

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB312

House of Origin	<u> X </u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: McClellan

3. Committee: General Laws

4. Title: Uniform Statewide Building Code; appeals to the local board of building code appeals and the State Technical Review Board

5. Summary: Clarifies that any person aggrieved by a local building official's application of the Uniform Statewide Building Code may appeal to the local board of Building Code appeals. The bill also removes the authority of the State Technical Review Board (TRB) to hear appeals from the Virginia Manufactured Housing Construction and Safety Standards Law and the Virginia Certification Standards adopted by the Board of Housing and Community Development.

6. No fiscal impact.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: No.

9. Specific Agency or Political Subdivisions Affected: The Department of Housing and Community Development.

10. Technical Amendment Necessary: No.

11. Other Comments: According to the Department of Housing and Community Development, to date, no one has brought an appeal of either the Virginia Manufactured Housing Construction and Safety Law or the Virginia Certification Standards before the TRB. TRB has little or no discretion regarding the enforcement of these provisions or the ability to resolve a claim.

The Department of Housing and Community Development serves as the State Administrative Agency for the Federal Manufactured Home Construction and Safety Standards. The construction standards incorporated in the Virginia Manufactured Housing Construction and Safety Standards Laws encompass the preemptive provisions of the Federal Manufactured Home Construction Safety Standards. However, only the U.S. Department of Housing and Urban Development can authorize a substantial modification of the application or enforcement of the construction standards.

The Virginia Certification Standards focus on the professional qualification of individuals employed to implement and enforce provisions of the building and fire prevention regulations promulgated by the Board of Housing and Community Development. Actions of the Board with regard to the Certification Standards are subject to provisions of the Administrative Process Act and judicial review.

Date: 1/18/2010 tmw

Document: G:\2010 Session\Legislation\HB312.Doc