

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 36-105 of the Code of Virginia, relating to the Uniform Statewide*
3 *Building Code; enforcement.*

4 [H 2109]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 36-105 of the Code of Virginia is amended and reenacted as follows:**

8 § 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings.
9 Enforcement of the Building Code shall be the responsibility of the local building department. There
10 shall be established within each local building department a local board of Building Code appeals whose
11 composition, duties and responsibilities shall be prescribed in the Building Code. Appeals from the local
12 building department concerning application of the Building Code or refusal to grant a modification to
13 the provisions of the Building Code covering the manner of construction or materials to be used in the
14 erection, alteration or repair of a building or structure shall first lie to the local board of Building Code
15 appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final
16 determination by the local board of Building Code appeals. Whenever a county or a municipality does
17 not have such a building department or board of Building Code appeals, the local governing body shall
18 enter into an agreement with the local governing body of another county or municipality or with some
19 other agency, or a state agency approved by the Department for such enforcement and appeals resulting
20 therefrom. For the purposes of this section, towns with a population of less than 3,500 may elect to
21 administer and enforce the Building Code; however, where the town does not elect to administer and
22 enforce the Building Code, the county in which the town is situated shall administer and enforce the
23 Building Code for the town. In the event such town is situated in two or more counties, those counties
24 shall administer and enforce the Building Code for that portion of the town which is situated within
25 their respective boundaries. Fees may be levied by the local governing body in order to defray the cost
26 of such enforcement and appeals.

27 Any building or structure may be inspected at any time before completion, and shall not be deemed
28 in compliance until approved by the inspecting authority. Where the construction cost is less than
29 \$1,000, however, the inspection may, in the discretion of the inspecting authority, be waived. The
30 building official shall coordinate all reports of inspections for compliance with the Building Code, with
31 inspections of fire and health officials delegated such authority, prior to issuance of an occupancy
32 permit.

33 The local governing body may also inspect and enforce the Building Code for existing buildings and
34 structures, whether occupied or not, including such regulations for elevators. Such inspection and
35 enforcement shall be carried out by an agency or department designated by the local governing body.
36 *However, upon a finding by the local building department, following a complaint by a tenant of a*
37 *residential rental unit which is the subject of such complaint, that there may be a violation of § 105 of*
38 *Volume II of the Building Code, the local building department shall enforce § 105 of Volume II.*

39 The local governing body may, upon an affirmative finding of the need to protect the public health,
40 safety and welfare, require the issuance of certificates of compliance with current building regulations
41 for existing residential buildings located in conservation and rehabilitation districts designated by the
42 local governing body after inspections of such buildings upon termination of the rental tenancies or
43 when such rental property is sold. Such certificate of compliance shall be issued in accordance with the
44 administrative provisions of the Uniform Statewide Building Code.

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