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HOUSE JOINT RESOLUTION NO. 244

Offered January 22, 1996

Requesting the Board of Housing and Community Development to consider amending § 112.2, Volume I (Notice of Violation), of the Uniform State Building Code to reference § 116.5, Volume I (Application for Appeal), of the Uniform State Building Code to clarify that any written decision of a building code official must indicate the opportunity for appeal from such decision.

Patrons—Grayson, Almand, Cooper, Crittenden, Diamonstein, Keating, Mims, Stump and Watkins;
Senators: Benedetti, Norment, Waddell and Walker

Referred to Committee on Rules

WHEREAS, under the current provisions of the Uniform State Building Code (USBC), the owner of a building, the owner's agent, or other corporate or natural persons directly involved in the design or construction of a building may appeal certain decisions of a local building official to the local board of building appeals; and

WHEREAS, actions to which an appeal may be taken include the refusal to grant a modification complying with the intent of the USBC, an incorrect interpretation of the intent of the USBC, cases where the provisions of the USBC do not fully apply, or where a form of construction equal or superior to that specified in the USBC has been denied; and

WHEREAS, hearings by the local board are to be public and conducted in accordance with the applicable provisions of the USBC, and parties to local appeals who are aggrieved by the decision of the local board relating to the application of the USBC may appeal to the State Building Code Technical Review Board, which is bound to the applicable procedures set forth in the Administrative Process Act; and

WHEREAS, further appeals from the decisions of the Technical Review Board may be made to the appropriate circuit court with original jurisdiction; and

WHEREAS, although local building officials and many in the building design community are regularly alerted to interpretations of the Technical Review Board through periodic publications of the Department of Housing and Community Development, the general public may be less aware of such decisions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Housing and Community Development consider amending § 112.2, Volume I (Notice of Violation), of the USBC to reference § 116.5, Volume I (Application for Appeal), of the USBC to clarify that any written decision of a building code official must indicate the opportunity for appeal from such decision; and, be it

RESOLVED FURTHER that the Clerk of the House prepare a copy of this resolution for presentation to the Board of Housing and Community Development that they may be apprised of the sense of the General Assembly in this matter.

INTRODUCED

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