

26105662D

HOUSE BILL NO. 1509

Offered January 23, 2026

A BILL to amend and reenact §§ 36-98 and 36-118 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-114.2, relating to Uniform Statewide Building Code; regulations superseded; exceptions; interpretations; report.

Patron—Phillips

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-98 and 36-118 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 36-114.2 as follows:

§ 36-98. Board to promulgate Statewide Code; other codes and regulations superseded.

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, and local ordinances 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.

B. The Board, in consultation with the Department of Professional and Occupational Regulation, shall establish a training program for local plan reviewers and inspectors to ensure enforcement of the Uniform Statewide Building Code is uniform across the Commonwealth.

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.

§ 36-114.2. Review Board to hear petitions for exceptions; report.

A. Counties, municipalities, and other political subdivisions may petition the State Building Code Technical Review Board to grant locality-based exceptions from any provision of the Building Code. Any such petition shall (i) identify the affected Building Code sections, (ii) include documented local data supporting the exception, and (iii) propose precise language and technical justification. The Review Board shall only approve a petition for an exception if it finds (a) a demonstrated unique local condition including documented radon incidence or seismic risk, (b) the proposed exception addresses a genuine risk or operational need not adequately covered by the Building Code, (c) the exception does not conflict with the safety objectives of the Building Code or increase risk elsewhere, and (d) the exception's benefits outweigh potential cost impacts and avoid unnecessary complexity. The Review Board shall act on any such petition within 90 days of receipt. Any exception granted by the Review Board shall apply to all future projects within such locality.

B. Any county, municipality, or other political subdivision that petitions the Review Board pursuant to subsection A shall provide an opportunity for public comment on the exceptions being petitioned for within such locality prior to submitting such petition.

C. Any approval of a petition for an exception by the Review Board shall be published on the Review Board's website. Such posting shall include the petition from the county, municipality, or other political subdivision and the Review Board's justification for such approved exception. In such justification, the Review Board shall identify other localities of the Commonwealth in which the conditions are substantially similar and to which such exception shall therefore apply.

D. The Review Board shall report to the General Assembly annually no later than November 1 regarding the number of petitions received, the disposition of such petitions, technical findings supporting approvals and denials, and the cost and safety impacts of any approved exception.

59       **§ 36-118. Interpretation of Code; recommendation of modifications.**

60       The Review Board shall interpret the provisions of the Building Code, and the Fire Prevention Code, and  
61 shall make such recommendations, which it deems appropriate, to the Board for modification, amendment or  
62 repeal of any of such provisions. *All such recommendations shall prioritize (i) the protection of public health,*  
63 *safety, and welfare; (ii) consistency with generally accepted industry standards and practices; and (iii)*  
64 *efficiency, clarity, and predictability in the administration and enforcement of the Building Code. The Review*  
65 *Board shall additionally consider the cost impacts of any such recommendation and shall, to the extent*  
66 *practicable, favor approaches that are cost-neutral or result in measurable cost savings without*  
67 *compromising safety.* A record of all such recommendations, and of the Board's actions thereon, shall be kept  
68 in the office of the Review Board. Such record shall be open to public inspection at all times during business  
69 hours and shall be published on the Review Board's website.

70       *B. Any interpretation issued by the Review Board shall apply statewide. If any conflict exists between any*  
71 *interpretation issued by the Review Board and any local interpretation, the Review Board's interpretation*  
72 *shall control.*