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HOUSE BILL NO. 2227

Offered January 13, 2021

Prefiled January 13, 2021

A BILL to amend and reenact § 36-99 of the Code of Virginia, relating to the Uniform Statewide Building Code; amendments; energy efficiency and conservation.

Patrons—Kory and Hope

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 36-99 of the Code of Virginia is amended and reenacted as follows:****§ 36-99. Provisions of Code; modifications.**

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 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.

D. *The Board shall adopt amendments to the Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The Board shall adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC and may adopt Building Code standards that are more stringent than those contained in the new version of the IECC. For the purposes of this section, a standard shall be deemed to be as stringent as one contained in the IECC if such standard would perform the same function as that contained in the IECC without using more energy than would be used under the IECC standard. Amendments made to the Building Code pursuant to this subsection shall be enforced beginning six months after adoption.*

E. 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

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59 result in defective or deficient building materials, methods, or designs, and (ii) immediate action is
60 necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue
61 amended regulations establishing interim performance standards and Code provisions for the installation,
62 application, and use of such building materials, methods or designs in the Commonwealth. Such
63 amended regulations shall become effective upon their publication in the Virginia Register of
64 Regulations. Any amendments to regulations adopted pursuant to this subsection shall become effective
65 upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24
66 months or until adopted, modified, or repealed by the Board.

67 **2. That the Board of Housing and Community Development shall adopt amendments to the**
68 **Uniform Statewide Building Code to address changes made by the International Code Council's**
69 **2021 International Energy Conservation Code related to energy efficiency and conservation by no**
70 **later than July 1, 2022.**