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HOUSE BILL NO. 950**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Governor
on April 8, 2024)

(Patron Prior to Substitute—Delegate Lopez)

*A BILL to amend and reenact §§ 36-98 and 36-137 of the Code of Virginia, relating to Uniform Statewide Building Code; evaluation of proposed legislation.***Be it enacted by the General Assembly of Virginia:****1. That §§ 36-98 and 36-137 of the Code of Virginia are amended and reenacted as follows:****§ 36-98. Board to promulgate Statewide Code; other codes and regulations superseded; exceptions.**

A. The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.

However, such Code shall not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, and (iii) solid waste facilities. Nor shall state agencies be prevented from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the Uniform Statewide Building Code.

Such Code also shall supersede the provisions of local ordinances applicable to single-family residential construction that (a) regulate dwelling foundations or crawl spaces, (b) require the use of specific building materials or finishes in construction, or (c) require minimum surface area or numbers of windows; however, such Code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a locality pursuant to subdivision 8 of § 15.2-2242 or § 15.2-2286.1, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to § 15.2-2306, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

B. When any legislative bill requiring the Board to amend the Uniform Statewide Building Code is filed during any session of the General Assembly, the Chairman of the committee to which the bill is referred shall request that the Board prepare an evaluation of the legislation to determine its necessity and impact on public health, safety, and welfare.

C. Upon receipt of a request pursuant to subsection B, the Board shall prepare the evaluation and forward copies of such evaluation to the Governor and to the Clerk of the House of Delegates for House bills and the Clerk of the Senate for Senate bills no later than November 1 of the same year for requests received during a regular session of the General Assembly or as soon as practicable for requests received during a special session of the General Assembly for transmittal to each patron of the legislation and to the Chairman of each committee of the General Assembly to consider the same. All departments and agencies of the Commonwealth are directed to make available such information and assistance as the Board may request in preparing the evaluations required by this section.

§ 36-137. Powers and duties of Board; appointment of Building Code Academy Advisory Committee.

The Board shall exercise the following powers and duties, and such others as may be provided by law:

1. Provide a means of citizen access to the Department.
2. Provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities.

3. Monitor the policies and activities of the Department and have the right of access to departmental information.

4. Advise the Governor and the Director on matters relating to housing and community development.

5. Make such rules and regulations as may be necessary to carry out its responsibilities and repeal or amend such rules when necessary.

6. Issue a certificate of competence concerning the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ 36-97 et seq.), Chapter 9 (§ 27-94 et seq.) of Title 27, and any regulations adopted thereunder, who have completed training programs or in other ways

60 demonstrated adequate knowledge.

61 7. Levy by regulation up to two percent of permit fees authorized pursuant to §§ 36-98.3 and 36-105
62 to support training programs of the Building Code Academy established pursuant to § 36-139. Local
63 building departments shall collect such levy and transmit it quarterly to the Department of Housing and
64 Community Development. Localities that maintain, individual or regional, training academies accredited
65 by the Department of Housing and Community Development shall retain such levy. However, such
66 localities may send employees to training programs of the Building Code Academy upon payment of a
67 fee calculated to cover the cost of such training. Any unspent balance shall be reappropriated each year
68 for the continued operation of the Building Code Academy.

69 The Board shall appoint a Building Code Academy Advisory Committee (the Committee) comprised
70 of representatives of code enforcement personnel and construction industry professions affected by the
71 provisions of the building and fire prevention regulations promulgated by the Board. Members of the
72 Committee shall receive no compensation but shall be entitled to be reimbursed for all reasonable and
73 necessary expenses incurred in the performance of their duties in accordance with § 2.2-2813. The
74 Committee shall advise the Board and the Director on policies, procedures, operations, and other matters
75 pertinent to enhancing the delivery of training services provided by the Building Code Academy.

76 8. Establish general policies, procedures, and programs for the Virginia Housing Trust Fund
77 established in Chapter 9 (§ 36-141 et seq.).

78 9. Determine the categories of housing programs, housing sponsors and persons and families of low
79 and moderate income eligible to participate in grant or loan programs of the Virginia Housing Trust
80 Fund and designate the proportion of such grants or loans to be made available in each category.

81 10. Advise the Director of the Department on the program guidelines required to accomplish the
82 policies and procedures of the Virginia Housing Trust Fund.

83 11. Advise the Virginia Housing Development Authority and the Director of the Department on
84 matters relating to the administration and management of loans and grants from the Virginia Housing
85 Trust Fund.

86 12. Establish the amount of the low-income housing credit, the terms and conditions for qualifying
87 for such credit, and the terms and conditions for computing any credit recapture amount for the Virginia
88 income tax return.

89 13. Serve in an advisory capacity to the Center for Housing Research established by § 23.1-2633.

90 14. Advise the Department in the development of the Consolidated Plan Strategy to guide and
91 coordinate the housing programs of the Department, the Virginia Housing Development Authority, and
92 other state agencies and instrumentalities.

93 15. Advise the Governor and the Department on the expansion of affordable, accessible housing for
94 older Virginians and Virginians with disabilities, including supportive services.

95 16. Establish guidelines for the allocation of private activity bonds to local housing authorities in
96 accordance with the provisions of the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et
97 seq.) of Title 15.2.

98 17. *Perform evaluations pursuant to § 36-98.*