenney Payne asked if the term exist means in possession. The reason he asked is they may exist but ours are purged.

Robby Dawson said here is the problem. We are required to maintain the system in accordance with when it was built so how do I get this information.

Kenney Payne stated we don't have a duty to you; we have a duty to our client. There may be confidentiality requirements involved.

Andrew Milliken stated by requiring building owners to give the fire officials building records is critical at times.

Brian McGraw said at what point does the owner assume responsibility for maintaining records of his building and knowing what is in his building?

Andrew Wilson stated we had this exact discussion in this same room about 6 months ago and the consensus after this discussion was this requirement was to provide any documents they had to the fire officials. The building owner needs to know what is in his building. If the building owner can't show us that's the way it was approved, what do we have?

David Creasy stated this is a minimum code and we sit here and argue about these words and we are forgetting about the real purpose. The purpose is to protect lives and property and yet you don't understand the real purpose of these codes.

Vernon Hodge said he doesn't argue that there is some need for finding a way to keep construction documents but you need to understand in Section 901.2 in the IFC is not about existing buildings and construction documents. It was put in the IFC because the IFC is a construction book as well as a maintenance operating book for construction provisions because the fire officials serving as a building official issuing the permit for installation, rehabilitation or modification of any fire protection system. The model code is not applicable in Virginia. That wording was not used for what we are trying to do.

Shaun Pharr stated he doesn't dispute that permits are needed for installation, rehabilitation or modifications and that drawings are required for permit issuing, just can't understand why departments can't resolve this issue.

Andrew Milliken stated he had 2 things, one, for all smoke control systems and fire protection systems, and two, Vernon is absolutely correct except for the fact that Virginia decided to take out the requirement in Chapter 9 of the construction code that says you should coordinate or provide documents to the fire officials. This section is important to say the fire code officials need these documents.

Robby Dawson stated ditto.

Brian McGraw asked how many MOU's I need to write to get access to these plans. Remember I am responsible for 67% of the land mass in the state. It comes back to the issue at what point does a building owner have responsibility to know what is in his building approved and what in his building needs to be maintained and be able to prove it.

David Creasy said we are sitting here talking about something that could happen and there is something here before us that needs dealing with. We need a document that clears this up.

Non-consensus

901.2.1 Statement of compliance

Same in both versions.

901.3 Permits

State amendment

901.4 Maintenance

Pending definition of applicable building code.

901.4.1 Required fire protection systems

Andrew Milliken said there are exceptions that if you have a fire suppression system sprinkler system, you can extend your access to 250’.

Sean Farrell said and the code allows you to discontinue non-required parts so he sees where this is very beneficial.

Robby Dawson said he wants this to stay. The building code needs to be changed to reflect this.

Consensus FSB edits and needs correlation with USBC

901.4.2 Nonrequired fire protection systems

State amendment

901.4.3 Fire areas

Consensus FSB edit with pending definition of building code

901.4.6 Pump and riser room size

Shaun Pharr asked about what is sufficient.

Rick Witt stated some things are problematic such as or replacement without removing elements of permanent construction.

Linda Hale stated it says without removing such elements of permanent construction. You have to be able to maintain it.

Robby Dawson stated the proposed phase language on the left side says they have nothing to help them.

Rick Witt asked if we say “clearances around equipment shall be maintained to allow inspections for repair or replacement.” This gets you to where you want to be.

Andrew Milliken stated an access panel is what we are trying to get to. You need to have an access door for routine inspections or repair.

Consensus FSB edit

901.5 Installation acceptance testing

Pending, need to revisit.

901.5.1 Occupancy

Andrew Milliken stated the building official has the ultimate authority but the fire official can take you to jail.

Kenney Payne is this dealing with initial occupancy or occupancy after it has been occupied?

Rick Witt stated he believes it is post occupancy. The building official can go get an injunction to get someone out of the building. You may want to authorize temporary occupancy.

Sean Farrell said the Scope of the SFPC is for existing buildings that already have occupancy.

David Creasy stated he had an incident where the building official was not there. The building official only comes out during scheduled work times not on overtime.

Andrew Milliken said the fire official has authority to evacuate the premises, issue summons and take strong and effective actions.

Jay Davis gave an example regarding an assembly building and they decided they wanted to have a concert with smoke machines and they turn the system off. They did not get permission from the building official. The fire official found out because it happened at night. Our options are, stop what you are doing, you have violated this section. This is the section he is going to cite for public safety.

Chris Anderson stated this section also applies to vacant buildings that have been vacant for years. People are occupying these buildings without going through the building official, fire official or building or zoning departments. This is the avenue we use until they get systems tested and inspected.

Vernon Hodge said in 901.5 (proposed phase language) was not addressed; it appears to deal with new construction. In existing buildings Chapter 1 of the current fire code has two sections 110.3, 110.4 and 110.5 which clearly deal with evacuation measures. It is different from the model code.

David Creasy stated he didn't think Chapter 1 was their best route. The city attorney would rather you use a chapter like this.

Kenney Payne stated this is about installation testing.

Keith Chambers stated we have used this in accordance with the building dept.

Richard Furr said it is not just installation.

Brian McGraw stated 901.5.1 specifically applies to new buildings or buildings being renovated and the system has not yet been approved by the building official for a certificate of occupancy. It does not apply to Jay's example of the building with smoke machines that would be 901.7. I think this one is important for a building under construction and don't have permission from building official, this gives us a ticket specifically for systems that haven't been completed.

Vernon Hodge stated it depends how you read our state law. He believes the board may be ok with a coordination of the building official and the fire official. The state law says very clearly that the fire code doesn't come into effect until after the building is completed and the certificate of occupancy is issued.

Rick Witt stated we may need to make some changes in 901.5 and 901.5.1.

Andrew Milliken asked that we leave it in there for new construction until we can correct on building construction side. Maybe a code change.

Kenney Payne said we need to be careful in the language.

Pending revisit of 901.5 and 901.5.1 (Rick Witt to work on this)

**901.5.2 Hydrant and fire service main acceptance testing
Consensus FSB edits**

**901.6 Inspection, testing and maintenance
State amendment**

901.7.1 Modifications during impairment

Robby Dawson stated we need something as a reference so this is why we stated modifications during impairment.

Kenney Payne asked if the fire alarm is considered a safeguard.

Consensus FSB edits

901.8 Removal of or tampering with equipment

Consensus FSB edits pending definition of applicable building code

901.8.2 Removal of existing occupant-use hose lines

Consensus FSB edits pending definition of applicable building code

901.9 Termination of monitoring service.

Keith Chambers said if it is not required by the building code they don't have to notify the fire official.

Cindy Davis stated maybe it should say "as required by the applicable building code."

Sean Farrell said he can solve this, 901.4.1 we already accepted this. This code or the building code.

Consensus FSB edits, pending definition of applicable building code

903.1.1 through 903.2.11.1.3

Same in both versions, except FSB version does not have an appendix N

903.2.11.2 Rubbish and linen chutes

Consensus FSB edits

903.2.11.3 through 903.2.11.6

Same in both versions, except FSB version does not have an appendix N

903.2.12 During construction and demolition

Consensus FSB edits

Robby Dawson stated the pointer is Chapter 33.

903.3 through 903.3.5.2

Same in both versions, except FSB version does not have an appendix N

903.3.6 Hose threads

Consensus FSB edits

903.3.7 through 903.3.8.4

Same in both versions, except FSB version does not have an appendix N

903.3.8.5 Calculations

Sean Farrell asked what happens if the water supply is no longer sufficient.

Andrew Milliken said take a look at NFPA 25. It is written to deal with existing buildings.

Consensus FSB edits

903.4 through 903.4.3

Same in both versions, except FSB version does not have an appendix N

903.6 Where required in existing building and structures

State amendment

904.1 General

Same in both

904.1.1 Certification of service personnel for fire-extinguishing equipment

Robby Dawson stated they struck governmental because there was no true governmental agency board that certifies this.

Brian McGraw stated this has nothing to do with acceptance testing.

Rick Witt asked about plumbers.

David Creasy stated they are in the middle of a deal right now. Our folks are certified but we can't certify someone. We are protecting the consumer.

Consensus FSB edit, check for legal authority

904.2 Where permitted

Consensus FSB edits

904.2.1 Restriction on using automatic sprinkler system exceptions or reductions

Consensus FSB edits

904.2.2 Commercial hood and duct systems

Sean Farrell stated we need to revisit because we wanted to broaden the scope in 609.2 but with this section it makes it problematic.

Consensus FSB edit, correlate with 609.2 mobile food trucks. (Pending Rick Witt's re-write)

904.3 Installation

Consensus FSB edit, correlate with 609.2

904.3.1 -904.4.3 delete

Consensus FSB edit (in the appendix vs. not in the appendix)

904.5 West-chemical systems

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.5.1 System test

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.5.2 Fusible link maintenance

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.6 Dry-chemical systems

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.7 Foam systems

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.8 Carbon dioxide systems

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.10 Clean-agent systems

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.11 through 904.11.2.3

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.11.3 Testing and maintenance

Consensus FSB edit (in the appendix vs. not in the appendix) same in both

904.12 Commercial cooking systems

Consensus FSB edit correlate with 609.2 (Rick Witt to re-write)

904.12.1 through 904.12.6.3 Manual system operation

Robby Dawson stated this should apply to all these types of equipment not just food trucks.

Consensus FSB edits pending Robby Dawson and Andrew Milliken's re-write

904.13 Domestic cooking systems in Group 1-2 Condition 1

Consensus FSB edit

Robby Dawson asked to cancel the June 22 Fire Code Edit Meeting due to their not getting past Chapter 9. We are not going to have much ready for June 22.

Cindy Davis asked for any objections, none were received.

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Workgroup 1, 2, 3 & 4 Meeting
Virginia Housing Center
June 13, 2017
Summary Notes

Cindy Davis welcomed everyone and had attendees introduce themselves. Review of code proposals began.

C-102.3(2) cdpVA-15 Proponent: Peter E. Broadbent, Jr. Esq representing Virginia Cable Telecommunications pbroadbent@cblaw.com

2012 Virginia Construction Code
102.3 Exemptions.

Reason: Public comment was submitted by the telecommunications industry through the Department of Planning and Budget's Town Hall. Staff created this proposal using the language in the Town Hall comments and the Town Hall comments are included as an attachment to this proposal. In section 102.3, the language approved by the Board of Housing and Community Development in the proposed regulations is shown modified by the public comment. Public comment also received by Verizon with no suggested changes. <http://townhall.virginia.gov/>

Comments: Jennifer McClellan representing Verizon began with an overview of this proposal. Ms. McClellan stated that the current exemption and the proposed exemption no longer reflect how wireless companies are installing their equipment. The current exemption exempts supporting structures for telecommunications equipment based on who the provider is that is building it. The public utility regulated by the Virginia State Corporation Commission supports structures are exempt. Under the proposal, it switches to the exemption and is based on what services are provided on the equipment of that support structure. It limits that to wired telecommunications and utility companies but wireless services supported on that structure would not be exempt. That was fine when wireless companies almost exclusively placed their equipment on towers. More and more equipment has gotten smaller and they are installing them on the same wooden utility poles that public utility companies, cable companies and wireline companies are using. In particular, the wooden utility poles that you see in the rights-of-way. Under both the current exemption and the proposed exemption, if you have a wooden telephone pole that has a wired cell communications equipment or public utility equipment, it is exempt. If it has solely wireless equipment it is not exempt. There is no actual basis to exempt a wooden telephone pole solely on what company placed it there or what service is being provided over the equipment. In addition, the General Assembly recently passed legislation that will take effect July 1, 2017 that essentially says no locality or VDOT can put any requirements on wireless providers that are unreasonable or discriminatory. It specifically gives an example of the building code. So they submit exempting a wooden telephone pole based solely on the provider that placed it there or the services that are provided over it rather than the nature of the structure itself will violate that section.

They believe the cable association has suggested language that would say if it is a traditional utility pole, it would remain exempt. Not sure how that would be defined, but wireless providers are not in state code at least where they have utility poles defined in this new legislation, it is limited because of the context of that statute to the regulated public utility and wouldn't include wireless. Verizon has proposed, the wooden telephone poles are regulated under the National Electrical Safety Standards and so would suggest support structures that are governed by those standards or wooden support structures and should continue to be exempt regardless of who the provider that installed or what services are provided over the equipment installed on it.

Peter Broadbent with Christian Barton representing Virginia Cable Telecommunications Association (VCTA) members are cable television operators in Virginia providing video, internet and telephone service and other advanced communication services such as remote home monitoring systems. The VCTA is in general agreement with Verizon; we don't think there is a basis of record for creating wireless vs. wireline distinction in regulating structures. Communication systems today and in the future are going to be a mixture of wired and wireline facilities so arbitrarily imposing different burdens on wired vs wireline is not going to be helpful to future broadband or wireless deployment. They agree with Senator McClellan and Verizon that the new Virginia Small Wireless Cell statute will prohibit discrimination and seems clearly on point and applicable to the USBC. There are two regulatory proceedings underway at the FCC designed to remove barriers to broadband and wireless deployment. It will be later this year before the FCC regulations are promulgated; the FCC has clearly signaled its intent to preempt state and local laws and regulations which are a barrier to wireless deployment. Even if any new FCC regulations haven't come down by the end of this year or don't expressly address building codes, interested parties will still be able to petition the FCC and ask that a specific local barrier to wireless deployment be preempted. VCTA doesn't disagree in principal with Verizon that there should be no wired vs. wireline distinction in structure regulation, the VCTA suggests a compromise that traditional utility poles should be treated equally with no building permit required. We think this would address most concerns. The VCTA also has a concern with Section 108 with the exemption from permit application provisions. They need to be updated to reflect current technology and advanced communication services mainly whole home or commercial building monitoring services. The current Section 108 has a carve out that if a component of any nine elements are present, a permit must be required. The VCTA would like to see this clarified to provide the whole home or building monitoring systems are exempt whether or not one of their components is a smoke alarm or door locking system, etc. They don't do smoke alarm installation systems and they don't manufacture the equipment. Most of the VCTA member home monitoring systems are wireless. The chips in the equipment communicate with each other, the monitoring system is plugged in with possibly a battery or generator back-up, but there is generally wired installation of a new home monitoring system. Some commercial buildings may already be wired and the assumption is they are in compliance with NFPA72 requirements the same as telephone lines. If there are legacy home monitoring systems and the homeowner already has a working system but doesn't have it hooked up for remote monitoring, that existing legacy wireline system can be tied into the new wireless system. This consequently can lead to a variety of potential

issues which could lead to local disagreements. The VCTA would urge you to update this portion of Section 108 to reflect current technology service and clarify the whole home or commercial building monitoring systems that are advanced communication services and should be exempt from USBC permit requirements.

Ron Clements stated he has an issue with the new Section 108.2, he read it several times and still not sure what it means.

Andrew Milliken said he would agree and is also concerned. Another thing that concerns him is the reference to NFPA72 suggesting that because there is an element regulated by NFPA72 should exempt it from any permanent requirements. Not sure what the relevance is for referencing NFPA72.

Cindy Davis said based on some of the concerns on both sides of this issue, and that we have another workgroup scheduled for August to hear final proposals, asked if there is a willingness in having a sub-workgroup convene to discuss appropriate language to get to where the proponent wants to go without having unintended consequences.

David Beahm stated VBCOA would support this sub-workgroup on this issue before we take any position.

Cindy Davis asked proponents if they were willing to work with a sub-workgroup. Proponents stated Yes. Ms. Davis asked for a show of hands of stakeholders who would be interested in participating on this sub-workgroup. Andrew Milliken, Ron Clements, Peter Broadbent, Jennifer McClellan, David Beahm, Bill Ferguson with VDOT, Joe Lerch with VACO, Michelle Gowdy with VML, Jo Anne Maxwell with VDOT and Marshall Pearsall.

C-105.2.1 cdpVA-15 Proponent: Debra McMahon
Debra.mcmahon@fairfaxcounty.gov

2012 Virginia Construction Code

105.2.1 Qualifications of technical assistants.

Reason: Qualifications are defined in Section 105.2.1 A change is being proposed to this section that would allow individuals who primarily enforce the requirements of the USBC Chapter 1 through building construction conceptual/administrative processes to obtain the necessary qualifications to become technical assistants.

Comments:

Debra McMahon gave an overview of her proposal.

Sean Farrell stated he received an email from Greg Revels in Henrico County saying he had a problem with this.

Kenney Payne said he believed Greg had a problem with this in earlier workgroups.

David Beahm stated that if the group here has no opposition to it, it should move forward as consensus. Greg Revels only said he had a problem. Let the BHCD decide.

Cindy Davis read the email from Mr. Revels.

Chuck Bajnai asked if he could bring this up at the August meeting.

Cindy Davis stated that if it goes forward as consensus, it is done. He can raise an objection at the board meeting.

Robby Dawson said he would raise an objection to have it carried over to the August meeting.

Pending carry over in August (Greg Revels concerns)

Shaun Pharr said it sounded like he would be here later. We could possibly defer to later in the agenda.

C-108.2(2) cdpVA-15 Proponent: DHCD State Building Codes Office-Vernon Hodge vernon.hodge@dhcd.virginia.gov

2012 Virginia Construction Code

108.2 Exemptions from application for permit.

Reason: This proposal is necessary to give localities flexibility to determine how to address requirements of the National Flood Insurance Program requiring development in special flood hazard areas to be permitted. While zoning or other permits or methods may be used to document such development, should a locality choose to involve its building permit process, this exemption would remove any conflict in the existing permit exemption provision of the code prohibiting such process.

Comments:

Vernon Hodge gave an overview of his meeting with FEMA and DCR.

Mike Toalson asked about adding a definition for special flood hazard area?

Vernon Hodge stated it is already in the code.

Kris Bridges asked if it was a special flood hazard area should be italicized.

Vernon Hodge stated we don't italicize state amendments.

Consensus for Approval

C-109.7 cdpVA-15 Proponent: Brian McGraw, State Fire Marshal's Office
Brian.mcgraw@vdfp.virginia.gov

2012 Virginia Construction Code

109.7 As-Built Drawings

Reason: Conducting inspections of existing buildings to determine compliance with the provisions of the Statewide Fire Prevention Code and the Property Maintenance Code often require knowing what specific Building Code the building was constructed under as well as any modifications that were approved. Such information is often not available on site. Building department records may not be kept indefinitely. By requiring approved as-built drawings to be maintained on the premises, a Fire Prevention Inspector or Property Maintenance Inspector has an accurate standard against which to assess the condition of the building and compliance with applicable code requirements. This requirement reduces or eliminates the "guesswork" associated with determining what was "approved" at the time of construction or renovation. This will greatly enhance an inspector's capability to accurately assess the existence and scope of violations when faced with time sensitive situations such as responding to an after-hours complaint. The current process of removing "unenforceable provisions" from the Fire Code also removes metrics that the Fire Prevention Inspector can use as a starting point for assessing compliance. The Rehabilitation Code allows for work to be performed and systems to be installed in portions of buildings rather than throughout. Maintaining up to date, accurate as-built drawings on the premises allows an inspector to readily identify what has actually been approved.

Comments:

Companion proposal to this on page 249 with a section being added to the fire code Section 511. Says a set of accurate, up to date as-built drawings, as required by the Building code, shall be maintained on the premises at all times.

Chuck Bajnai asked if upon final approval means when you have the certificate of occupancy.

David Beahm stated he thinks it is when the plans are officially approved by the building official.

Steven Sites stated that Brian McGraw will be here at lunch time.

David Beahm expressed disapproval, non-consensus.

Shaun Pharr also expressed disagreement with proposal. It creates an excessive and unnecessary burden on the property owners. Until these as-built drawings are validated, the certificate of occupancy will not be issued and occupancy will not be allowed.

Kenney Payne has concerns with the terminology of as-built, actual, and accurately. Also, not sure what **many** means, usually the cost effect is 50-50.

Robby Dawson stated he is curious with Shaun's opinion of this. What if approved drawings was used instead of as-built? Would this set better?

Kenney Payne said AIA would withdraw our objections.

Rick Fortner said the Virginia Library only requires you to keep drawings for three years. Build out drawings may have a shorter shelf life. The as-built drawings have to look identical to the building and have to be verified at the building site. He is sure this may be helpful to the fire marshal but he sees this as the responsibility of the owner. He is against this.

David Beahm stated with the change in the language there still needs to have some re-write done.

Shaun Pharr said he believes this is still problematic.

Robby Dawson stated he would like this moved to the August meeting and have Brian McGraw get with Kenney Payne and Shaun Pharr to craft different language. Single family home was not the intent here.

Chuck Bajnai asked if a strip center with eight stores have to have these. This is a little vague.

Cindy Davis said she had a problem with the language because the owner doesn't generally stay with the building. The property changes hands and there are no drawings. There are a number of issues to be addressed.

Ned Yost spoke from experience where the retirement community is reconstructing a 2 unit 2 family dwelling and there are on-going discussions about what should be incorporated into that, such as sound proofing, strengthened interior walls and egress. He wants as-built drawings to see if management did what they were supposed to do or promised to do.

Andrew Milliken stated he appreciates the dialogue on this and more discussion is needed. He wanted to emphasize during this code cycle with the fire code being relative to the code in which it was constructed, it is important to do something to facilitate this. We need to validate where things are and what needs to be maintained.

John Walsh stated this is a complicated issue. Part of the fire code regulations beyond public safety is firemen safety. Firemen do not know what has been changed and maybe running into dead end corridors. This is the wrong direction to place it back on the building official. When you build, change, or alter these buildings it needs to be on file with the fire marshal. This is the right idea but putting it on the wrong person. He understands the concept but doesn't like the direction.

Pending carry over in August

Because of a scheduling problem, Mr. Michael O'Connor has asked us to move up a proposal regarding mobile fueling operations.

F-5706.1.1 cdpVA-15

Proponent James Dawson dawson@chesterfield.gov

2012 Virginia Statewide Fire Prevention Code

5706.1.1 Mobile Fueling Operations

Reason: Submitted on behalf of the Fire Services Board Code Committee. This replaces a previous proposal submitted to modify Section 2304. Mobile fueling operations are emerging as a service that is already prohibited by this code, however, the clarity of the provisions are buried well inside of sections and sub-sections of this chapter...

Michael O'Connor gave an overview along with distributing a handout for clarification.

Cindy Davis stated she apologized for this and wanted to clarify that Robby Dawson is the proponent of this proposal and that Michael O'Connor wanted to speak on this proposal.

Robby Dawson said he met with Mike O'Connor to discuss this issue. Robby has recently attended a program in Boston on NFPA. California has crafted new language to the NFPA documents and standards as well as the 2018 IFC which carves out a message under which this could take place. He had thought about bringing this in but it would create a violation of the state law.

Mike O'Connor stated that a company named Sip fuel began operation last November in Loudoun County. The fire marshal did an investigation and issued a cease and desist order in December because of this specific prohibition.

David Beahm stated he still raises the question for farm vehicles. He disagrees the way it was written because it would reach out to portable tanks and non-portable containers on a farm vehicle to fuel a vehicle at a construction site or a farm site.

Robby Dawson said neither of these scenarios is covered because this is from a vehicle on a highway.

Mike O'Connor said the difference is that farm vehicles are untaxed.

David Beahm stated the way it is written you cannot use that tank to fuel a vehicle that is sitting on a site that is registered for a highway. This happens on a daily basis. He opposes it in the state code but not in the fire code.

Mike O'Connor asked what the building codes opposition was. He doesn't understand the objection.

David Beahm said if it is in the state code it doesn't have to be duplicated in the fire code.

Cindy Davis said we will move forward as non-consensus or work on language and carry over to August.

Andrew Milliken asked if we add farm vehicles to the exception, would anyone have any problems.

Andrew Smith stated he believed this was a legitimate concern.

David Beahm asked the definition of a farm vehicle. He doesn't believe putting an exemption in there for farm vehicles is going to be sufficient because of the definition.

Robby Dawson stated he would like to add new language for farming, make sure it is acceptable to David Beahm and bring it back in August.

Pending carry over in August (working on new language with David Beahm)

C-113.7.1(2) cdpVA-15 Proponent: Michael Redifer
mredifer@nvva.gov

2012 Virginia Construction Code

113.7.1 Third-party inspectors.

Reason: Proposal C-113.7.1(1) cdpVA-15 has advanced through Workgroup 1 with concerns for approval. The original proposal provides the building official with the ability to establish mandatory third-party inspections but limits the authority to elevators, escalators, chairlifts, dumbwaiters and similar conveyances. Considering that some local building officials may be faced with resource restrictions , this revision is brought forth to allow for the third-party approach for all inspections.

Comments:

Ron Clements gave an overview in the absence of Michael Redifer.

Shaun Pharr stated he was reluctant with this. He said it strikes him unfair to pay for 3rd party inspections.

John Walsh stated he believed Michael Redifer put in the same proposal under the Maintenance Code for 3rd party inspectors.

Michael Toalson stated he was concerned about this. Typically when you pay permit fees this is what the fees are for.

Luke Richardson stated with the amusement device inspections, the locality is responsible for providing 75% of the permit fee but the provision with the 3rd party inspectors they can only collect 25%.

Allison Cook stated that Amusement Device fees have become very problematic with many jurisdictions. She wouldn't specify any dollar amounts or percentages.

Pending carry over in August

C-116.4 cdpVA-15 Proponent: Andrew Milliken
Amilliken@staffordcountyva.gov

2012 Virginia Construction Code:

116.4 Issuance of certificate for pre-USBC buildings or other existing structures.

Reason: The purpose of this proposal is to assist Building Officials and Fire Officials with issuing certificates of occupancy for existing buildings where no record of such documents are available. Since the Fire Prevention Code edit is highlighting the fact that buildings are to be maintained to the Code at which the building was constructed, it is absolutely critical that owners, occupants, Fire Officials and Building Officials have an accurate and valid occupancy permit for every existing building. This proposal builds on existing language in place for Pre-USBC buildings and expands it to include situations where not record or a copy of an occupancy permit is available.

Comments:

Andrew Milliken gave an overview of his proposal.

David Beahm stated on his proposal there is no cost impact, however who will be paying the fee?

Andrew Milliken stated it depends on the locality.

Shaun Pharr stated there is a dilemma here. The building official can't issue the requested change of occupancy if there are Maintenance Code or Fire Code violations.

Sean Farrell asked how the locality determines there are no current violations. He stated an inspection does cost.

Vernon Hodge gave a history of this provision. No justification for changing this. This possibly could be an option.

David Beahm stated he could only speak for his jurisdiction. He stated if his fire marshal comes to him and asks what building code this comes under, he will let them know and if necessary, go to court with them. The fee we charge is \$100.

Allison Cook stated we are not the only ones that go out. Zoning and probably 5-6 other people also go out.

Andrew Milliken stated he would rather the fire marshal speak with the building official. He stated he can work with Vernon on language.

David Beahm said that would be acceptable.

Sean Farrell stated to both Robby Dawson and Andrew Milliken during the transition 1973 to 1980 not all localities came on board. Prince William County only has post 1980 through 1990 records which are spotty. During 1973-1990 the records are questionable. Add the transition period in this language.

Robby Dawson stated Prince William is a progressive community. There is a huge divide where those records exist. If he doesn't have a document that says the building was built under a certain version of the USBC, which version of the USBC do I use?

David Beahm stated no one has brought up accessory structures that don't require official certificate of occupancies. The final inspection is to serve as the certificate of occupancy. Then you get into problematic of other buildings, do they have a certificate of occupancy?

Vernon Hodge gave a history of what happened in the past for pre-USBC buildings. Maybe Andrew Milliken can look at it again and carry this over until August.

Kenney Payne suggested if this moves forward, the heading should be written for pre-USBC or other existing building structures.

Pending carry over in August (Andrew Milliken will work on it)

C-202 cdpVA-15 Proponent: Shahriar Amiri, representing Arlington County
samiri@arlingtonva.us

2012 Virginia Construction Code

Reason: Justification: with the rise of housing and real estate prices and the need for elderly to be able to age in place, it becomes necessary for some households to create independent living facility for elder parents or as a source of income for rental purposes. This change is not intended to replace the requirements established for two-dwelling units which is characteristically different than an accessory dwelling unit. The intend of this section is to use part of dwelling such as a finished basement and be able to use it for elderly or as a rental living arrangement.

Comments:

Consensus for Disapproval.

CB-202(1) cdpVA-15 Proponent: Arthur Berkley, representing Isle of Wight County
aberkley@isleofwightus.net

2012 Virginia Construction Code

Reason: There is currently no definition in the code providing a definition of a farming operation although the term is utilized in the definition of a farm building or structure. This leads to confusion and an inability to effectively define a farm building or structure eligible for the exception to permitting found in Chapter 1, Section 102.3. This definition, based on the definition contained in Title 25, Chapter 25.1, Section 25.1-400 Definitions of the Code of Virginia, provided a clear understanding of the activities that would comprise a farm operation. I have included the full definition referenced above for information purposes.
25.1-400 Definitions: "Farm Operations means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for home sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support"

The addition of this definition will give a clear understanding of the intent of the code is to provide an exemption to legitimate farm operations and farmers.

Comments:

Andrew Smith gave an overview of Arthur Berkley's proposal in his absence. He said he was going to withdraw this proposal.

Consensus for Disapproval

CB-717.6.2.2 cdpVA-15 Proponent: Thomas Clark representing VPMIA/VBCOA, PMG Committee tdclark@pwcgov.org

2015 International Building Code

717.6.2.2 Equipment shutdown

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. A proposal was approved with this language for the International Mechanical Code. This proposal duplicates the language in the International Building Code.

Comments:

Mr. Clark gave an overview of his proposal. This mirrors the exact language as in the Mechanical Code.

Consensus for Approval

CB-903.2.4 cdpVA-15 Proponent: Emory Rodgers
Errpp1242@verizon.net

2015 International Building Code

(F) 903.2.4 Group F-1

Reason: This proposal is to correlate with the Virginia amendment in the 2012 VCC for Group M. Fire driving this change was improperly built without separation and permits. If it remains it penalizes owners of factories built to code. VA fire data doesn't support.

Comments:

Kenney Payne asked since Emory Rodgers could not be here, carry over to August.

Pending carry over in August

CB-905.2 cdpVA-15 Proponent: Christopher Born
cborn@clarknexsen.com

2012 Virginia Construction Code

(F) 905.2 Installation standard

Reason: When originally written for the 2000 VUSBC, this change was intended to capture the allowance of NFPA 14 that permitted manual wet standpipe systems. However, the exception only mentioned pressure and not volume. Therefore, the VUSBC actually addressed something that was already in part in NFPA 14 (elimination of the minimum residual pressure), it technically required a minimum volume be automatically delivered to the hose valves. In other words, while NFPA 14 allowed elimination of pressure and volume requirements for buildings of up to 75 feet; the VUSBC eliminates the pressure requirement for buildings up to 150 feet while still always requiring that the volume be automatically delivered. This can result in fire pumps being required in some cases when that wasn't the intent.

Additionally, as currently written the exception technically does not require any minimum pressure, even when the system is supplied through the fire department connection. This change will clarify that the system must always be capable of satisfying the hydraulic requirements when supplied through the FDC, and indicates that the fire code official shall be consulted regarding the capabilities and standard operating procedures of the fire department.

Comments:

Vernon Hodge gave an overview of this proposal and stated this is a state amendment.

Andrew Milliken spoke in favor of this proposal.

Ron Clements asked if we still needed this state amendment any more. Can't we just revert back to the IBC and have this deleted?

Steve Skalko is to contact Christopher Born regarding deleting the state amendment and going with the 2015 language.

Pending carry over in August

CB-912.3 cdpVA-15 Proponent: James Dawson, representing VFSB
dawsonj@chesterfield.gov

2012 Virginia Construction Code
(F) 912.3 Access

Reason: This proposal clarifies the section to require the provision of access at time of Certificate of Occupancy and removes maintenance requirements which are not within the scope of the USBC.

Comments:

Robby Dawson gave an overview of this proposal. This is a fire code function and not a building code function. Striking maintenance language and adding provided.

Consensus for Approval

CB-1011.16 cdpVA-15 Proponent: Kenney Payne, representing AIA Virginia
kpayne@moseleyarchitects.com

2015 International Building Code

1011.16 Ladders

Reason: The deleted #6 is not an "area" (note the end of 1011.16 which says, "... to the following areas."). How to construct a ladder is not an "area." If it needed to stay, it should be located within 1011.16. However, requiring such ladders to be constructed per IMC 306.5 creates conflicts with standard ladders used for other locations...

Comments:

Kenney Payne gave an overview of this proposal.

Robby Dawson stated he didn't disagree with Kenney's logic; however, if there are no standards existing, what are the standards the inspector uses?

Rick Fortner stated he had not personally had this situation as an issue.

Kenney Payne stated creating a code modification is not the answer. I want to meet the code.

Tom Clark asked how this ended up in the Mechanical Code. Why can't we take it out of the Mechanical Code and move it here where we need it?

Consensus for Approval

CB-1704.2 cdpVA-15 Proponent: Special Inspections Sub-workgroup (of DHCD's WG Two)
DHCD Staff Contact: Vernon Hodge vernon.hodge@dhcd.virginia.gov

2012 Virginia Construction Code

1704.2 Special inspections.

Reason: DHCD initiated a sub-workgroup to address the threshold for requiring special inspections since it was discovered that there is non-uniform application of the existing provisions across the state. The sub-workgroup members were provided with the history of the Virginia amendments to the special inspection threshold provisions. This consensus proposal re-addresses the minor work exception (Exception #1) to allow the local building official to determine whether they have the staffing necessary to perform special inspections or whether special inspections are necessary for a particular project. In addition, the proposal changes the threshold exception (Exception #2) to eliminate the need for determining whether professional design is required for a building or structure as the basis for determining when special inspections are required since that leads to non-uniform application of the provision. Instead, the sub-workgroup members agreed to provide a threshold based on size and height to eliminate confusion. The threshold was based partly on other states' thresholds and on a threshold for smaller projects with materials and construction techniques typically familiar to the local inspector.

The changes are shown to the 2012 Virginia Construction Code text. The editorial changes approved by the Board of Housing and Community Development to correlate the state amendments with the 2015 International Building Code language are not affected by the proposal and it's understood that DHCD staff would correlate both.

Organizations represented in the sub-workgroup were:
Virginia Building and Code Officials Association
Virginia Association of American Institute of Architects
Building and Office Managers Association
Virginia Apartment Managers Association
Virginia Society of Professional Engineers

Comments:

Vernon gave an overview of this proposal.

Chip Dicks stated on behalf of Lamar Advertising, the issue is for minor repairs that don't affect the force load and asked if there was any reason for a special inspection? Basically for minor repairs that doesn't affect the force load, the existing code clarified in special inspections aren't necessary.

Consensus for Approval

CB-3307.2 cdpVA-15 Proponent: Andrew Milliken
amilliken@staffordcountyva.gov

2012 Virginia Construction Code

3307.2 Protection of Adjacent Occupied Areas

Reason: This proposal seeks to provide enforcement language for the Building Official to ensure that vacant spaces or areas undergoing construction/demolition in occupied and operating buildings have the minimum partitions and separation between occupied and unoccupied areas. This code addition originated with the deletion of the vacant tenant language for covered malls that was located in the Fire Prevention Code. It recognizes the importance of separation for the safety of occupants but also that any construction partitions should be consistent with the existing type of construction for the building.

Comments:

Andrew Milliken gave an overview of his proposal.

Kenney Payne asked would this include buildings under-going alterations. Would the adjacent occupied space have to move out?

Andrew Milliken stated there would be protection for the occupant staying.

Robby Dawson stated it was not relevant about shelving, just resetting furniture.

David Beahm stated he agreed with Robby about the shelving. This is completely separate, and if so, thinks it would be much more amenable.

Andrew Milliken said maybe we should add, shall be physically separated and secured. He will work on language by changing completely to physically.

David Beahm stated make changes and carry over to August.

Rick Fortner stated shall be physically separated and secured from the remainder of the occupied building. As opposed to by construction that is consistent with the existing type of construction. Personally he would leave up to the building official.

Sean Farrell stated the concern you are hearing is, if he was repairing or replacing a fire rated assembly, this tells him he would have to build a fire rated assembly in order to repair one. Work on language and come back in August.

Pending carry over in August

CE-C402.4.3 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD's Workgroup Two)
DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2015 International Energy Conservation Code Table C402.4

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...

Comments:

Richard Potts gave an overview of this proposal

Consensus for Approval

CE-C403.2.6.3 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD’s Workgroup Two) DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2015 International Energy Conservation Code

2015 International Mechanical Code

401.2 Ventilation required.

Reason: See proposal

Comments:

Richard Potts gave an overview of this proposal. Members on the sub-workgroup included participants from HBAV, HBAR VBCOA. Some include the stakeholders present in this meeting. Philip Agee with Viridian, John Ainslie with HBAV, David Beahm with VBCOA, K.C. Bleile with Viridian, Bruce Cornwall with VBCOA-Energy, Andrew Grigsby with LEAP/VAEEC, Chelsea Harnish with VAEEC, Eric Lacey with RECA, Michael Moore with Newport/Broan-Nutone, Rich Napier with HBAV, David Owen with HBAV, Shaun Pharr with AOBA, J.M. Snell with HBAV, Don Surrena with NAHB, Mike Toalson with HBAV, Matt Waring with Viridian, Matt Westheimer with VBCOA and Rick Witt with VBCOA.

Sean Farrell stated to move forward as consensus for approval.

Consensus for Approval

CE-R401.2 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD’s Workgroup Two) DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2015 International Energy Conservation Code

R401.2 Compliance

2015 International Residential Code

N1101.13 (R401.2) Compliance

Reason: This proposal helps clarify the four compliance options that should be available to builders under Virginia's version of the 2015 IRC/IECC. It does not change any of the requirements in the base code...

Comments:
Consensus for Approval

CE-R402.2.4 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R402.2.4 Access hatches and doors.

Reason: This amendment would bring Virginia's USBC into alignment with the 2012 and 2015 model energy codes. New home occupants in Virginia deserve to have homes that meet what has been the national standard for our climate zone for the last 5 years.

If Virginia had adopted the 2012 IECC without modification, the average new home buyer from 2015 would already have saved more than \$650 according to DOE analysis – even after accounting for the increased down-payment and mortgage costs. But Virginia slashed the great majority of the 2012 improvements – and so the bulk of that \$650 was just wasted.

In the 2012 cycle, Virginia opted against the 2012 IECC's requirement that pull-down attic stairs and vertical access doors (such as into a side attic or conditioned crawl) be insulated to the same R-Value as the surrounding area. This amendment remedies that and provides new home buyers in Virginia with a more cost-effective building envelope.

Comments:
Withdrawn

CE-R402.4.1.2 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code (DHCD Staff Note: Proponent confirmed corresponding changes to be made to IRC energy provisions.)

R402.4.1.2 Airsealing

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. One can only know the actual air changes per hour if we test. It is untenable to ask a building official to sign off on a CO - which is his statement to the buyer that reasonable effort has been made to confirm that the home meets the standards in the code - when he actually has no data on the homes air changes per hour - and that data is readily available. It makes the code official vulnerable to lawsuits. Montgomery County, VA has been requiring the blower door test for several years. Fourteen other states require it. This is a basic quality assurance test that is a win for quality and efficiency. It's not

expensive. There are trained folks all over the state. Without the results of the blower door test, the ventilation system will either be over- or under- ventilating the home, resulting in either efficiency or health being compromised.

Comments:
Withdrawn

CE-R402.4.1.3 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R402.4.1.3 Leakage rate (Prescriptive)

Reason: This amendment would bring Virginia's USBC into alignment with the 2012 and 2015 model energy codes. New home occupants in Virginia deserve to have homes that meet what has been the national standard for our climate zone for the last 5 years.

A home that is properly built to minimize unintended infiltration and exfiltration and provided with modern ventilation (as is already required by the USBC) is more energy efficient, more comfortable, more durable, and healthier. It makes no sense to rely on random leaks through walls, floors, ceilings to provide "fresh" air for a home - we have operable windows and mechanical ventilation to do that.

The 3 air changes standard was part of the collection of efficiency improvements included in the 2012 IECC that the US Department of Energy deemed "cost-effective". Researchers at DOE national labs calculated a simple payback of 5.2 years and net positive cash flow in less than 2 years for Virginia homes built to the 2012 IECC relative to the 2009 USBC, on average.

Comments:
Withdrawn

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

2012 Virginia Energy Conservation Code (DHCD Staff Note: Proponent confirmed corresponding changes to be made to IRC energy provisions)

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. It makes no sense to ask an inspector to crawl around the entire system hunting for leaks. Usually that's physically impossible. The only evaluation that gives results that can be compared against an objective standard is an actual pressure test. Otherwise, there is no standard. I have tested many systems that failed the pressure test. Some even fail it twice. It is untenable to ask a building

official to sign off on a CO - which is his statement to the buyer that reasonable effort has been made to confirm that the home and its systems meet the standards in the code - when he actually has no data on how the duct system performs - and that data is readily available. It makes the code official vulnerable to lawsuits.

Comments:
Withdrawn

CE-R403.2.2.1 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R403.2.2.1 Testing option.

Reason: This amendment would bring Virginia's USBC into alignment with the 2012 and 2015 model energy codes. New home occupants in Virginia deserve to have homes that meet what has been the national standard for our climate zone for the last 5 years.

Duct leakage to unconditioned attics, crawlspaces, etc. is abject waste. It's like a leak in your car's gas tank - except that you can't see it. You just pay for it, year in and year out. Further, the leaks create disruptive imbalances in airflow: supply leaks in an attic drive a home to go into a negative pressure – pulling outside air in through random leaks. Return leaks in an attic suck in scorching, dirty air on July afternoons. Leaks in conditioned space mean that the air isn't getting to the registers as intended, leaving rooms uncomfortable. A 3 ton air conditioner that normally can cool a home in July can't if it's sucking in too much 120 degree attic air rather than recirculating the already conditioned air. Plus, that dust from the attic lands on coils and fans making them even less efficient. Then the air conditioner runs even longer and the electrical grid has to meet that unnecessarily high load and everyone's utility bills go up when the power company has to build a new peaking plan because of all of those straining air conditioners. So leaky ducts increase residents' costs, hurt indoor air quality, damage residents' equipment, compromise comfort, and strain our whole energy system. Don't buyers of new homes, and all of us, deserve something as simple as ducts that don't leak?

The 4% duct leakage standard was part of the collection of efficiency improvements included in the 2012 IECC that the US Department of Energy deemed "cost-effective". DOE researchers at the national labs calculated a simple payback of 5.2 years and net positive cash flow in less than 2 years for Virginia homes built to the 2012 IECC relative to the 2009 USBC, on average.

Comments:
Withdrawn

CE-R403.3.3 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD's Workgroup Two)
DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2012 Virginia Construction Code
113.7 Approved inspection agencies.

2015 International Energy Conservation Code

Reason: This proposal is submitted as a consensus proposal from the sub-workgroup on energy of Workgroup 2 of the Department of Housing and Community Development's workgroups for the development of the 2015 edition of the Virginia Construction Code.

The purpose of the proposal is to incentivize the use of the Energy Rating Index (ERI) provisions of the 2015 IECC with the added allowance from the ICC code development process for the 2018 IECC which permits on-site renewable energy to be included in the ERI calculations and raises the energy rating index score by eight points (from 54 to 62) to encourage the use of the ERI method. Tradeoffs agreed to by the sub-workgroup members for the use of enhanced ERI method were the deletion of the visual inspection option for duct testing for all buildings regardless of the compliance path chosen, with the clarification that the licensed mechanical contractor installing the mechanical system may perform the duct testing, and that the backstop for thermal performance when renewables are included would be the 2015 IECC levels. Without the use of re-newables, the backstop is the 2009 IECC levels (as set out in Section R406.2 of the 2015 IECC)....

Comments:

Consensus for Approval

CE-R405.5.2 cdpVA-15 Proponent: Eric Lacey, representing Responsible energy Codes Alliance eric@reca-codes.com

2012 Virginia Energy Conservation Code (DHCD Staff Note: Proponent confirmed corresponding changes to be made to IRC energy provisions)

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.

Comments:

Andrew Grigsby gave an overview of his proposal.

Mike Toalson stated that home builders object to this on the basis of fairness. If you have a home in Virginia with less than 15%, there is no credit. We object to this.

David Beahm stated as a building official he objects to this.

Non-Consensus

CR-R202 cdpVA-15 Proponent: Ross Shearer
rsshearer@cox.net

2012 Virginia Residential Code

Reason: There is evidence of confusion over the language of the code where it provides that buildings "should be permitted to be constructed...at the least possible cost". The aim of "least possible cost" is inclusive of the costs of a building's use by its owner or tenants. The biggest use cost is a building's energy cost. To permit to least cost on energy requirements, the process must incorporate energy conserving designs that are cost effective.

The requirements of §36-99 provide that the provisions of the Building Code shall protect the welfare of the residents of the Commonwealth. It provides further that building to the least possible cost should be consistent with recognized standards for energy conservation which includes a building's requirements and costs for heating, cooling, lighting and humidity control. Also, §36-99B requires the Board have "due regard" for generally accepted standards as recommended by nationally recognized organizations, including the International Code Council (ICC). The International Energy and Conservation Code (IECC) is a product of the ICC....

Comments

Vernon Hodge said this is a statutory requirement; we need to have our legal counsel look at this.

Consensus for Disapproval

CR-R303.5.1 cdpVA-15 Proponent: Mike Moore, representing Broan
mmoore@newportventures.net

2015 International Residential Code R303.5.1 Intake openings

Reason: Combined intake and exhaust terminations are regularly installed with heating and energy recovery ventilators (H/ERVs) used for dwelling units. Their use reduces building penetrations, labor, and associated system costs. By reducing the number of penetrations, air leakage can also be reduced, resulting in space conditioning energy savings. Further, the durability of the structure can be improved through reducing entry pathways for bulk water. Manufacturer tests have demonstrated that minimum cross-contamination of airflow results from these terminations. The 10% cross contamination metric is based on language in ASHRAE 62.2 that approves combined intake and exhaust terminations that are self-verified by manufacturers to meet this specification. By adding a requirement for listed performance in this proposal, we build in organizational oversight to ensure that the terminations do in fact perform as expected.

Within ASHRAE 62.2 and ASHRAE 62.1, no standard is cited for determining cross-contamination of intake and exhaust streams, because none yet exists; similarly, there is currently no industry listing for these units. However, in speaking with members of the Home Ventilating Institute, the gap in standards and listings for performance verification of combined intake and exhaust terminations exists primarily because the code does not provide a path for compliance. If Virginia agrees to approve listed combined intake and exhaust terminations that meet a performance specification, then I expect that the performance verification standards and listings of these products will soon follow.

Comments:

Mike Moore gave an overview of this proposal

Tom Clark asked if he stated there wasn't anything on the market that was listed out there as a combined intake and exhaust?

Rick Fortner said there is a provision in the code for alternative methods.

John Walsh said it is not on us.

Mike Moore asked for direction from the building officials in the room saying that this would be considered or would be welcomed if listed and verified?

David Beahm stated if it is listed, the majority of the officials are going to utilize this. If it is properly listed, the investment is part of the industries responsibility. It should be approved by the normal process.

Shaun Pharr said the energy sub-workgroup agreed to a mechanical ventilation requirement. This particular proposal would help that and Mike Moore gave an overview of this.

Ron Clements stated the ICC Evaluation Services would be happy to work with you.

Consensus for disapproval

CR-R313.1 cdpVA-15

R313.1, R313.2 Proponent: Ned Yost

nedjanet@gmail.com

2012 Virginia Residential Code

R313.1 Townhouse automatic fire sprinkler systems.

R313.2 One-family and two-family dwellings automatic fire sprinkler systems.

Reason: Summary Statement: Code requirements for life safety measures to protect elderly residents living independently in one and two-family dwellings designed or developed and marketed to senior citizens 55 years of age or older do not address the life safety risks to which such older residents are exposed...

Comments:

Ned Yost gave an overview of his proposal. Several chapters added their letters of support for this proposal. Staff indicated the supporting documents would be added to cdpVA.

Mike Toalson stated that he objects to this because every occupant has the option to add the automatic fire sprinkler system. You can also retrofit your home. To mandate on all 55 plus communities would be opposed by the home builders because it is not necessary.

Robby Dawson stated that we have a real issue of aging in place; some of these dwellings are not equipped to handle fire. Smoke alarms only give you a heads up, the escape time is only 3

minutes. Robby took it upon himself to craft an alternative proposal that has not been submitted which adds more consistent code language.

Mike Toalson stated since Mr. Dawson said this was a national code, there are only two states that have adopted this, California and Maryland. This would be a mistake.

Mr. Yost stated when deciding on a retirement community, the principle decisions are location, proximity to family, and then you investigate which communities are there vacancies. Sprinklers never entered into the discussion. A fire in one of his cottages brought it home. He is talking about only new construction. Existing structures would not be covered. We are talking about senior citizens being at risk in retirement communities.

David Beahm stated he would also oppose this.

Andrew Milliken and Kenney Payne will work on language.

Non-Consensus

CR-R404.1.9.2 cdpVA-15 Proponent: Charles Bajnai, representing Chesterfield County and the VBCOA IRC Committee bajnaic@chesterfield.gov

2015 International Residential Code

R404.1.9.2 Masonry piers supporting floor girders.

Reason: The requirement that all interior girder lines have to be constructed of 12" x 12" x12" cmu was submitted by the NAHB approved in the 2012 IRC. Gary's proposal does not consider smaller cmu sizes for shorter piers - which are typical in many crawl spaces.

Section R404.1.9 allows isolated, solidly filled masonry piers to be constructed with a nominal height of 10 x the nominal "thickness".

Section R404.1.9.2 changes the verbiage slightly and says that the piers for interior girder lines are required to *have a minimum nominal dimension of 12"* (that means a minimum of 12"x12"x12" cmu) and a maximum height of 10 feet (i.e. 10x nominal thickness). The text offers nothing for shorter piers which are typical in most houses. This proposal is intended to allow for 8 x 16 x 8" tall cmu having a height of 80 inches.

Comments:

Chuck Bajnai gave an overview of his proposal.

Steve Skalko asked what you meant by thickness?

Pending carry over in August (Chuck Bajnai will work with Steve Skalko and Kris Bridges on new language and bring back at August meeting)

CTE-725 cdpVA-15 Proponent: Kurt Clemente

kclemente@clarknexsen.com

2701.1.1 Changes to NFPA 70.

Reason: Power-over-ethernet technologies have advanced in capability, exceeding the safety parameters of the National Electrical Code for Class 2 and Class 3 power-limited circuits. While power-limited, the five-fold increase in power transmission capability of power-over-ethernet combined with permitted practices of Class 2 and Class 3 cable bundling in construction may result in conductor heating exceeding the ratings of telecommunications cable insulation. Typical telecommunications cable installation practice can bundle 50, 100, or 200 cables in various ambient temperatures including conditioned, unconditioned, and exterior (attic) locations. Legislative controls for power-over-ethernet applications for bundled telecommunications cables is necessary for safety.

Comments:

Consensus for Disapproval

CTM-401.4 cdpVA-15 Proponent: Mike Moore, representing Broan-NuTone
mmoore@newportventures.net

2015 International Mechanical Code 401.4 Intake opening location

Reason: Combined intake and exhaust terminations are regularly installed with heating and energy recovery ventilators (H/ERVs) used for dwelling units. Their use reduces building penetrations, labor, and associated system costs. By reducing the number of penetrations, air leakage can also be reduced, resulting in space conditioning energy savings. Further, the durability of the structure can be improved through reducing entry pathways for bulk water. Combined terminations are regularly approved and installed in single family and multifamily dwelling units across the country, and manufacturer tests have demonstrated that minimum cross-contamination of airflow results from these terminations. The 10% cross contamination metric is based on language in ASHRAE 62.1 that limits cross contamination of exhaust and supply streams to 10% for "air with moderate contaminant concentration, mild sensory-irritation intensity, or mildly offensive odors"; a similar exception exists in the IMC, Section 514.4....

Comments:

Mike Moore gave an overview of his proposal

Pending carry over in August (303.5.1 move from Consensus of disapproval to Pending in August)

CTP-1106.2 cdpVA-15 Proponent: Chett Reynolds, representing VPMIA
creynolds2@pwcgov.org; Thomas Clark, representing VPMIA/VBCOA PMG Committee
tdclark@pwcgov.org

2015 International Plumbing Code

Reason: Roof drain manufacturers are behind on producing flow rates.

Comments:

Chett Reynolds gave an overview of his proposal. He is proposing to keep the 2015 for sizing of storm drains and keeping the 2015 Virginia Plumbing Code the same as the 2012.

Consensus for Approval

CTS-305.2.4 cdpVA-15 Proponent: Robert Adkins, representing Prince William County
radkins@pwcgov.org

2015 International Swimming Pool and Spa Code

305.2.4 Mesh fence as a temporary barrier

Reason: To identify mesh barriers as temporary barriers and not permanent.

Comments:

Withdrawn

CTS-305.2.9 (2) cdpVA-15 Proponent: David Bridges
kbridges@ci.martinsville.va.us

2015 International Swimming Pool and Spa Code

305.2.9 (Exception)

Reason: Maintaining the clear zone around the pool barrier is an integral layer of protection that needs to be in place. Given the issues involved with the TRB ruling, this would at least ensure there is a consideration for property issues while maintaining some level of protection.

Comments:

Kris Bridges gave an overview and stated the alternative would be a 6' barrier. There are at least two building officials that are allowing this now. He didn't see any reason to not have a clear zone on a public pool.

Kenney Payne asked if residential pool was defined.

David Beahm spoke in opposition to this.

Kris Bridges said the 6' barrier does come out of some studies such as A Safe Child.org which was the organization that did the testing.

Rick Fortner spoke in support of this 6' barrier in this proposal.

Ron Clements asks for non-consensus.

Chuck Bajnai and David Beahm said they both agreed.

Vernon Hodge gave an overview of the property line issue.

Kenney Payne agreed that we shouldn't write code for HOA's, however, some HOA's won't even agree to a 4' fence.

David Beahm stated to bring it forward in August for change.

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

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued an appropriate certificate of occupancy.

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. Fire code applied base on Certificate of Occupancy, as approved by building official, thus when use changes, need new Certificate of Occupancy as document changed use allowed by building official.

Comments:

Consensus for disapproval

F-107.2(2) cdpVA -15 Proponent: James Dawson
dawson@chesterfield.gov

2012 Virginia Statewide Fire Prevention Code

Table 107.2

Reason: Because of an increased use of mobile food preparation vehicles and a commensurate increase in fire incidents involving such vehicles, this proposal was created to address the commercial use of mobile food preparation vehicles. This proposal is preferred over the Emory Rodgers proposal as it incorporates the Public Comment changes submitted and approved to the IFC, and addresses two critical operational issues which have been captured by the NFPA National Model Code....

Comments:

Robby Dawson gave an overview of this proposal. This is close to the 2018 language except about seating in the vehicle. Apply 2018 language locally.

Consensus for Approval

F-107.2 (3) cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2015 International Fire Code

Table 107.2 Operational Permit Requirements

Reason: Work under a construction permit needs to comply with fire code on hot works safety regulations. Building code does not cover safety regulations of fire code on hot work; including distance to combustibles....

Comments:

William Andrews gave an overview of this proposal.

Robby Dawson said we should remove the exceptions.

Kris Bridges asked isn't this under OSHA?

Vernon Hodge gave alternatives.

Consensus for disapproval

F-107.11 cdpVA-15 Proponent: Steven Sites
Steven.sites@vdfp.virginia.gov

2012 Virginia SFPC

107.11 State Fire Marshal's office permit fees for explosives, blasting agents, theatrical flame effects, and fireworks.

Reason: To more accurately recover actual costs incurred by the agency during the application review process and the field inspection and oversight of explosives and fireworks use. The actual costs incurred by applicants could be reduced during a fireworks display when adverse weather forces the cancellation which results in a smaller fee from less time.

Comments:

Steve Sites gave an overview of his proposal. This is being done in northern Virginia now.

David Beahm gave an opposition to this. The hourly fees were astronomical in northern Virginia. He has been subject to these in Fairfax.

Andrew Milliken stated the hourly rate is already in the SFPC 107.12.

Steve Sites asked if we should take out the hourly rate.

Pending carry over in August.

F-112.5 cdpVA-15 Proponent: William Andrews representing City of Richmond Fire Marshal's Office william.andrews@richmondgov.com

2012 Virginia Statewide Fire Prevention Code

112.5 Application for appeal.

Reason: Since this fire code is not applicable in the design and construction of buildings or structures, should delete such from this section also. Appeals needs to also apply to activities regulated by the fire code. Activities might not involve a building or structure, such as fireworks in an open field or discharge of hazardous material from a vehicle.

Comments:

William Andrews gave an overview of this proposal.

Robby Dawson stated he doesn't mind leaving "or activity".

Vernon Hodge gave an overview of appeals.

Consensus for Approval with design and construction un-stricken and activity added.

F-301.3 cdpVA-15 Proponent: Andrew Milliken
amilliken@staffordcountyva.gov

2012 Virginia Statewide Fire Prevention Code

301.3 Occupancy.

Reason: An accurate and valid certificate of occupancy is crucial to proper enforcement of the Fire Prevention Code provisions. This proposal adds language to direct an owner or representative to obtain a copy of the certificate of occupancy from the Building Official where it is available on site for reference.

Comments:

Andrew Milliken gave an overview of this proposal.

Consensus for Approval

Add languages

F-319(1) cdpVA-15 Proponent: Emory Rodgers
Errpp1242@verizon.net

2012 Virginia Statewide Fire Prevention Code

Reason: Provides a statewide standard when localities want to permit food trucks. Now local FO's often use standards that in the IFC are only for systems in buildings. Uniformity is achieved statewide.

Comments:

Withdrawn

F-319(2) cdpVA-15 Proponent: William Andrews representing City of Richmond, Fire Marshal's Office william.andrews@richmondgov.com
2015 International Fire Code
Section 319 Cooking

Reason: Cooking is main cause of fires, so fire official needs regulation on cooking that produces grease vapors....

Comments:

William Andrews gave an overview of his proposal.

Kenney Payne asked if there is a section number on this?

Chuck Bajnai stated to change approved by building code to building official. The building code cannot approve anything.

David Beahm stated it is already there in the language whether you agree with it or not.

Andrew Milliken stated this proposal is addressing the cooking activities.

Pending a rewrite in August

F-403.12.3.1 cdpVA-15 Proponent: Emory Rodgers
Errpp1242@verizon.net

2015 International Fire Code

403.12.3.1 Number of crowd managers

Reason: Rather than having five crowd managers if over 1,000 persons, this proposal would establish one crowd manager for events having 1,001 through 1,250 persons and an additional crowd manager for every 250 persons above 1,250.

Comments:

Cindy Davis gave an overview of Emory's proposal.

Robby Dawson stated 1 crowd manager can manage 250. This proposal weakens the fire code and the crowd manager requirements for large gatherings.

Shaun Pharr suggested to carry over this proposal to August.

Kenney Payne said he agreed.

Pending carry over to August

F-511 cdpVA-15 511 (New) Proponent: Brian McGraw
Brian.mcgraw@vdfp.virginia.gov

2012 Virginia Statewide Fire Prevention Code Section 511 As-Built Drawings Companion change to page 10 Also applies to C-109.7

Reason: Conducting inspections of existing buildings to determine compliance with the provisions of the Statewide Fire Prevention Code and the Property Maintenance Code often require knowing what a specific Building code the building was constructed under as well as any modifications that were approved. Such information is often not available on site. Building Department records may not be kept indefinitely...

Comments:

Brian McGraw gave an overview of his proposal. Intent is for non-residential, new commercial buildings and future renovations after the effective date of this code.

Chuck Bajnai asked if this is intended for every one of the tenants on the premises to have a set of construction drawings.

David Beahm stated the building code does not require as-built drawings. It is the owner's responsibility.

Kenney Payne what does as-built mean?

Cheryl Taylor stated maintaining as-built drawings are fairly easy. You don't have to re-invent the wheel. You just re-draw the area involved. This is a simple procedure.

Sean Farrell asked if this was the intent for new construction coming out of the ground to have a new set of construction drawings. Why do we have to prepare as-built drawings and do these need seals and to be signed?

Brian McGraw stated the as-built drawings would go to the building official and the building official would sign off as yes this is what was approved. The intent is to have a reference set on site.

Shaun Pharr stated drawings should just be in one central location not on-site.

Ned Yost said he recently asked for a copy of the plans for a hydrant system in his retirement community and they stated there were none available. It is a private system.

Kenney Payne asked if Brian McGraw would be willing to tweak the language, maybe the objections would be lifted.

Brian McGraw stated yes.

Ron Clements said I am objecting to anything that requires me to do another plan review. I would have to have all of my inspectors (8) go through the plans with a fine tooth comb. A plan reviewer can't do this because they haven't inspected the building.

Andrew Milliken asked if we changed to record drawings instead of as-built.

Robby Dawson stated he would rather it go back to Brian for tweaking and bring back in August.

David Beahm stated in reference to Andrews comments, it doesn't matter whether the drawings are correct or not it still has to meet the code requirements. If they approve the original drawings or as-built, if it is in violation of code, it is in violation and you can cite it right then and there.

Allison Cook stated she would avoid the as-built and moving towards the approved permit set. She doesn't think it needs to be maintained on the premises but having a copy of the approved drawings available upon request. Another compromise is adding building constructed after the effective date of this code change.

Sean Farrell said if a certificate of occupancy is not available for a building, the owner should request one be issued from the building official. This is going to be retro-active.

Cheryl Taylor asked if they are renovating the building, aren't they keeping the drawings?

Allison Cook stated they are not obligated to keep drawings after three years. Even digital file storage is not financially feasible.

David Beahm stated most jurisdictions are mandated to remove after three years from the State Library.

Brian McGraw stated if we adopt "as required by the building code" under the 2015 code it becomes effective.

Shaun Pharr stated most responsible building owners should have drawings upon request.

Pending back in August

F-601.3 cdpVA-15 Proponent: William Andrews, representing City of Richmond, Fire Marshal's Office william.andrews@richmondgov.com

**2015 International Fire Code
601.3 Building records on site**

Reason: Since state code on record retention allows building plans, Certificate of Occupancy, etc. disposal after property sells or 3 years, fire and building maintenance officials need record of details approved by building official in order to apply maintenance requirements. Having records on site, or accessible via internet, allows future entities reference by those responsible for building compliance. "Existing" indicates no mandate to create, merely have at least copy of record.

Comments:

William Andrews gave an overview of his proposal. Would like to add records on-site.

Kenney Payne stated this may include some things that aren't part of the documents. Some instances the building official may have to ask for this information, for instance details of the kitchen exhaust hood, etc. Also, what about a fire hydrant being half a mile down the road when they are only doing a short part.

Ned Yost asked if this applies to buildings while they are under construction.

Cindy Davis stated No

Consensus for disapproval

**F-609.1 cdpVA-15 Proponent: Richard Witt
wittr@chesterfield.gov**

**2012 Virginia Statewide Fire Prevention Code
Section 609 Commercial Kitchen Hoods**

Reason: This change will clarify that commercial hoods must be maintained and if there is a change in cooking use or an appliance replacement it must be referred to the building official.

Comments:

Robby Dawson stated this is problematic the way it is written. Where are the maintenance requirements for a hood system?

Pending back in August

F-609.3 cdpVA-15 Proponent: William Andrews, representing city of Richmond, Fire Marshal's Office william.andrews@richmondgov.com

2015 International Fire Code

609.3 Operations and maintenance.

Reason: Cooking is the main cause of fires. Fire code needs to regulate where cooking that produces grease vapors occurs inside a building or structure. The current and past fire codes required a Type 1 hood over cooking that produces grease vapors...

Comments:

William Andrews gave an overview of his proposal.

Kenney Payne stated he would suggest moving to August meeting.

Chuck Bajnai said he would like to recommend that approved by the building official or in accordance with the building code be added.

Pending carry over in August

F-703.1(1) cdpVA-15 Proponent: Zachary Adams
adamsz@vt.edu

2015 International Fire Code 703.1 Maintenance

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. Also, what tangible benefit does imposing an annual inspection requirement achieve?...

Comments:

Robby Dawson gave an overview of this proposal. This also has a sister proposal.

Kenney Payne asked if Zach Adams has seen Robby Dawson's proposal.

Consensus for disapproval

F-703.1(2) cdpVA-15 Proponent: James Dawson
dawsonj@chesterfield.gov

2015 International Fire Code

703.1 Maintenance

Reason: This proposal is the result of discussion held at the August 7, 2016 WG Meeting and August 17th WG Meeting. In those discussions, it was proposed that annual inspections of some of these fire-resistant features may be excessive when those areas are not occupied or entered for normal service work in the building...

Comments:
Consensus for Approval

F-703.4 cdpVA-15 Proponent: James Dawson
dawsonj@chesterfield.gov

2015 International Fire Code

Reason: This alternative proposal to Justin Biller's 703.4 proposal simplifies the flow of the SFPC and meets the objective of the original code change. It moves the testing requirements to a position that provides clear intent that the maintenance of opening protectives includes those types of protective listed in 703.4, and provides the testing and maintenance standard (NFPA 80 specifically Chapter 5 – Inspection, Testing, and Maintenance) for those fire resistance rated protectives...

Comments:

Robby Dawson gave an overview of his proposal. NFPA 80 is applied here.

Andrew Milliken stated we are just consolidating Zach's particular section.

Consensus for Approval

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

2015 International Fire Code

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...

Comments:

Andrew Milliken gave an overview of his proposal.

Consensus for Approval

F-5605.1 cdpVA-15 Proponent: Steven Sites representing VA State Fire Marshal's Office
Steven.sites@vdfp.virginia.gov

2012 Virginia Statewide Fire Prevention Code **5605.1 General**

Reason: Title 59.1, Chapter 11 of the Code of Virginia was repealed in 2002. The delete of exception #3 in Section 5605.1 is to correct an error that has existed since before the final IFC draft in July 1998...

Comments:

Consensus of Approval with verification of statutory sections.

F-5706.1.1 cdpVA-15 Proponent: James Dawson
dawsonj@chesterfield.gov

2012 Virginia Statewide Fire Prevention Code
5706.1.1 Mobile Fueling Operations

Reason: This replaces a previous proposal submitted to modify Section 2304. This is submitted on behalf of the Fire Services Board Code Committee. Mobile fueling operations are emerging as a service that is already prohibited by this code, however the clarity of the provisions are buried well inside of sections and sub-sections of this chapter...

Comments:

Pending carry over in August

I-120 cdpVA-15 Proponent: DHCD State Building Codes Office
Eric Leatherby eric.leatherby@dhcd.virginia.gov

2012 Virginia Building and Fire Code Related Regulations
13VAC5-91-120. Unregistered Industrialized buildings.

Reason: changes

Cindy Davis gave an overview of this proposal.

Consensus for Approval

M-103.2.1 cdpVA-15 Proponent: Earl Weaver, Representing Property Maintenance Committee earl.weaver@richmondgov.com

2012 Virginia Maintenance Code
103.2.2 Responsibility

Reason: The proposed regulations delete all of the responsibility sections from the International Property Maintenance Code in the technical chapters. Therefore, Chapter One must include a responsibility section.

Comments:

Earl Weaver gave an overview of this proposal.

Sean Farrell said this would be a better fit under Chapter 1.

John Walsh said it needs to be in Chapter 1 Administrative portion rather than having it in individual chapters.

Teresa Garber said the content was fine.

Vernon Hodge stated we should run it by the board.

Consensus for Approval

M-105.9 cdpVA-15 Proponent: Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

2012 Virginia Maintenance Code 105.9 Emergency repairs and demolitions

Reason: The proposed regulation deletes the definition of “Imminent danger” because the term is not used in the code....

Change immediate to imminent

Consensus for Approval

**M-202(2) cdpVA-15 Proponent: Richard Witt
witr@chesterfield.gov**

2012 Virginia Maintenance Code and 2012 Virginia Statewide Fire Prevention Code

Reason: This change is intended to create a consistent definition of a term in both the Virginia Maintenance Code and the Virginia Fire Prevention Code...

Pending carry over in August

**M-505.4 cdpVA-15 Proponent: Earl Weaver
Earl.weaver@richmondgov.com
2012 Virginia Maintenance Code
505.4**

Reason: The reason behind the suggestion is because through discussion the Property Maintenance Committee decided that the lack of the minimum temperature was detrimental to the enforcement of the code, and it should be put back in the code section.

Comments:

Earl Weaver gave an overview of this proposal. The committee suggested adding temperature.

Teresa Garber needs some work on the language.

Sean Farrell said he is not opposed to moving it to August, however, as a board member he has to think it doesn't really compute to removing unenforceable provisions or retroactive provisions setting the temperature to 110 degrees. It would not have carried through in the Plumbing Code or the Residential Code.

Pending carry over in August

M-505.5 cdpVA-15 Proponent: Earl Weaver representing Property Maintenance Committee earl.weaver@richmondgov.com

**2015 International Property Maintenance Code
505.5 Non-potable water reuse systems.**

Reason: As newly developed and approved water reclamation systems are being added in the built-environment these systems need to be maintained so as to not cause hazards to structures or the public...

Comments:

Earl Weaver gave an overview of this proposal.

Teresa Garber said the language is not quite right.

Pending carry over in August.

M-602.2 cdpVA-15 Proponent: Tom Belli
thomasabelli@gmail.com

**2012 Virginia Maintenance Code
602.2 Heat supply**

Reason: Spring, summer and fall is becoming hotter earlier and longer. The health of citizens should be paramount and this is the easiest, simplest change to have a positive impact in people's lives.

Comments:

Cindy Davis gave an overview of this proposal.

John Walsh said this is not necessary.

Consensus for disapproval

M-602.2.1 cdpVa-15 Proponent: Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

**2012 Virginia Maintenance Code
602.2.1 Prohibited use.**

Reason: The reason for this proposal is unvented room heaters can also include electric baseboard heating. The committee would like unvented heating to be defined as portable.

Comments:

Earl Weaver gave an overview of this proposal. They want to add portable.

Christina Jackson stated and adding “performing to its intended function”.

David Beahm stated that Earl Weaver is speaking on behalf of the VBCOA committee.

John Walsh stated that once you add portable we could be talking about space heaters.

Sean Farrell asked if we are just adding portable.

Teresa Garber stated that portable should be the only thing involved here.

Christina Jackson stated that’s why she said “performing to its intended function”.

Pending carry over in August

M-603.1(2) cdpVA-15 Proponent Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

**2012 Virginia Maintenance Code
603.1**

Reason: Section 603.1, as published in the proposed regulations, adequately covers all mechanical appliances, but not the associated fuel conveyance piping, fuel gas systems, fuel oil storage, hangers, supports, etc....

Comments:

John Walsh gave an overview of this proposal by adding equipment and appliances

Consensus for Approval

M-604.3.2.1 cdpVA-15 Proponent: Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

**2015 International Property Maintenance Code
604.3.2.1 Electrical equipment**

Reason: These sections are deleted in the proposed regulations. However, they are similar to Section 604.3.1, which addresses water damage to electrical equipment and is part of the Virginia code. This proposal adds changes to these sections consistent with Section 604.3.1 so that the code will provide for situations where electrical equipment is exposed to water or to fire.

Comments:

Christina Jackson asked about third party license, does this mean there has to be another electrician?

John Walsh stated no, it means a third party other than another governmental agency. The locality is not certifying, a third party is doing it.

Consensus for Approval

M-606.1(2) Proponent: Michael Redifer
mredifer@nnva.gov

2012 Virginia Maintenance Code
606.1 General

Reason: Discussion of previously submitted C-113.7.1 cdpVA during Workgroup 1 meetings resulted in DHCD staff opinion that, as proposed, the revision may not apply to the periodic inspections referenced in VMC Section 606.1 which are required by VCC Section 104.1 regardless of whether the locality had chosen to enforce the VMC. The original proposal was intended to provide clear authorization of an existing and ongoing practice to require the third-party inspections.

Pending carry over in August

R-101.1 cdpVA-15 Proponent Kenney Payne
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code

Reason: NOTE: This proposal has been vetted by the VBCOA Rehabilitation Code Committee (and others including Ron Clements and Emory Rodgers) and has received their SUPPORT.

Comments:

Kenney Payne gave an overview of this proposal.

Allison Cook stated the VBCOA Rehabilitation Code Committee approves this since it does provide clarity.

Consensus for Approval

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

2012 Virginia Construction Code

Reason: As a member of the team that developed the Jack A. Proctor Virginia Building Code Academy content for the rehab code training, and as one of its instructors for the rehab code, I have become aware of much confusion among the code officials, designers, and owners on how to apply the rehab code, especially when it comes to VCC Chapter 1, VRC Chapter 1, and the VRC technical provisions, including how to apply the change of occupancy provisions? This proposal attempts to address those concerns and make the provisions more user friendly and/or allow code officials the ability to properly interpret and/or enforce the rehab code...

Comments:

Kenney Payne gave an overview of this proposal.

Robby Dawson said when he hears rehabilitation activities he thinks of a Rehab Center.

Mike Toalson said strike activities.

Consensus for Approval (add rehabilitation and strike activities)

R-404.5 cdpVA-15 Proponent: Kenney Payne representing AIA
kpayne@moseleyarchitects.com

2015 International Existing Building Code

Reason: Requiring FULL compliance with current flood hazard area code requirements (e.g., raising an entire building or portion thereof) for ANY repair that constitutes a substantial improvement could prove to be onerous and would be contrary to the purpose of the VRC per VRC 102.1...

Comments:

Withdrawn

R-708.1 cdpVA-15 Proponent: Bob Orr, representing VBCOA VRC Committee
borr@culpepercounty.gov

2015 International Existing Building Code

Reason: When replacing insulation in the thermal envelope, the energy requirement demands the affected area be in compliance with the International Energy Conservation Code. The negative effect resulting in having to increase the thickness of the wall or roof framing to satisfy the depth of the insulation for proper installation. This would discourage rehabilitation of many older structures and contrary to the intent set forward by the Virginia Legislative body.

Comments:

Kenney Payne gave an overview of this proposal.

Allison Cook stated they are not trying to make it cost prohibited.

Consensus for Approval

R-902.1.2 cdpVA-15 Proponent: William King
William.king@alexandriava.gov

2012 Virginia Rehabilitation Code
902.1.2 Elevators

Reason: An elevator car capable of accommodating an ambulance stretcher is a critical component of rapid and effective responses to medical emergencies. As a Level 3 Alteration of a High Rise building would represent a significant investment in the existing building, this appears to be a reasonable threshold at which to place a requirement for this type of upgrade. To minimize the burden, an exception has been provided if the existing shaft is too small to allow for a compliant elevator car to be installed.

Comments:

Consensus for Disapproval

R-902.1.3 cdpVA-15 Proponent: William King
William.king@alexandriava.gov

2012 Virginia Rehabilitation Code
902.1.3 Fire Command Center

Reason: This section is to clearly require that a fire command center be installed in high rise buildings. These command centers are critical to addressing the specific challenges associated with significant events within these massive structures. As this requirement is limited to Level 3 alterations and above, it is only required where the majority of the building is undergoing significant construction or change in use.

Comments:

Consensus for Disapproval

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Workgroup 2, Fire Code Edits
Virginia Housing Center
July 19, 2017
Summary Notes

Richard Potts welcomed everyone and all attendees introduce themselves.

We started by revisiting the proposals that were being worked on for this meeting.

M609.1 Andrew Milliken and Rick Witt are still working on this proposal.

Robby Dawson stated that M609.2 is a separate code change and for the rewrite issue it gets stricken as long as the Mobile Food Preparation code change goes through.

Vernon Hodge said we will note as non-consensus and then staff will have responsibility of correlating whatever comes out of the separate proposal.

Andrew Milliken stated the concern with the Mobile Food Preparation change was we couldn't cite locations that were not utilizing the appropriate ventilation and that the Final Phase proposal addresses Type 1 hoods in places that have Type 1 hoods, not places that currently do not have them. Andrew put some language together but Rick had some concerns and we are not sure whether there is going to be consensus. The language he was trying to craft together simply said removing the Type 1 hood reference and addressing cooking operations and making sure that it is operating with the ventilation system in accordance with the applicable building code.

Rick Witt said he could go with what is in the rewrite code but would like to incorporate the mobile food kitchen hood language. He would like it to be a new and improved section.

Vernon Hodge said we can leave this open to bring back again at the last meeting.

R-803 carry over for Rick Witt's changes.

R-804 carry over for Rick Witt's changes.

901.5 Installation acceptance testing
Consensus FSB language, have counsel review

901.5.1 Occupancy

Robby Dawson stated this gives the fire official the ability to evacuate people from the building.

Rick Witt said that the building official can delegate to the fire official in their locality.

Linda Hale disagrees with this delegated authority. She believes that this allows the fire official to be able to act on behalf of public safety. There should be checks and balances.

Kenney Payne asked if the FSB language precludes other options like fire watch so these systems aren't operational. Does it not give you this option? Could there be other options or does it take that away?

Andrew Milliken stated you always have the option for code modifications and resolutions to the problem. What is happening here, is we are deleting the ability to even indicate there is a problem. You can cite to say it is unlawful under the code but this does not take this off the table.

Linda Hale stated we need to include the language as authorized by the building official for checks and balances. If it doesn't, it should empower the fire official to take action on behalf of public safety.

Rick Witt stated sometimes it conflicts between the building official and the fire official. He sees this as someone trying to get the authority because they can't get along in their own locality.

Robby Dawson asked Rick Witt about his statement. As long as that building is under construction, the fire official has neither responsibility nor authority. Yes, or No? Rick Witt stated that is correct. How do you, the building official require fire protection and water supply for the building being constructed? How do you prohibit smoking in the construction area or how do you regulate hot water permits that are required under the fire code that some localities do.

Vernon Hodge stated the differentiation between construction code and fire code. Section 27-34.4 outlines the inspection and review of plans of buildings under construction.

Sean Farrell asked how is the fire marshal's action of terminating occupancy of a building being unsafe, how is it affecting the manner of construction?

Andrew Milliken said it is not citing the USBC. This is the whole reason we are here.

Vernon Hodge said if there is consensus to have provisions it has to be run through our counsel.

Robby Dawson stated he doesn't agree with this, to evacuate the building because the system is not in-place or in-service and working as it is supposed to.

Shawn Pharr stated the responsibility doesn't pass until completion of the structure.

Linda Hale said we are not enforcing the USBC at all.

Robby Dawson asked again, how does the building official regulate water supply, no smoking and hot water permits?

Vernon Hodge stated a water supply has to be available to make the building safe.

Shawn Pharr stated again it doesn't pass to the local fire marshal until completion of the structure.

Andrew Milliken stated the water supply question is excellent. It talks about sprinklers, standpipes and it doesn't say you have to have water on site when you have combustible materials.

Vernon Hodge said counsel will have to look at this and decide.

Chris Anderson stated where localities have adopted a local ordinance that states the fire official shall enforce the SFPC through inspections and plan review. The locality can do that because, under Dillon's law, it supersedes the state law. We cannot be less restrictive but we can be more restrictive. By taking this out, how does this affect this?

Non-Consensus

Section 905 Standpipe Systems

905.1 General

Robby Dawson stated the FSB edit is more acceptable, clean and neat.

Kenney Payne asked what the applicable referenced standards were. Current or at the time they were constructed?

Andrew Milliken stated there is a specific section #901. The maintenance standards do not follow the code under which it was constructed, it is for the most recent standards.

Robby Dawson stated this is clear in the maintenance standards.

Rick Witt and Sean Farrell are good with this.

Consensus

905.2 Maintenance standard

Linda Hale said it should be maintained in accordance with NFPA14. This is an installation standard.

Kenney Payne asked how often fire departments change connections?

Linda Hale stated they had cabinets full of reducers and connections.

Consensus FSB edit

905.3 through 905.3.4 (stricken)
Consensus FSB edit

905.3.4.1 Hose and cabinet
Consensus FSB edit

905.3.5 Underground buildings (stricken)
Consensus FSB edit

905.3.6 Helistops and heliports (stricken)
Consensus FSB edit

905.3.7 Marinas and boatyards

Robby Dawson said Chapter 36 will address the issue of access. You take the installation requirements out of Chapter 36, and he thinks they have touched on some of those. There are some inspection, testing and maintenance requirements for marinas and boatyards that are different from buildings. Striking it now means that you have to apply the building inspection, testing and maintenance requirements.

Kenney Payne asked if this complies with Chapter 36, suppose we don't get to Chapter 36. What will we be moving forward?

Andrew Milliken stated you go under the assumption that there is nothing construction related in this chapter.

Robby Dawson said he had some heartburn with that. We have seen the difference of opinion in enforceable vs. non-enforceable and construction vs. non-construction. He wanted to speak on his position as a board member, he might have a problem with staff deleting stuff in Chapter 36 and calling it editorial correlation; him speaking as a fire official saying he can enforce that as an enforceable requirement.

Vernon Hodge stated the board will approve whatever they approve. The staff will take direction from the board.

Bill Aceto stated he just did a quick look at Chapter 36 and it is mostly maintenance and operational.

Consensus FSB edit

905.3.8 (stricken)
Consensus FSB edit

905.4
Consensus FSB edit

905.4.1 through 905.5.2 (stricken)
Consensus FSB edit

905.5.3 Class II system 1-inch hose
Consensus FSB edit

905.6 through 905.6.2 (stricken)
Consensus FSB edit

905.7 Cabinets
Consensus FSB edit
Include subsections

905.8 Dry standpipes (stricken)
Consensus FSB edit

905.9 Valve supervision (stricken)
Consensus FSB edit

905.10 During construction

Robby Dawson stated this will be non-consensus because of under construction. This deals with the maintenance of accessibility of maintaining water supply lines, etc.

Consensus FSB edit

905.11 (stricken)
Consensus FSB edit

906.1 Where required
In its entirety it is a state amendment
Consensus Proposed Phase

906.2.1 Certification of service personnel for portable fire extinguishers.

Robby Dawson suggested deleting governmental agency. He stated there is no true governmental agency responsible for certifications for fire extinguishers.

Linda Hale asked how this was construction related?

Andrew Milliken stated there is no current licensure for fire extinguisher service personnel.

Shawn Pharr stated if you need to recharge a portable fire extinguisher in your house anymore, you need to be trained?

Sean Farrell asked about authorizing third party inspections.

Robby Dawson asked who presents this to the Attorney General's office.
Who presents a counter argument?

Consensus FSB edit

Fire Alarm and Detection Systems

907.1 General

Rick Witt asked if this was an existing state amendment. Thinks it may need work on, take out performance. It should not apply to new buildings. 907.9 deals with retrofitting.

Consensus FSB edit (existing state amendment needs work) strike last two sentences.

907.1.1 Documents

Robby Dawson suggested striking in accordance with Section 901.2.

Non-consensus

907.1.2 stricken

Consensus FSB edit

907.1.3 Equipment

Consensus FSB edit

907.2 stricken to 907.2.6.3.2

Consensus FSB edit

907.2.6.3.2.1

Consensus FSB edit

907.2.6.3.3 through 907.2.10.3 (stricken)

Consensus FSB edit

907.2.11 Single and multiple-station smoke alarms

Robby Dawson stated that for alarms not required by the building code they shall be listed. This is strictly dealing with single and multiple station smoke alarms.

Kris Bridges asked if there were any out there today for sale outside of the parameters of NFPA-72.

Kenney Payne asked what is the difference between required and regulated.

Consensus FSB edit

907.2.11.1 through 907.2.11.7 (stricken)

Consensus FSB edit

907.2.12 Alarm

We have to address the subsection

Proponent, Robby Dawson will make the changes and re-submit

907.3 (stricken)

Consensus FSB edit

907.3.1 (stricken)

Consensus FSB edit

907.3.2 Delayed egress locks

Consensus FSB edit

907.3.3 Elevator emergency operation

Consensus FSB edit

907.3.4 through 907.4.1 (stricken)

Consensus FSB edit

907.4.2 Manual fire alarm boxes

Consensus FSB edit

907.4.2.1 Location (stricken)

Consensus FSB edit

907.4.2.2 Height (stricken)

Consensus FSB edit

907.4.2.3 Color

Consensus FSB edit

907.4.2.5 Protective Covers

Consensus FSB edit

907.4.3 through 907.5 (stricken)

Consensus FSB edit

907.5.1 Presignal feature

Robby Dawson stated typically they will get the signal at the switchboard or they get the alarm company to call them as a pre-signal procedure before they notify the fire

department. Some jurisdictions want this and some don't. This piece of it is an operational issue. If you are a proprietary system such as a guard shack as in accordance with the building code, the first step procedurally that some departments want is that first call 9-1-1 to get the fire trucks coming then they will investigate. This is a procedural issue.

Kenney Payne asked if this appears in the building code? As a designer I'm going by the building code, the building official will approve this, it gets installed and then is turned over to fire services, and they say they don't like how it works.

Robby Dawson gave an example; a DuPont or large commercial company decides they don't want the fire brigade but they still want to utilize the presignal but the fire is going to have a far more headstart on them and he is now no longer approving that presignal feature because they changed their operation and that changes his approval of it.

Andrew Milliken stated that nothing is construction here; it just says this function cannot be utilized.

Shawn Pharr said we still want this permanently approved.

Consensus FSB edit

907.5.2 (stricken) Consensus FSB edit

907.5.2.1 (stricken) Consensus FSB edit

907.5.2.1.1 Sound pressure

Andrew Milliken stated it is an operational issue.

Kenney Payne said the sound alarm notification appliance shall maintain the sound within the occupied space.

Rick Witt asked if it should have a period after the building code. It has to be maintained.

Robby Dawson stated if you test the sound pressure horn strobe in all the rooms and if it meets the requirements in all the occupied space in accordance with the building code then you are good.

Shawn Pharr said this is redundant.

Non consensus

907.5.2.1.2 through 907.5.2.2.3 (stricken)
Consensus FSB edit

Linda Hale wanted to point something out; a lot of the things in the DHCD original version added maintenance language in very generic portions and what the Fire Services Board Codes and Standards Committee did was to take these portions out since they were stricken, we added these back in through specific areas where it is needed. DHCD added the generic and struck it in the specific areas. We did the exact opposite of that. She is not comfortable with Fire Services striking it and then we argue about the specifics and then it goes to non-consensus status. She feels this is double jeopardy.

Robby Dawson said lets back up and see what happens with that specific section next. We have the SFPC un-stricken, the DHCD version strikes the whole thing and we have the Fire Services Board changes. What happens to 907.5.2.1.1 next?

Richard Potts stated that any section that is non-consensus will be pulled out from the bunch and will be reviewed, line by line, by the board.

Robby Dawson stated so they have 3 versions to look at.

Vernon Hodge stated they will have the 2 drafts and the IFC version. If you have issues, anyone can submit a public comment in cdpVA so they are aware of your issue.

907.5.2.2.4 Emergency voice/alarm communication captions.

Vernon Hodge stated it is contingent upon the definition and the definition refers back to the code in which it was built under.

Robby Dawson stated this was the objective.

Consensus FSB edit

907.5.2.2.5 Emergency power

Sean Farrell said he believes this could be a slippery slope and he has stated this many times.

Cindy Davis asked for a clarification of the language. If the board comes back with the building code opposed to applicable building code, are you still ok with this?

Robby Dawson stated just as long as the definition of building code means what either the Fire Services Board edit committee suggested or to something of that intent. Meaning that it is the building code under which it was constructed.

Sean Farrell stated he doesn't know whether this answered Cindy's question. Cindy Davis stated it didn't.

Cindy Davis stated the way it is worded it implies that it has to be in accordance with the building code.

Andrew Milliken said no, it says it shall be maintained, if it is provided in accordance with the building code.

Kenney Payne stated as a designer, he would interpret this as zero or silent, it doesn't say anything.

Robby Dawson asked if there were any building code requirements that did not require some timeframe.

Rick Witt asked why we couldn't take the last sentence out.

Sean Farrell stated maintain in accordance with the building code.

Shawn Pharr said you need to check with the building code.

Andrew Milliken said it depends on the discrepancy we are dealing with. If there is a discrepancy you will have to research the code for your final determination.

Sean Farrell stated they have the same thing going on with the Property Maintenance where they have to look up different issues.

Rick Witt stated he doesn't go along with the descriptive timeframe.

Non Consensus

907.5.2.3 -907.6.2 (stricken)

Consensus FSB edit

907.6.3 Initiating device identification

Kenney Payne asked if it was Robby Dawson's intent that it would go into the appendix if it was stricken.

Robby Dawson stated no, if it is stricken, it is stricken.

Consensus FSB edit (grammatical change)

907.6.3.1 – 907.6.4.2 (stricken)

Consensus FSB edit

907.6.5 Access

Consensus FSB edit (possible wording change)

907.6.6 Monitoring
Consensus FSB edit

907.6.6.1 Automatic telephone-dialing devices
Consensus FSB edit

907.6.6.2 Termination of monitoring service
Consensus FSB edit

907.7-907.7.2 (stricken)
Consensus FSB edit

907.7.3 Instructions
Consensus FSB edit

907.8-907.9 (state amendments)

908.1 Group H. occupancies
Consensus FSB edit

908.2 Group H-5 occupancy
Consensus FSB edit

908.3 Highly toxic and toxic materials
Consensus FSB edit

908.4 Ozone gas-generator rooms.
Consensus FSB edit

908.5 Repair garages
Consensus FSB edit

908.6 Refrigeration systems
Consensus FSB edit

908.7 Carbon dioxide (CO₂) systems
Consensus FSB edit

909.1 Scope and purpose
Consensus FSB edit

909.2-909.4.5 (stricken)
Consensus FSB edit

909.4.6 Duration of operation
Consensus FSB edit

909.4.7 (stricken)
Consensus FSB edit

909.5 Smoke barriers
Consensus FSB edit

909.5.1-909.5.2 (stricken)
Consensus FSB edit

909.5.3 Opening protection
Consensus FSB edit

909.5.3.1(stricken)
Consensus FSB edit

909.5.3.2
Consensus FSB edit

909.6-909.10.4 (stricken)
Consensus FSB edit

909.10.5 Fans

Robby Dawson stated it is operational.

Consensus FSB edit

909.11 Standby power

Andrew Milliken stated the applicable building code will not have the language. You wouldn't have to do any routine maintenance on this standby power. Section 604 has the requirement needed.

Robby Dawson stated emergency power systems shall be maintained in accordance with this section (604). Existing installation shall be maintained in accordance with the original approval. Standby power systems shall be maintained in accordance with NFPA 70, 110 and 111.

Consensus FSB edit

909.11.1 Equipment Room

Consensus FSB edit

909.11.2 - 909.13.3 (stricken)
Consensus FSB edit

909.14 Marking and identification
Consensus FSB edit

909.15 Control diagrams

Kenney Payne said this is not unlike record documents, control diagrams is a document that must be prepared. The question is who prepares it, the non-professional or the sub that is providing the controls? Someone has to draw it up and someone has to pay the person to draw it.

Robby Dawson stated it is different than the others. This has a significant operational impact.

Andrew Milliken said this system might as well not be there if we don't know how to operate it. You need the control diagram to operate that piece of equipment during an emergency. If you don't have that function, you can't operate that component.

Rick Witt said the way it is worded "it shall be maintained".

Robby Dawson stated you have a system and you have a drawing, you have to maintain a current "as-built". If it is a problem then this would be a separate code change.

Consensus FSB edit

909.16 – 909.16.1 (stricken)
Consensus FSB edit

909.16.2 Smoke control panel
Consensus FSB edit

909.16.3 (stricken)
Consensus FSB edit

909.17 System response time
Consensus FSB edit

909.18- 909.18.8.3 (stricken)
Consensus FSB edit

909.18.8.3.1 Report filing

Kenney Payne asked who provides a copy.

Robby Dawson stated you would be in violation if you did not provide the certification of the 3rd party to the fire official.

Andrew Milliken stated ultimately this is a building owner responsibility. They are going to get it from the 3rd party.

Rick Witt stated the owner is going to have to pay the engineer to provide the certification.

Consensus FSB edit

909.18.9 Identification and documentation

Cindy Davis stated if in the proposed phase the section is stricken, we have kept it as a reference point and placed in the appendix. When the FSB edit is totally stricken, fire services does not provide that language in the appendix? Are we not going to provide that language in the appendix? What do you all want to do?

Vernon Hodge said he thought the consensus stated the appendix was not needed.

Rick Witt stated he thought the board would have to make that decision. It will be another discussion whether it has an appendix or not.

Robby Dawson said the proposed phase eliminated a ton of reference material that was used. The FSB version keeps that reference and tweaks it to the point where it is enforceable.

Sean Farrell stated his understanding that this was a request from some members of the fire services to keep the language so that there would be some reference for when they were in the field to have some guidelines. He has heard unanimously since then, fire services does not want the appendix in the back since it is no longer needed. If it was at the request of the fire services then fire services needs to provide a different direction subsequent to that. He said, like Vernon Hodge, they heard testimony from the majority of the fire services that the request is no longer needed or wanted.

Robby Dawson said the first statement regarding the appendix request from fire services was inaccurate. We were taking all this stuff out but we used that to gauge how we applied the code. Someone came up with just moving it to the appendix and it is still there. That raises more problems that we won't get into. Now instead of deleting, we are keeping it with some reference and it gives some enforceability substance. He thinks adding the appendix creates a number of other questions, that we don't need to get into.

Cindy Davis stated that still did not answer her question, do you want an appendix or not? Cindy said she doesn't want to take to the board without a decision from this body. Do you want it taken to the board with or without an appendix?

Vernon Hodge stated we will have to see what gets approved and what doesn't.

Robby Dawson stated that we don't know what it is going to look like. Our proposal is different now with the edits. If this one goes through then maybe the appendix would be lesser of the three evils. If FSB edits we don't need it or want it.

Cindy Davis stated that maybe we need to give them two separate proposals. Her thoughts were we would incorporate what was consensus into the code version. If the hybrid isn't going to work maybe we will just leave in the two separate proposals.

Kenney Payne stated in his observation, we will not be getting through all the fire service board edits. What will the board do with the chapters we do not get through?

Vernon Hodge stated again it is up to the board of housing.

Chris Anderson stated it is too early to tell whether we need an appendix. Can we hold off until the last meeting to decide, would that be reasonable.

Shaun Pharr stated his recollection was to have one book to help the code official and the fire official take into the field.

Cindy Davis said that staff needs some direction how to prepare the package for the board.

Robby Dawson stated that our objective was not a fire services request; it was a solution that came out of somewhere else.

Rick Witt stated that your former president suggested in Region 7 that is where this came from.

Linda Hale stated you need benchmarks to know what was approved. This is what we were trying to do.

Andrew Milliken said we aren't at a position that we even know what we are dealing with. One, you have a hybrid version of all consensus changes which doesn't need an appendix because it was consensus. Two, the FSB edit which doesn't need an appendix. Three, a DHCD version which needs an appendix. Four, you could do nothing.

Consensus FSB edit

909.19 (stricken)

Consensus FSB edit

909.20.1 Schedule (add additional language for a separate code change)

Consensus FSB edit

909.21 Elevator hoist way pressurization alternative
Consensus FSB edit

909.21.1-909.21.2 (stricken)
Consensus FSB edit

909.21.3 Ducts for system
Consensus FSB edit

909.21.4 Fan system
Consensus FSB edit

909.21.4.1 Fire resistance
Consensus FSB edit

909.21.4.2-909.21.4.4 (stricken)
Consensus FSB edit

909.21.5 Standby power

Robby Dawson said we weren't sure about what Section 604 was going to be. He was ok with Section 604.

Consensus FSB edit (DHCD staff to correlate if Section 604 is deleted)

909.21.6-909.21.7 (stricken)
Consensus FSB edit

909.21.8 Marking and identification
Consensus FSB edit

909.21.9 Control diagrams
Consensus FSB edit

909.21.10 (stricken)
Consensus FSB edit

909.21.11 System response time
Consensus FSB edit

910.1 General

Kenney Payne suggested moving the words around.
Consensus FSB edit

910.2 – 910.3.3 (stricken)
Consensus FSB edit

910.4 Mechanical smoke removal systems
Consensus FSB edit

910.4.1 – 910.4.7 (stricken)
Consensus FSB edit

911.1 General
Consensus FSB edit

911.2 through 912.2.1 (stricken)
Consensus FSB edit

912.6 Backflow protection

Shaun Pharr suggested re-wording “Where required potable water supply to automatic sprinklers is protected against backflow as required by the building code, the means of protection shall be maintained in accordance with NFPA 25.”

Andrew Milliken said in the model code you have to provide a device. It says you shall put in a backflow preventer. We do want to emphasize the backflow preventer needs to be maintained in accordance with NFPA 25.

Kenney Payne suggested moving on with Shaun Pharr’s language.

Consensus FSB edit (change per Shaun Pharr’s language) Robby Dawson to change.

913.1 General
Consensus FSB edit

913.2 Protection against interruption of service.

Andrew Milliken and Linda Hale suggested replacing protection with maintain. They tried to remove the construction components in the subsequent sections.

Kenney Payne said he didn’t think that would work. Is there something in NFPA 20 that speaks about protection?

Rick Witt stated you are already doing that. The initial installation will address things like fire, not earthquakes in this area, freezing, etc.

Linda Hale stated NFPA20 also suggests to NFPA25 for the inspection, testing and maintenance.

Non-consensus

913.2.1 Protection of fire pump rooms (check Chapter 7 for retrofit)
Consensus for FSB edit

913.2.2 (stricken)
Consensus FSB edit

913.3 Temperature of pump room

Kenney Payne asked what if the 1980 BOCA said above 45 degrees.

Andrew Milliken said you would be fine. If it is freezing, the pump will be out of service and not doing what it was intended to do. 40 comes from NFPA13. It says the safety factor put in all buildings everywhere for how warm it needs to be, so you know this system will operate as it should.

Kenney Payne asked what is the issue, is it the temperature or that it is operating properly.

Andrew Milliken stated if it is 40 or below it is not operating properly.

Consensus FSB edit

913.4 Valve supervision

Rick Witt stated that both edits need work.

Maintain the valve operations

Non-consensus

913.4.1 Test outlet valve supervision
Consensus FSB edit

913.5.1(stricken)
Consensus FSB edit

914.1 -914.2.3 9 (stricken)
Consensus FSB edit

914.2.4 Fire department access to equipment
Consensus FSB edit

914.3-914.8.5 (stricken)
Consensus FSB edit

914.8.6 Aircraft paint hangar fire suppression

Kenney Payne asked if there is no fire suppression can you require it?

Consensus Proposed Phase

914.9-914.11.3 (stricken)

Consensus FSB edit

915.1 General

Rick Witt stated installation of carbon monoxide detectors shall be installed in accordance with the building code.

Andrew Milliken said to capture when you are installing carbon monoxide detectors those devices should be installed in accordance with the building code.

Rick Witt asked if we could say “Where provided, installation of carbon monoxide detectors shall be in accordance with the building code”.

Andrew Milliken stated they would not have any problems with that.

Consensus with revised language of “Where provided installation of carbon monoxide detectors shall be in accordance with the building code”.

915.1.1 – 915.5.3 (stricken)

Consensus FSB edit

915.6 Maintenance

Consensus FSB edit

1001.1 General

Robby Dawson stated that from the FSB perspective, they went through Chapter 10 at their last meeting which lasted 5 hours and they probably haven’t tackled it all yet. They had better philosophy and understanding of how all the pieces fit together. This is literally the first sling of mud against the wall. They started at 1031 and worked backwards.

Andrew Milliken stated they are making a concerted effort to keep the model language. He believes we are all on the same page. We are trying to maintain the format the best we can.

1031.4 Exit signs

Kenney Payne said he moved for approval of the FSB edit.

Robby Dawson stated lets go to 1020.2 and 1023.9 which we have tweaked.

Richard Potts asked Robby Dawson if he thought the committee would have enough sections fine-tuned by the next meeting on August 16.

Robby Dawson stated we will have meetings, yes, we will fine tune yes, but will we be finished? He thinks they will be in a position to have more done and they want to complete the definitions.

Kenney Payne stated let's be honest, we are not going to get through this book in one more meeting. He asked if FSB would be willing to identify which chapters they think are the most critical to get through at the next meeting? Kenney suggested maybe discussing sections 10, 50, 47, 62.

Robby Dawson said this is his concern, we are re-writing this whole book. He stated if we get through 10 and maybe 50 there are other things in 40 that may reference something that is now vacant and creates a conflict of enforceability. This is his concern about piece-mailing because we are changing so many references and points.

Richard Potts called the end of the meeting.

Workgroup 2, Fire Code Edits
Virginia Housing Center
August 16, 2017
Summary Notes

Cindy Davis welcomed everyone and all attendees introduced themselves.

The meeting started by revisiting the pending sections that were carried over to this meeting.

315.3.4.

No changes from the last meeting.

Non-consensus.

508.1.

Robby Dawson stated they did tweak this section after the first meeting by striking some of 508.1.6. There were no maintenance provisions to maintain the fire command center.

Emory Rodgers stated the building code does have requirements for the rating of the fire command center and you would apply these requirements. You need to maintain in the fire code as installed.

Cindy Davis gave an overview of the summary notes from the April meeting that stated the suggestions. Shaun Pharr's concerns were in 508.1 in the fire services board edits strictly required compliance with 508.1.6. There are currently 18 items there and if you don't have all 18, you are not in compliance.

Robby Dawson said some of those 18 were stricken in the later edit, specifically 5,6,7,8,9,10. All the things that were left there were non-building elements; like the work table, building information card and schematic plans for the building.

Emory Rodgers stated those that remain if correlated correctly will still be in the State Fire Prevention Code, correct?

Cindy Davis stated a concern of the fire service side is if the proposed phase is used, there was not a requirement for a fire command center, then none of those items would be able to be required?

Robby Dawson stated the fire command center shall be maintained and tested where required by the applicable building code. If it wasn't required by the building code, it doesn't have to be tested.

Cindy Davis said it shall be maintained and tested as installed or where required.

Emory Rodgers stated we do require this, if you put in a sprinkler system that is voluntary, you have to maintain it according to the code it was installed.

Shaun Pharr stated on the proposed phase if you insert the word “installed or” after the word where; where installed or required by the building code. If you install it, you have to maintain it.

Kenney Payne stated he thinks the FSB edit addresses it in the general paragraph if you use the proposed phase it only addresses it in the sub-paragraph.

Rick Witt asked if you addressed it in the general paragraph would this still be applicable with Shaun’s suggestion?

Robby Dawson stated when a fire official sees maintained with the applicable building code that means I have to go to the building code to find out what maintenance I need to do. What is wrong with the FSB edit?

Kenney Payne stated .1 is gone along with .3, .2 is maintaining and got rid of all of the verbiage.

Cindy Davis said in the proposed phase we left all of them so you would have a reference to all the items.

Rick Witt said they are required up front.

Shaun Pharr said he could be persuaded if it said “or” but it says “and”.

Robby Dawson stated they conflict. Which one do I pick? He believes maintain in accordance with the building code is problematic.

Rick Witt suggested maintained as installed.

Kenney Payne stated the FSB edit list is shorter, half of the version is gone.

Cindy Davis stated that in the 2015 version there are 18 items so something is missing in the FSB edit.

Cindy Davis stated let’s compare.

Item 1 deleted

Item 2 deleted

Item 3 deleted

Item 4 deleted

Item 5 deleted

Item 6 deleted

Item 7 deleted

Item 8 deleted

Item 9 deleted

Item 10 new number 1

Item 11 deleted
Item 12 new number 2
Item 13 new number 3
Item 14 work table kept, new number 4
Item 15 deleted
Item 16 deleted
Item 17 deleted
Item 18 deleted

Cindy Davis asked if we needed these.

Rick Witt said all of these were required up front so what are we accomplishing.

Kenney Payne's observation was after we settle the definition of the applicable building code, this will drive a lot of things. He believes the FSB edit is best with less requirements.

Shaun Pharr wanted to know if we use "or where otherwise provided" or "where provided or required by the building code" would that be sufficient.

Emory Rodgers stated they will have what is required in the building code and on the other side what has been struck has to remain in the building code as part of the fire command room such as the size and rating of it.

Chris Anderson stated you can have a fire command center that is part of a different system and not in that room. He thinks you would have to add "or otherwise provided".

Cindy Davis said it would be easier not to lose the laundry list and to say, where the following was installed or required to be installed it must be maintained.

Sean Farrell stated if he has a building where the building code did not require a fire command center but he wanted to put something in to help the fire services address should something happen in this building. He is not going to put any equipment in. He thinks what they are trying to say is you have to do this as the minimum if you voluntarily put in a fire command center in a building that is not required to have one. The items needed are the table, plans of the building, telephone, and building information.

Casey Littlefield said they have a new courthouse in Hanover County that has a fire command center which wasn't required to have one. The designers put one in, but it was not required.

Chris Anderson said these are the circumstances and issues we are trying to address today.

Cindy Davis stated she just want to make sure you are absolutely ok with getting rid of that whole list.

Robby Dawson stated, we can put them back in and it would be fine with him.

Rick Witt stated he agreed with Shaun Pharr's statement regarding the FSB edit "where provided or required by the applicable building code".

It was suggested consensus FSB edits w/deleting all but the 4 items and using the wording the way it is in the general statement.

Emory Rodgers stated this means that the deleted items in that version will remain in the building code.

Cindy Davis stated Yes.

Sean Farrell wanted to address the attendees in the room regarding their feedback with regards to Robby Dawson's point of maintenance. We are using a term that the structure shall be maintained as construction. Robby's contention is that the building code doesn't have operational and testing requirements contained within it, therefore there is a disconnect between the language we are putting in the maintenance code by saying "maintained under the applicable building code", that doesn't correspond or relate or get them to be able to address operational and testing issues. This is because these are not contained in the building code. We have the word maintained which could mean two different things. He wanted the feedback to address the differences between the word maintained as it relates to the "applicable building code" as opposed to "operational and testing features." If so how? Or, does the word maintain mean both? We can simply train the fire officials to say "maintained means you have to maintain the construction methods and materials as they were installed as well as operational and testing features contained in the Statewide Fire Prevention Code.

Robby Dawson stated Sean Farrell said something different maintained as installed in accordance with the building code is different than saying maintain in accordance with the building code. This was not his interpretation but his county attorney's interpretation. When it says maintained in accordance with the building code, you need to know your building code requirements and maintenance provisions. Maintained as provided gets to the point of you keep that wall vs. maintain that system with the quarterly or annually inspection.

Mike Perdue stated maintenance of a system or a wall vs. maintenance of a system has two entirely different meanings. It is leading you to nowhere.

Robby Dawson said there is a difference in making it work and maintaining it in accordance with the standard. There is a conflict of the two languages.

Emory Rodgers stated he doesn't have a problem with this re-write by adding an extra three words to clarify applicable building code. He doesn't see a harm in this language for clarity.

Rick Witt stated for clarity purposes, he would suggest maintain as installed in accordance with the applicable building code.

Kenney Payne asked if we could define the word maintained. Maintained: To be maintained as installed in accordance with the applicable building code, or as provided; and in accordance with

the operational and maintenance provisions of this code. He believes with this definition the group can come up with the words to define maintain.

Sean Farrell said he believes this will come up at the board meeting. As a board member he would like clarity to the meaning of what maintain actually means. He likes the fact that we actually found the definition to mean; the definition to him includes maintain as it was built and operation and testing would be inclusive. He is also not opposed in putting in shall be maintained as installed in accordance with the applicable building code and this code. He thinks we will have to combine the two to satisfy Robby's concerns.

Linda Hale asked about the NFPA reference standards?

Sean Farrell stated we are leaving the NFPA standards in the code.

Mike Perdue suggested that this sounds like it would work.

***"508.1 General.** Where required by ~~other sections of this code and in all buildings classified as high-rise buildings by the International~~ Applicable Building Code or where otherwise provided, a fire command center for fire department operations shall ~~be provided and shall~~ comply with Sections 508.1.1 through 508.1.6."*

Chris Anderson asked with the wording we have now, how do I maintain the one in Hanover County? It was not installed or provided.

Robby Dawson said why don't we delete "where it is provided." The scoping thing "where required by" is all base language. If it was provided or an elective system: if it is there, this is how you maintain it.

Kenney Payne stated in other parts of the code it states where provided.

Cindy Davis stated, we are trying to get to words related to maintain in accordance with the building code. Your assumption is that there aren't any standards and Shaun Pharr has suggested language that would get you to both standards and the meaning of maintain.

Robby Dawson said where it is provided this is how you maintain it. Simple is easier.

Sean Farrell suggested to tie it back to the building code.

Mike Perdue stated he would like to make another suggestion. It may be simple in general where required or provided. We are dealing with this in the scope. Below this, can we put in "maintenance of this system will be done in accordance with NFPA requirements."

Rick Witt stated we need to define maintained or use Shaun Pharr's language. This would get to the point.

Cindy Davis said we need to define maintained. Would this work, any equipment or systems needed testing, operational maintenance, and inspections in accordance with the standards or

where no standards exist, maintain should have the ordinary meaning of maintained. Then place the maintained definition.

Kenney Payne asked if this can be done outside this group.

Cindy Davis said no because this is the last fire code edit meeting because it has to come back to the workgroup. It has to go to the workgroup before going to the board.

Sean Farrell asked if we come up with the definition of maintain and it captures both construction methods and materials as well as testing and operations, for each one of the sections we should only say shall be maintained in accordance with the applicable building code and the code.

Maintained: To be maintained as installed in accordance with the applicable building code, or as provided; and in accordance with the operational and maintenance provisions of this code.

Maintained: Compliance with applicable building code requirements or if not required, to continue to and to comply with any applicable standards referenced in this code for operation, testing or inspection.

Shall be maintained in accordance with the requirements of the building code in effect at the time of construction, or if non-required materials or equipment, shall be maintained as provided. In either case, to be maintained includes compliance with applicable operation, testing or inspection requirements of this code and any applicable maintenance, testing standards referenced by this code.

Linda Hale stated if it was built it needs to be installed.

Mike Perdue asked if we need to place maintain and maintenance in every section to eliminate any confusion. What about Chapter 9?

Cindy Davis stated Chapter 9 has all of those standards listed already and it doesn't go away.

Keith Chambers stated we may run into issues when you make an all-inclusive definition. If required or provided maintain in accordance with NFPA? It is so specific it is easy to enforce and refer to. Why do we have to create a definition for it, when we can specify exactly where it goes.

Cindy Davis stated that Robby Dawson brought up that maintenance in accordance with the applicable building code, there is no maintenance. How do you maintain a building if its required to be constructed? If there are no standards for fire walls. If we say the fire command center only has to be maintained in accordance with NFPA 72, is this correct?

Sean Farrell doesn't want the term maintenance or maintain to be a reason for not moving this forward.

Rick Witt stated Sean Farrell asked for feed-back but there is some consensus but not enough.

Cindy Davis stated she agreed with Shaun Pharr about visiting this next week during the next workgroup meeting.

Chris Anderson asked shouldn't we define what maintenance is in the maintenance code?

Cindy Davis asked if there was anyone who would like to take the lead on this to come up with the definition and to send this out to everyone here and to bring back for discussion? All fingers seem to be pointing to Kenney Payne.

Kenney Payne said he would and then email for staff to send out.

Linda Hale said she is still confused about why just maintenance?

Robby Dawson said maintain in accordance with?? NFPA or the applicable building code.

Cindy Davis stated if we said maintain in accordance with the applicable standard or building code...it has to be maintained in accordance with something.

Emory Rodgers stated he agreed with Robby Dawson about needing both and that we need to put applicable building code where installed or provided with the applicable building code. They need both in order to do both functions which is their responsibility.

Kenney Payne stated there are lots of questions of why tie this to an applicable building code when there is a standard there. His recollection was because that standard may not have been applicable when it was constructed and we don't want you to evaluate it in terms of the most recent version.

Linda Hale asked if we could place operational in the definition.

Sean Farrell said yes.

Sean Farrell asked how this sounds, shall be maintained as installed in accordance with the applicable building code or as provided; and in accordance with the operational and maintenance provisions of this code. Does this satisfy everyone?

Cindy Davis stated if this is acceptable, staff will go in and insert that language in every section.

Kenney Payne asked if this is the definition of maintain? or is this what you would say where the term applies.

Sean Farrell stated in every single section.

Robby Dawson said he is not against or sold on it. The building code doesn't install stuff.

Emory Rodgers said for next week, let's use Sean's language and if its non-consensus then we can debate. The proposed phase is wrong and we agree with that. This will move forward as non-consensus. We can debate the definition next week.

Sean Farrell stated he concurred.

Non-Consensus.

202 - Applicable Building Code definition – The local or statewide building code and referenced standards in effect at the time the building or portion thereof was constructed, altered, renovated or underwent a change of occupancy. See Section 103 for the application of the code.

Rick Witt gave an overview of his definition. This is just a pointer.

Robby Dawson has a problem with See section 103.

Sean Farrell has no problem with this definition.

We will revisit this next week.

Rick Witt stated we need to agree on definition and how it will be applied.

Robby Dawson stated across the board I have heartburn with this. What do you mean by referenced standards?

Kenney Payne suggested we bring up Vernon Hodge's word document. Shall be maintained as installed in accordance with the local or statewide building code and reference standards in effect at the time the building or a portion thereof was constructed, altered, renovated or underwent a change of occupancy, or as provided in accordance with the operational maintenance requirement of this code.

Rick Witt stated that since Robby Dawson has concerns, it will need to be a definition. If it makes it easier to put a definition in, leave the words that are in there now and then move forward. I think this would be the easiest route.

Casey Littlefield stated if we make a definition it is usually italicized.

Cindy Davis said we can italicize.

Rick Witt suggested that we send this language around and he will make the code change.

Keith Chambers doesn't agree with it. It doesn't reference any NFPA standards or references. After Cindy Davis clarified the reference he understood after realizing he would have the reference standards in each section.

This will be distributed at the August 23 Workgroup 1-4 Meeting.

Sean Farrell asked if you could chime in with a Yay or Nay in your emails.

603.1-603.7 Installation of fuel-fired appliances.

Pertains to the definition of maintained.

Kenney Payne stated the FSB edit language also requires compliance with the section.

Sean Farrell stated the section was for non-portable appliances.

Robby Dawson stated they were operational requirements.

Consensus FSB edits (contingent on definition).

606.12.3 Flammable Refrigerants.

Kenney Payne asked the difference between required and regulated. Why the change in terms?

Robby Dawson stated if it is allowed it may not be regulated. We still need to regulate the flammable refrigerant operations.

Consensus FSB edits.

609.1 General (Mobile Food Trucks).

Robby Dawson believes this will be fixed with the mobile food trucks next week at August 23 workgroup.

Non-consensus if approval is not limited to mobile food trucks.

609.2 Type 1 hoods only applies to food trucks, not pull behind trailers.

If mobile food trucks not approved, are you ok with the proposed phase?

Robby Dawson said no.

Non-consensus if approval is not limited to mobile food trucks.

803 General.

Last summary stated pending with Rick Witt's changes.

Discussion concerning whether the subject matter is under building code.

Non-consensus.

804 Interior Finishes.

Last summary stated pending with Rick Witt's changes.

Discussion concerning whether the subject matter is under building code.

Non-consensus.

901.5.1 Occupancy.

Mike Perdue stated the last sentence will be changed because of discussions today.

Robby Dawson stated the verbiage in the word definition may not be applicable here.

Rick Witt suggested this needs to be stricken.

Linda Hale stated it is a fire issue.

Keith Chambers stated it is a fire issue because we are the ones who have to fix it.

Robby Dawson asked which summons do I write in this particular instance?

Vernon Hodge stated it is a legal issue.

Sean Farrell stated fire officials enforce occupancy loads on buildings. He personally doesn't see a problem with this issue.

Cindy Davis indicated a number of items would be discussed with the board's legal counsel.

Shaun Pharr said you can cite the building code if you have the building official's approval.

Non-consensus.

907.2.12 Special amusement building alarms.

Robby Dawson stated the provision was edited after their last meeting adding back in the reference to Chapter 4.

Consensus FSB edits.

Chapter 10 scoping and Section 1001.3 Overcrowding.

Robby Dawson stated we need 1004-1007 for occupant load.

Emory Rodgers stated that the building official should be contacted based on Chapter 1 to help determine the occupancy load.

Sean Farrell stated the posting of occupant load based on his research was introduced in the code in 1993 BOCA. Anything prior to the 1993 BOCA were not required to post per the applicable building code. He stated his concerns in the Code and Standards Committee regarding the original concept talked about was for the fire officials to deal with a reduced occupant load when we have component with a means of egress that was not presently impaired for lawful occupancy.

Cindy Davis asked he would be ok with a period after impaired. Sean stated Yes. She also asked which means of egress component is not covered under the building code?

Linda Hale stated they have had large rallies throughout the county in barn like structures and they do not have occupant loads.

Keith Chambers stated they are building a structure out of hay bales.

Vernon Hodge stated there is a state amendment and retrofit requirement for the posting of occupant loads in assembly spaces.

Reverend Eddy Aliff asked if this would apply to outside tent meetings?

Vernon Hodge stated the Virginia Fire Safety Regulations address existing buildings.

Sean Farrell stated using the table calculations we are just remediating a safety issue. He does not have a problem with this. On the second piece, the issue is does the fire code actually require a user and he can't answer that. A fire official should be able to reduce the occupant load based on the hazard level.

Kenney Payne offered that a reduction in occupants should be based on square footage, not on number of exits.

Sean Farrell stated there was a difference between obstructing egress and overcrowding.

Linda Hale stated the only option was to evacuate the building.

Shaun Pharr stated there should be language to address hazards and the code should have some guidance so judgment calls can be made.

An additional comment was that the scoping was only for impaired egress.

Kenney Payne stated the wording permitted limiting the number of occupants as opposed to only requiring evacuation of the building.

There was additional discussion concerning how to apply the overcrowding section.

Cindy Davis reviewed the proposed changes to use the existing tables.

Kenney Payne suggested some revisions.

There was additional discussion concerning the FSB edits.

Non-consensus with a note that the existing state amendment should be reviewed by the board. Staff would attempt some language which would authorize the use of the tables for temporary situations.

1003.1 Applicability.

Involves the use of the new definition.

Kenney Payne raised concerns about retroactive application.

Non-consensus.

1003.3 Protruding objects.

Linda Hale stated they need a point of reference without having all code books.

Cindy Davis stated it would be in an appendix in the fire code edit committee version.

Non-consensus.

Section 1003.

There was some discussion concerning the use of the appendix.

Vernon Hodge stated the use of the rest of Chapter 10 would need to be split into buildings not regulated by the building code for the use of the FSB edits.

Non-consensus (all but below).

1003.4 Floor Surface and Clear Width.

Cindy Davis stated it was unclear.

Vernon Hodge stated the two versions were different.

Robby Dawson stated there are too many variables.

Consensus FSB edits.

1004 Design Occupant Load (whole section).

Robby Dawson stated those sections would go away if the FSB edits was approved since the reference would be to Section 1032.

No decision.

1032.

Cindy Davis asked how the section would apply.

An unidentified commenter stated that the tables aren't necessary if you use a design occupant load of seven square feet per person.

Robby Dawson discussed how long temporary conditions could occur.

Vernon Hodge stated the original FSB edits addressed multiple situations.

Cindy Davis stated staff would attempt to address the three situations (impaired occupancy load, overcrowding and buildings not regulated by the building code) separately.

There was discussion about local cooperation between officials.

Robby Dawson stated to keep the standard method of occupancy calculations.

Shaun Pharr suggested adding language to notify the building official when the fire official makes temporary modifications.

Kenney Payne brought up the issue of authorization to exceed the occupant load.

Vernon Hodge stated the scoping section limited the application of the section.

There was discussion concerning classrooms.

Kenney Payne questioned differences between the drafts and a state amendment for posting occupant loads.

There was general discussion about posting occupant loads.

Kenney Payne stated the Virginia Construction Code would need to be consistent with the fire code.

This would be part of the staff suggested language.

Cindy Davis asked whether any additional provisions needed to be discussed.

Linda Hale asked about several provisions.

Cindy Davis discussed the issue of the appendix in the Fire Code Edit Committee draft. It was suggested that there would be a partial appendix for any provisions approved from the Fire Code Edit Committee draft.

Robby Dawson stated the appendix should not be included in any consensus proposals, but there would be concern without having the appendix in certain circumstances.

William Andrews stated the appendix should be there if any provision is not in the book.

There was additional discussion.

Cindy Davis thanked all the participants.

Workgroup 1-4
Virginia Housing Center
August 23, 2017
Summary Notes

Cindy Davis opened the meeting and had attendees introduce themselves.

C102.3 (2) Sub-workgroup for utility cable/wireless equipment (communications / permit exemptions)

Consensus for Approval

Jennifer McClellan, Verizon - this change is clarifying in nature the original proposed treated wireless and broadband providers differently in violation of state law. We think this is clear and satisfies the requirements for state law.

Ron Clements said he needs to withdraw his proposal.

C-105.2.1 Qualification of technical assistants

Non-Consensus

Debra McMahon gave an overview of the proposal of the Permit Tech Committee.

Rick Witt stated not going back through history. The original proposal caused some angst amongst building officials. This has gathered the support for a win for permit technicians. Does not affect those that function in a department as strictly administrative. This is an alternative to be approved.

Debra McMahon and Permit Technicians Committee submitted a proposal and Rick Witt's submission was public comments. Mr. Witt provides language that leaves the determination whether or not the permit tech "performs duties other than clerical". The supplement was sent out to the permit technicians, however, they wanted to go with the original. Their concern was 105.2.1 qualifications would require experience in those fields. They would like the qualification to remain.

Kris Bridges asked if Rick means to take this out. It adds nothing to the definition. The heart of the matter do we recognize permit techs mean different thing to different localities. This was a compromise and a middle ground proposal. We don't want to hamstring the locality with the original proposal. It has cost implications as well as could cause staffing problems. The one offered has been vetted by a lot of people that favored the original and those that were against the original. They've all come together to say we can live with the middle one.

Sean Farrell if you 105.2.1 if you remove the underlined language what you are left with is in order to be a technical assistant you have to have building, fire, housing inspection, plumbing, or an electrical trade, fire protection, elevator, mechanical or other property maintenance experience. If you add permit techs into the definition of a technical assistant, you have a disconnect between entry level permit tech qualifications and the definition of a technical assistant. Though Mr. Witt's suggestion garnered unanimous support, it doesn't bridge the gap between a technical assistant and the qualifications of a technical assistant. We need to bridge the gap. It will get us half way there and maybe it can be fixed in the next session. If we leave it the way it is, this hamstring the localities ability to bring in entry level permit techs.

Kris Bridges wants to know is the main point conceptual?

Greg Revels says he has a problem with 105.2.1 maybe it can be worked out in upcoming cycles. You can't eliminate the entry level people coming in these positions that lack the experience simply because their title might be permit technician. They were hired in clerical. This will restrict me. Rick Witt's change helps me. I still feel the qualifications restricts me. This is a local issue. There is a whole array of organization setups that can meet each jurisdictions needs.

Mike Toalson feels more and more depts. are accelerating. We have confidence in the building offices.

David Beahm on behalf of VBCOA the vote was unanimous in agreeance with Sean's comments. As it stands now we are in objection to the admission of the second piece to this.

Sean Farrell - Rick if we added in your language that gives local officials the ability to determine who is and who isn't a permit tech, into Debby's proposal would this help?

Rick Witt said he didn't think so. We have created a laundry list of items. The old section needs to be done. This code cycle can be left alone, let it go through and work on next cycle.

C-108.1(1) When applications are required.

Non Consensus

On behalf of a letter written by VA Senator Bill DeSteph. Vernon Hodge gave an overview of this proposal.

Chris Snidow is there a distinction between permit or temporary.

Vernon Hodge only supplementary under construction.

Sean Farrell no comment for or against. Wouldn't it be better added to fit under #1 instead of giving it its own section?

Supplementary floor systems require permits in some jurisdictions and not in others. They need to be uniform and consistent across the board.

Mike Toalson - What is a supplementary floor system?

Vernon Hodge - Mid space on floor systems so the floors won't be so bouncy.

Chris Snidow - Does the home owner need a permit for his own house?

Companies have regulations that they are required to follow.

Andrew Milliken - get away from any definition for supplementary floors

Cindy Davis permit or no permit?

Robby Dawson - Would this be better to go to TRB for an interpretation?

Greg Revels - What is the outcome if the installation isn't implemented?

Making sure there are no code violations. Vernon stated that the the senator didn't have any concerns about installation.

Haywood Kines - With a permit you are if it is structural. Just to brace a floor don't understand this.

Senator would be fine without a permit.

Chuck Bajnai - What about saggy floors. If it passed the first time and if it warps. If they jack without permit it is ok.

Don Surrena - if the homeowner wasn't happy with construction, they are just doing in their own home no permit.

Casey Littlefield – I purchased a house that had a gun safe and the home owner added supports. We took them out. We have approved as constructed.

Allison Cook - maybe it was before code and need supports for structural Need permits.

Sean Farrell if he has a plan are you going to review the whole system. Will they check for bearing and problem fastening for all?

Brian McGraw –Need a definition for supplementary floors.

Ron Clements how about an exception to a permit – supplemental floor systems installed to exceed code requirements to improve in R5 structures. Are not something that needs to be recoded, but needs an exemption.

Robby Dawson -What happens if you put in R2?

Vernon Hodge - you do need permit for R5?

Kenney Payne - based on what Vernon said takes out of IRC and puts in IBC. If you are going to add something that affects either one, you have to make it specific to R5.

Senator had concerns for single family homes.

Chris Snidow - states we have to have a definition.

Ron Clements - we don't need it. If it exceeds code requirement.

Kenney Payne Do we need the name system?

Jennifer McClellan - Do you need supplemental?

Chris Snidow - What about roof support systems? Structural systems shouldn't be limited to floors, cover all structures.

Don Surrena - New language to consider - existing floor system modifications

Sean Farrell - No, the word supplemental still needs to be there. It is important.

Brian McGraw - reinforcement of existing floor systems instead of supplemental? Or reinforcement of existing approved code compliant floor systems?

Vernon Hodge - use what's already in the code to determine if you do need a permit or don't need a permit... This will tell you how the code will be applied. Permits for installation shall be obtained; so it already requires permits for things covered by this section.

Cindy Davis - the challenge is this could encompass a wide variety of installations and applications that there can be a factor on existing structural systems that don't require a permit or it could be simple installation if you do require a permit. This is very hard to give the discretion to the locality.

Sean Farrell - agreed. Moving exemptions because you have over designed or go over code is a very slippery slope cause then it can be applied to trades and I don't think it's the right direction.

Kenney Payne - can someone talk to the legislator and explain the difficulty to find out why it's going the way that it is?

Ron Clements - If we don't fix it here he's going to submit a bill. It will go to the GA. He's trying to level the playing field for businesses. So he's not going to let that go.

Cindy Davis - So do we air on the side of caution and require a permit? As opposed to not when there are so many structural issues that could be involved.

Don Surrena - I would make it simple now, let that run through the cycle, tweak it later in another cycle. Get something into the code now to make easy sense, then work from there to make it more precise.

Cindy Davis – Is Ron's suggestion the simplest way to go?

Allison Cook – I don't think making this exempt from requirements is a good idea. Stated the board has the discretion to decide permit or no permit.

Cindy Davis - Senator DeSteph is asking for uniformity.

Robby Dawson - if there is a structural issue, by putting something in it that was not under the applicable building code?

Cindy Davis – the issue is personal preference

David Beahm – agrees with Robby. if there is a structural problem and a supplementary floor system is put in, it is still supplemental. Cause it didn't need to be there during original construction. Would rather see it require a permit and exempt it than to see it exempted with disregard and see a problem later on.

Chuck Bajnai - If we go to structural support if there is a cracked footing, that's a structural support...it's not a floor system now. Would that come under the exempt definition?

Chris Snidow - service ability problem for bouncing

Kenney Payne - some scenarios will cause for a permit.

Cindy – if it affects the structural integrity it will require a permit. If it does not, it's exempt.

Dan Willheim I would think to err on the side of caution and still require a permit. You think you are approving above code and you are not.

Ben Goss - I will have to ask if I need a permit to the board.

Alison Cook - I would lean to requiring a permit.

Don Surrena - Are you going to require a drawing. If you are going to require a permit, you have to provide plans. Which will make you get in deeper than what you wanted to.

Kenney Payne - if you fall on requiring a permit, add it to list under number 1.

Robby Dawson - This problem is not going away; this doesn't fix the problem.

Cindy Davis - support for adding modification to any structures to require a permit in #1.

Ron Clements - ask people to do something.

Robby Dawson - don't narrow to just R5.

Cindy Davis took poll more for permits. More voted to require than to exempt a permit.

Modifications to structural systems in Group R occupancies.

Sean Farrell - In the 14.11 it does grant the building official to have permit or not.

Chuck Bajnai - could there be a neutral ground, according to the building official, per local jurisdiction...just write it in to show differences across the state.

Sean Farrell - require the permit and the building official has the authority to not require it.

Cindy – Move the requirement to number one and let board decide.

Non-consensus

C-108.2(2) Permit Exemptions.

Ben Goss gave an overview of his proposal. Asking for permit requirement for roofing on all R group structures. Finding a lot of damage that wouldn't be there if someone had just followed the building code. Modification of 14.6?

Sean Farrell - Just because they are not required to get a permit doesn't mean they don't have to be code compliant. If we do determine deficiencies, we have the authority to cite. If the work on a home isn't code compliant, they could have a report issued by a building authority stating so.

14.5 is actually 14.11 and 14.11 is 14.5 it already covers siding. Somehow they were switched.

Shaun Pharr - I object to multiple family properties

Rick Witt – For siding just requiring a permit does not solve the problems of installation.

Chuck - re-roofing now requires a permit.

Non-consensus

C-109.7 As-built Drawings

Non-consensus

Brian McGraw

Representing State Fire Marshal's Office.

Brian gave an overview of his proposal and companion proposal, F-511.

Allison - I think this is reasonable now.

Chris Fornoy – are we talking construction drawings or shop drawings as well?

Everything. Homeowner have to keep construction drawings.

Ron Clements - does this need to be in building code or would it just be aa fire code issue?

Rick Witt - arguing against it. Wide open requiring the construction documents acceptable to the fire code. I don't think it's appropriate.

Brian - Design professionals start in the building code that's why it should be put there. The set of documents aren't being approved, it's where they are being stored.

Haywood Kines - we are inspecting to the set of drawings on site. Are you asking for set of plans to be retained on site for permanent record? Should this be in the building code or the fire code.

Shaun Pharr - opposed to this proposal.

Kenney Payne - Our intent whatever set was used for construction is the set we would be talking about in the first part. The owner gets a permanent set of drawings. We don't have concern for the second part. Only the set used by construction that was approved.

Linda Hale - it starts in the building code and then is transferred to the fire code. Exempting R5 is fine.

Non-consensus for this and proposal F-511

C-113.7.1(2) Third-party inspectors

Michael Redifer

Mr. Redifer not present

Mike Toalson - Objects to this proposal. There is a cost. Building permit fees are paid in example for inspections. The responsibility of transferring this cost back on the homeowner is inappropriate. Agree that the building officials having the authority to require use of a third party, feel that the current language satisfies that. Don't like the building officials to require the use of a third party official, don't like all those costs have to be added on. Would prefer if all costs required that are associated with third party officials shall be a credit towards your building permit fees, that might be acceptable.

Cindy Davis - The general discussion with the AG's office was questionable statutory authority cause by law the building office is responsible for these inspections. Legally would not be able to restrict it to just one. Whatever criteria is set, would have to be available to anyone who meets that criteria.

Chris Snidow – Maybe we should pull part five out?

Vernon Hodge – Criteria is already set for third party / special inspection in the code. This would be for things other than special inspections, which is already addressed.

Cindy Davis – The question is can you require this? You can request it, but you don't have statutory authority to require it.

Shaun Pharr is in opposition to this proposal. Mike makes a valid point...can I expect for my fees to go down since the locality is no longer responsible for performing these inspections? I doubt it.

Alison Cook - stated if we added language that indicates if the locality decided to go third party they don't have to pay permit fees. If they chose to go that route they can't charge fees for typical inspection services.

Administrative fees are still charged.

Cindy Davis - Bottom line is you have to sign off on this if it moves forward.

Consensus for disapproval

C-116.4 Issuance of certificate for pre-USBC structures

Andrew Milliken gave an overview of this proposal.

The word building official used to require a certificate of occupancy and now the requirement is for the fire official can request a certificate of occupancy.

Vernon Hodge - Building official was removed as a way of saying "or as determined by the building official". It was a VBCOA proposal a couple of cycles ago.

Kenney Payne - A pre USB building, or existing building...does the code use and/or?

Charlie Gerber – had concerns about “other existing building”.

Prior to ‘73 this language has always been here. There are numerous of situations that have post ‘73 buildings that have no records. This solution is to prove to the building officials that the certificate of occupancy information is approved.

Sean Farrell – How many building officials have a pre ‘73 certificate of occupancy in your building? They simply don’t exist. I think this fixes this. Reluctant to leaving the fire official in the language. Who is going to pay for this extra work? This cites the owner in the middle of this in getting certificate of occupancy. There is an administrative cost and an inspection cost to determine there are no violations with the existing structure. If the fire official is requesting that the building official go out to determine this, there is no way to recoup that money.

Robby Dawson – Not going to require the owner to do this. This eliminates putting the owner in the middle. The fire official can now ask for this.

Rick Witt – We do charge for this service. This is a property owner’s problem. They need to comply. It says building official “shall be”. It doesn’t say “may”.

Don Surrena – Will have to correct current violations. To what year? What violations?

Allison Cook - If the property owner has not been involved how can we inspect this. The owner has to be involved. We can’t just skip by the property owner and go into the property when we want.

David Beahm - stated the VBCOA would be against this proposal as it stands right now. Will also be opposed to changing the language from “shall” to “may”. If the owner comes in and request a certificate of occupancy for an existing building, we need to do this. It is a function of our department.

Non-consensus

CB-903.2.4 Upholstered furniture

Cindy – a related proposal to one that was made during the last code cycle. For the square footage of mercantile which was taken from 2500 to 12000 the 2500 was left for the F1 and S1. The proposal is to match the original code cycle to take the 2500 square feet for furniture in certain use groups back to the 12000 square feet which it was in the prior code cycles.

Allison Cook – It fixes an inconsistency between the IBC and the IEBC. As the IEBC stands now it would be more restrictive. This does add consistency. Strike the M group remove #2

Robby Dawson - Does not support this. You are classifying the fuel load as a different group. I have a problem with eliminating fire protection systems group.

Chris Born - Does not support this. This is an enormous fire hazard. The fuel load from upholstery furniture and mattresses is a solidified gasoline and deserve special consideration in the model code development. There was a test run on reducing sprinkler requirements for a configuration of mattresses. The results did not support where they were hoping to go. They almost burned the test facility to the ground. This is a bad fire protection move to eliminate sprinkler protections from this hazard.

Robby Dawson – the proposal was modified to provide a reasonable threshold that would not modify

Linda Hale - does not support this. Agree with Robby,

Kenney Payne - speaking on the IEBC be consistent with state amendment strike #2.

Andrew Milliken – is there consensus if we change square footage to fire area.

Ron Clements -there is still some confusion regarding this proposal. Existing building code says, if I build it new, I don't sprinkler it until 12000 if it's an existing building and do some alterations to it, I sprinkler it at 5000.

Brian McGraw - clarification from Kenney Payne

Kenney Payne – 12,000 already exists...#1 stays. #3 stays. #2 be struck. VA took that part out. We are just asking for consistency.

Non-consensus

Robby Dawson does anyone agree with IBC changes

Rick Witt agrees this is non consensus

CB-905.2 Standpipe installation standard

Mr. Born gave an overview of his proposal. Not an attempt to change the intent of VA standpipe requirements. It is an attempt to clarify. The way the exception reads, it only exempts pressure. Option 1 Strike the exception, move the language into 905.3.1... you can have a manual wet standpipe, you can go up to 150 ft with that manual wet stand pipe...

Option 2 – is the proponent’s preferred option. Imposes a requirement on the design professional to coordinate with the local fire official as to what their tactics and equipment are so that the standpipe equipment is designed to accommodate their needs and operational procedures. Standpipe equipment is usually the one piece of equipment solely installed for use of the fire department. The way it is currently written, we never ask the fire department if there is a maximum pressure that you want to pump? What pressure do you require at your nozzle? What hose configurations are you using?

Robby Dawson fine with option 1 – but if there is a locality without a local fire department, rather strike the exception

Ron Clements does not support option 2.

Consensus for approval for Option 1

CB-915.1.1(2) Installation of radiating cable

Allison Cook gave an overview of this proposal. Radiating cable/ existing communication... Proposing that it’s no longer the locality’s responsibility but the building owner should be responsible for installing and maintaining the additional emergency communications systems.

Shaun Pharr speaks in opposition.

Mike Toalson speaks in opposition. This code change violates the spirit of the compromise.

Brian McGraw fire official dilemma. A firefighter safety issue. Portable radios don’t respond well due to the construction of the building. Radio technology for fire service is not necessarily there. If a builder wants to build a building, all of the other requirements are there. If repeater systems are installed, will waive the requirement for the hand sets. In support of the owner providing these systems. Some editorial needs to be included to the fire code version.

Cindy Davis – There is not another workgroup meeting so there cannot be any significant changes made to the proposals that are submitted. Staff will be happy to insert specific editorial changes as long as they correlate back to statements made at this meeting. Otherwise you cannot go back and make changes to submit the board without those changes coming before this group.

Kenney Payne - we hoped this would go through the ad hoc committee, but we are opposed to this as written, because this is an after fact. Whenever something happens after the fact the finger is always pointed to the design professional for not designing it originally to meet the code.

Robby Dawson - The challenge is to redesign a radio system locally to give us X amount of coverage across X amount of the community. Let's address this with the statewide communications.

Kenney Payne – today we design a system that meets the code, but then other buildings go up and tress grow and all of a sudden they are not getting the signals that they need. Does that fall back on the owner?

Rick Witt doesn't think this proposal is the answer. Radiating cables may not be the technology you wanna to use anyway. Cellular providers are looking at alternate ways with new technology.

Andrew Milliken -We have this problem in Stafford in the stairwells. When the building was originally constructed, we had the coverage. But a few years down the line and we have modified buildings, communications have changed.

Non-consensus

CB-3307.2 Protection of adjacent occupied areas

Andrew Milliken gave an overview of this proposal. Protection of adjacent occupied areas. What wording needs to be changed...deleting the word "completely" separated to just separated...don't want to be unreasonable. Trying to simplify what is typically done in most projects with affect to the occupants. Code officials cannot go out and require additional levels of construction, sections in fire code that word deleted and removed regarding mall separations will ensure that when renovating one section or one tenant area, that the occupied area has some sort of separation from the construction.

Cindy Davis – large square footage stores...divide their work area from occupants of the store with plastic, this will not permit that?

No, this is why we wanna take out completely separated.

Kenney Payne - consistent with the existing type of construction, is it rated construction? Even if it's temporary. Noncombustible vs combustible. Does completely means even above the ceiling?

Cindy Davis - The intent is to delete the word completely. Vacant space or areas under construction or demolition shall be separated and secured for the remainder of the occupied building with construction consistent with the existing type of construction for the building unless otherwise approved.

If you separate the construction area from the occupant area with drywall, the wall has to be type 1?

Are we talking about walls or systems as well? Separated and secured...whatever that looks like.

David Beahm said VBCOA would oppose this. Don't believe you can determine what's secure can be based on what's been said.

Haywood Kines - Not properly worded, but a good recommendation for a code change.

Kris Bridges said they have current constructions currently going on...sprayed fire resistant on the temporary walls.

Non-consensus

CR-R303.5.1 Intake Openings

Dan Wilhiem – I can see the language that's provided being interpreted differently from one area to another. I think this will be problematic. Would like to get a feel of what the building officials think of the language.

Tom Clark confused about the installation. Worried that they will be installed in another way.

Mike Toalson what would VBCOA think if we put a period after the word percent?

Chris Snidow stated he believed this was proprietary.

Consensus for disapproval

CR-R404.1.9.2 Masonry piers supporting floor girders

Charles Bajnai gave an overview of his proposal. Dealt with the requirement that said you had to have pier blocks 12 x 12 x 12. Blocks don't typically come that way. The suggestion is to scratch the whole section. Then you can use any dimension of blocks for a crawl space that you want.

Consensus for Approval

CR-R803.2.4 Structural fascia or perimeter blocking

Mr. Goss gave an overview of his proposal. Strengthen the perimeter of a roof diaphragm to give it a more direct path. The way roofs are built, they have a non-structural fascial. No sheeting or decking from as much as 3 to 6 inches. Makes it weak on the edge. Can cause wind/water damage. Want to make it safer.

Mike Toalson objects to this. We think it's a new and unnecessary expense. Unaware of roofs blowing off of houses in VA. In Florida, maybe during hurricane season.

Kris Bridges - Those standards 803.2.3 is referenced multiple times. State of VA has the worse roof construction ever seen. The fact that I can't attach a drip edge to the edge of the roof is morally reprehensible. The state is at risk for significant more damage, just because it hasn't happened, don't mean it won't. Homeowners are at risk. The quality of construction is significantly poorer. Home owners already incurring thousands of dollars in deferred maintenance cost.

The way it's currently being built, it's impossible to meet the manufactures installation instructions, load issues aside. It's designed in the code...you are not designed to meet this in the code. Since it's not designed to meet this in the code...they are not. Roofs are brand new but can be failed. Not using drip edge don't have the standard manufactures over hang, almost all of the roofs here are hanging 3 – 4 inches over the edge.

Non consensus

CR-R905.2.8.5 Drip Edge

Mr. Goss gave an overview of his proposal. Reject the deletion that requires this...It's in the code already...in order to get a proper edge on a shingle roof you need to have a drip edge so you can have something to attach your starter strip and shingles to so you won't have water intrusion.

Mike Toalson objects to this. If the drip edges aren't installed properly it causes more problems. Unnecessary cost. Shouldn't be mandated by the code. Every builder have the option to use a drip edge,

Non consensus

CR-R908.7 Roof system repairs

Ben Goss gave an overview of his proposal. Trying to get a definition of what a roof system is in comparison to a repair of the roof system. It didn't edit properly. Want to define what a roof repair is vs a roof replacement and what's required.

Kenney Payne stated there are definitions in the IEBC and the IBC. If this moves forward can they be the same or do they need to be different?

The IEBC standard is 50%.

Under that definition for roof replacement doesn't require me to replace it compared to salvaging it and that could be dangerous.

Mike Toalson objects to this. It includes some of the features we've already opposed to in previous code changes.

Non Consensus

CTM-401.4 Intake openings.

Consensus for disapproval

CTS-305.2.9 Clear zone.

Consensus for approval

F-107.2 (2) Mobile food preparation vehicles

Robby Dawson gave an overview of his proposal.

Strike 609.2 from this change. Change sections 319.4 and 904.2.2 to replace “Section 609” with “NFPA 96-17 Annex B.

Christine w/health dept. asking clarification for specific sections

Robby Dawson made changes.

Vernon Hodge stated Justin Bell had questions on this.

Brian McGraw you can do this as a local amendment.

Consensus for approval with revisions.

F-107.11 State Fire Marshal’s office permit fees

Mr. McGraw gave an overview of his approval.

Non-consensus (for board to decide)

F-319 (2) Commercial cooking

No changes made to it since the last meeting in June.

Consensus for disapproval

F-403.12.3.1 Number of crowd managers

You don’t need crowd managers at 999 but if you got to 1,000 you needed 4.

Robby Dawson said we need crowd managers. 1000 people you need 1 crowd manager for every 250 people in the venue.

Shaun Pharr believes this needs clarity.

Consensus for disapproval (will be addressed and discussed at the next code cycle)

F-609.1 Commercial kitchen hoods

Withdrawn

F-609.3 Operations and maintenance

Language needed to be added that cooking appliances needed to be approved by building code officials.

Rick Witt stated it is redundant and unnecessary.

Dan Surrena said make it a pointer.

Non-consensus

F-5706.1.1 Mobile fueling operations

Robby Dawson gave an overview of his proposal.

David Beahm proposed to revise language to say vehicles used for farm operations and machinery. This is replacing #3.

Robby Dawson would like an interpretation from the AG's office.

Linda Hale there is a difference if you have a farm use only tag.

They have a company in Loudoun County that fuels vehicles anywhere. (WeFuel)

They have gone around all the safety measures that is required for a gas station.

Michael O'Connor Fill and Purple in CA is in discussions with the fire dept.

CA has allowed it in designated areas.

Consensus with talking to AG's office

M-103.2.1 Responsibility

Greg Revels gave an overview of this proposal.

Shaun Pharr - has anyone talked with the AG's office on this one. It is very problematic.

Greg Revels has had instances where the owners are not responding to the tenants.

Problem with owners not taking care of problems with their properties.

John Walsh suggested there are provisions for repeat offenders.

There are no consequences for any terrible conditions until they get a violation notice, then they fix it. No consequences.

Sean Farrell with regards to 3 or more the legal counsel needs to have substantial evidence. You have a checks and balances.

Shaun Pharr doesn't dispute the problems that exist with owners. Would be willing to craft language with VBCOA.

Non-Consensus

M-202(2) Applicable building code

Rick Witt gave an overview of this proposal.

Maintained: To keep unimpaired in an appropriate condition, operation, and continuance as installed in accordance with the applicable building code, or as previously approved, and in accordance with the applicable operational and maintenance provisions of this code.

Modify the proposal with the inclusion of this definition.

Consensus for approval

M-505.4 Water heating facilities

Earl Weaver gave an overview of this proposal

Water heating facilities shall be properly maintained at a minimum temperature of 110 F (43 C)

Non consensus

M-505.5 Nonpotable water reuse systems

Revise #1 to add public comment suggestion by Susan Douglas from Virginia Department of Health to read, "Proper cross-connection control and backflow prevention measures shall comply with the applicable building code."

Add where required in front of #2

Consensus for approval with modifications

M-602.2 (1) Heat supply

John Walsh gave an overview of this proposal.

Mr. Joseph Ciszek gave the Legal Aid Justice Centers overview.

Shaun Pharr gave an overview of the decision the TRB came up with.

Kenney Payne gave alternative language.

Sean Farrell we would have talked about maintaining the heat source.

Public comment to be submitted by John Walsh, Shaun Pharr and Vernon Hodge.

Non-consensus

M-606.1(2) Third party elevator inspections

AG's office said there is a conflict.

Consensus for disapproval