

HOUSE BILL NO. 377
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on)
(Patron Prior to Substitute—Delegate Bennett-Parker)

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.

on _____)

Be it enacted by the General Assembly of Virginia:

10 1. That § 36-99 of the Code of Virginia is amended and reenacted as follows:

§ 36-99. Provisions of Code; modifications.

12 A. The Building Code shall prescribe building regulations to be complied with in the construction and
13 rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe
14 regulations to ensure that such buildings and structures are properly maintained, and shall also prescribe
15 procedures for the administration and enforcement of such regulations, including procedures to be used by
16 the local building department in the evaluation and granting of modifications for any provision of the
17 Building Code, provided the spirit and functional intent of the Building Code are observed and public health,
18 welfare and safety are assured. The provisions of the Building Code and modifications thereof shall be such
19 as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and
20 structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost
21 consistent with recognized standards of health, safety, energy conservation and water conservation, including
22 provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and
23 barrier-free provisions for individuals with physical disabilities and aged individuals. Such regulations shall
24 be reasonable and appropriate to the objectives of this chapter.

25 B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as
26 recommended by nationally recognized organizations, including, but not limited to, the standards of the
27 International Code Council and the National Fire Protection Association. Notwithstanding the provisions of
28 this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except
29 for a building or a portion of a building located on a farm that is operated as a restaurant as defined in
30 § 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.
31 However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject

32 to flood-proofing regulations or mudslide regulations, as applicable. However, any farm building or structure
33 (i) where the public is invited to enter for an agritourism activity, as that term is defined in § 3.2-6400, for
34 recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of
35 agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of
36 agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:

- 37 1. Portable fire extinguishers for the purpose of fire suppression;
- 38 2. A simple written plan in case of an emergency, but such plan shall not be construed to be interpreted as
39 a fire evacuation plan under the Uniform Statewide Building Code or any other local requirements; and
- 40 3. A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This
41 building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or
42 other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm
43 building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly
44 legible black letters, with each letter to be a minimum of one inch in height.

45 C. Where practical, the Code provisions shall be stated in terms of required level of performance, so as to
46 facilitate the prompt acceptance of new building materials and methods. When generally recognized
47 standards of performance are not available, such provisions shall provide for acceptance of materials and
48 methods whose performance has been found by the local building department, on the basis of reliable test and
49 evaluation data, presented by the proponent, to be substantially equal in safety to those specified.

50 *D. The Board shall adopt amendments to the Building Code within 18 months of publication of a new
51 version of the International Code Council's International Energy Conservation Code (IECC) to incorporate
52 the latest IECC standards related to energy efficiency and conservation. The Board may amend the latest
53 IECC standards only insofar as such amendments are at least as stringent as those standards contained in
54 the newest version of the IECC. For purposes of this subsection, an amended standard shall be deemed to be
55 as stringent as a standard contained in the IECC if such amended standard would perform the same function
56 as that contained in the IECC without using more energy than would be used under the IECC standard. In
57 conducting its review, the Board shall assess whether proposed amendments would be at least as stringent as
58 the standards contained in the newest version of the IECC standards while benefiting the public health,
59 safety, and welfare, including potential energy savings and air quality benefits over time compared to the
60 cost of initial construction. Updated IECC standards shall be enforced by the Board no later than 12 months
61 after adoption.*

62 *E.* The Board, upon a finding that sufficient allegations exist regarding failures noted in several localities
63 of performance standards by either building materials, methods, or design, may conduct hearings on such
64 allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health,
65 safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall
66 convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the
67 subject building material and as many other interested parties, industry representatives, and trade groups as
68 can reasonably be identified. Following the hearing, the Board, upon finding that (i) the current technical or
69 administrative Code provisions allow use of or result in defective or deficient building materials, methods, or
70 designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the
71 Commonwealth, may issue amended regulations establishing interim performance standards and Code
72 provisions for the installation, application, and use of such building materials, methods or designs in the
73 Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia
74 Register of Regulations. Any amendments to regulations adopted pursuant to this subsection shall become
75 effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of
76 24 months or until adopted, modified, or repealed by the Board.