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1 **HOUSE BILL NO. 2577**

2 Offered January 13, 2025

3 Prefiled January 12, 2025

4 *A BILL to amend and reenact § 36-99 of the Code of Virginia, relating to Uniform Statewide Building Code;*
5 *unsafe structures.*

6 Patron—Leftwich

7 Referred to Committee on General Laws

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 36-99 of the Code of Virginia is amended and reenacted as follows:**10 **§ 36-99. Provisions of Code; modifications.**11 A. The Building Code shall prescribe building regulations to be complied with in the construction and
12 rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe
13 regulations to ensure that such buildings and structures are properly maintained, and shall also prescribe
14 procedures for the administration and enforcement of such regulations, including procedures to be used by
15 the local building department in the evaluation and granting of modifications for any provision of the
16 Building Code, provided the spirit and functional intent of the Building Code are observed and public health,
17 welfare and safety are assured. The provisions of the Building Code and modifications thereof shall be such
18 as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and
19 structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost
20 consistent with recognized standards of health, safety, energy conservation and water conservation, including
21 provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and
22 barrier-free provisions for individuals with physical disabilities and aged individuals. Such regulations shall
23 be reasonable and appropriate to the objectives of this chapter.23 B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as
24 recommended by nationally recognized organizations, including, but not limited to, the standards of the
25 International Code Council and the National Fire Protection Association. Notwithstanding the provisions of
26 this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except
27 for a building or a portion of a building located on a farm that is operated as a restaurant as defined in §
28 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.
29 However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject
30 to flood-proofing regulations or mudslide regulations, as applicable. However, any farm building or structure
31 (i) where the public is invited to enter for an agritourism activity, as that term is defined in § 3.2-6400, for
32 recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of
33 agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of
34 agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:

35 1. Portable fire extinguishers for the purpose of fire suppression;

36 2. A simple written plan in case of an emergency, but such plan shall not be construed to be interpreted as
37 a fire evacuation plan under the Uniform Statewide Building Code or any other local requirements; and38 3. A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This
39 building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or
40 other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm
41 building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly
42 legible black letters, with each letter to be a minimum of one inch in height.43 C. Where practical, the Code provisions shall be stated in terms of required level of performance, so as to
44 facilitate the prompt acceptance of new building materials and methods. When generally recognized
45 standards of performance are not available, such provisions shall provide for acceptance of materials and
46 methods whose performance has been found by the local building department, on the basis of reliable test and
47 evaluation data, presented by the proponent, to be substantially equal in safety to those specified.48 D. The Board, upon a finding that sufficient allegations exist regarding failures noted in several localities
49 of performance standards by either building materials, methods, or design, may conduct hearings on such
50 allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health,
51 safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall
52 convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the
53 subject building material and as many other interested parties, industry representatives, and trade groups as
54 can reasonably be identified. Following the hearing, the Board, upon finding that (i) the current technical or
55 administrative Code provisions allow use of or result in defective or deficient building materials, methods, or
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59 designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the
60 Commonwealth, may issue amended regulations establishing interim performance standards and Code
61 provisions for the installation, application, and use of such building materials, methods or designs in the
62 Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia
63 Register of Regulations. Any amendments to regulations adopted pursuant to this subsection shall become
64 effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of
65 24 months or until adopted, modified, or repealed by the Board.

66 *E. For any structure deemed unsafe under the Building Code, and therefore eligible for demolition upon
67 the unsafe notice process being completed, the owner or his agent may temporarily overcome the unsafe
68 structure designation by vacating and securing the structure by board up of all access points.*

69 *After six months have elapsed from the time the board up was first learned of and internally recorded by
70 the locality, if the structure would still otherwise be considered an unsafe structure, the locality may issue
71 and send a written notice to the owner that if the other conditions specified in the notice are not adequately
72 improved, or an appeal not received, within two months, the unsafe designation will once again come into
73 effect. That notice may be appealed in the same manner as any other formal building determination, and the
74 owner may receive additional time from the local board of Building Code appeals if he demonstrates in
75 writing that additional time is likely to result in the resolution of the unsafe condition. Upon the expiration of
76 the two months, or upon the denial of the appeal by the local board of Building Code appeals, whichever
77 occurs later, the structure shall again be deemed unsafe, and upon notice to the owner, the locality may
78 resume its unsafe process at the stage at which it was paused by the securing and vacating of the property.
79 Once the securing, board up, and vacating process has occurred once, it cannot be used again to overcome
80 the unsafe designation during the pendency of that specific unsafe designation.*

81 *The unsafe designation will continue to be in effect in the event that it is the locality that secured the
82 structure, and not the owner or his agent.*

83 *Notwithstanding the provisions of this subsection, when the building code official determines that an
84 unsafe structure constitutes such a hazard that it should be demolished, then the building code official shall
85 be permitted to order the demolition of such structure in accordance with applicable requirements of law.*

86 *If a locality demolishes a structure under an unsafe designation after it was secured and vacated by the
87 owner pursuant to the provisions of this section, the property will not lose any legal nonconformity as a result
88 of that demolition.*

89 *For purposes of this subsection, "notice" means sent by certified mail, return receipt requested.*