

VBCOA/VPMIA 2011 Legislative Report

To access the complete bill and legislative history for any of the bills listed use to the following web address:

<http://leg1.state.va.us/>

From that page click “Bills & Resolutions” and then enter the bill number in the field. Enter HB or SB and then the number without a space. Example: HB1234

Bills on which we have taken a position that PASSED:

HJ648-Plum- No Position -This is a study bill version of HB2070 that requires DHCD facilitate a study of what would be required to provide accessible routes and report the results of that study back to the GA. **VBCOA Building Code Committee will need to get involved in that process with DHCD.**

HB1610-Oder- (SB942) Support with our recommended amendments. This is a bill regarding defective drywall. Specific to the code official is the involvement of the code official (in lines 271-273) in the determination of defective drywall. No Opposition with our recommended amendments (lines 271-273), which are already in SB942 though it still needs a minor tweak. We would oppose if our modifications were not accepted but our suggestions were approved by the Housing study Commission and Del. Oder so I see no issue on that end. **This was amended to our satisfaction.**

HB1918- Merrick-Support, this is a VBCOA bill. This clarifies that the code official’s determination of a code violation establishes discovery and the beginning of the time frame for the statute of limitations, not discovery of a problem by the building owner. Currently the owner’s “discovery” can establish discovery under the law. **This bill was rolled into HB2168.**

HB1974- Robinson-Support-Originally opposed but changed to support based on amendment -This bill in section A requires verification of architect’s licenses as a condition of accepting building permits similar to what is required for contractors. Section B is o.k. and requires A/Es prove they are licensed when applying for local business licenses. **This was amended to remove section A, which was the section we had an issue with.**

HB2168-Abbit-Support- DHCD statute of limitations bill same as SB941. This is a DHCD bill. In the current law the statute of limitations in title 36-106 states 2 years and in title 19.2-8 states 1 year for the same offence. This bill corrects the conflict. **HB1918 was rolled into this bill.**

SB773-Locke-Support-Expands aircraft noise attenuation standards, greater sound insulation in walls around airports.

SB941-Miller-Support- This is a DHCD bill. In the current law the statute of limitations in title 36-106 states 2 years and in title 19.2-8 states 1 year for the same offence. This bill corrects the conflict.

SB942- Miller -Support -with amendments, See HB 1610. No Opposition with our recommended amendments. Need to change DHCD in line 273 to building official. **This was amended to our satisfaction.**

Bills on which we have taken a position that FAILED to pass:

HB1485-Hope-Oppose unless amended /**changed to no opposition based on amendment** - Oppose line 62-65 that requires BO to enforce AED installations; **This was amended to our satisfaction 1-18-11 and left in committee on 1-25.**

HB 1722-R. Marshall- Oppose -Requires that at the time of creation of any public record, the designation of whether the record is subject to FOIA's mandatory disclosure provisions or otherwise exempt from disclosure. This would apply to every record we create or receive; a HUGE burden. **This bill was passed by.**

HB1834-Scott-Oppose- Overrides building and fire prevention codes regarding permissible fireworks. Specifically we oppose line 48 and 49 that refer to another standard for a definition in state law and lines 61-64 that overrides the building code for buildings storing permissible fire works requiring use of NFPA 1124 in place of the building code. **Passed by indefinitely by the Senate sub-committee.**

HB2045-Ebbin- Originally Opposed but changed to no position- this bill attempts to clarify that a property can be designated blight for which a building permit was not obtained or the building permit has been revoked or has expired. General consensus is that the current definition does not have this limitation. Bill support is based on interpretations from 2 localities attorneys. The language is confusing. This is an Alexandria bill. Based on numerous discussions and communications we determined that we could not confidently support or oppose this bill so we decided to take no position. **Passed by indefinitely. This bill was referred to the Housing Study Commission. VBCOA Property Maintenance Committee needs to be involved in that process.**

HB2070-Plum- Oppose -Requires all buildings without accessible routes to be retroactively brought up to code. The bill is vague. HJ648 is a study bill along the same lines. The bill has a lot of opposition so VBCOA probably does not need to be directly involved. **This bill was passed by but a letter will be sent to DHCD requesting that they look into the issue of retrofitting accessible routes as part of the study required by HJ648. VBCOA Building Code Committee will need to get involved in that process with DHCD.**

HB2091-Herring- Oppose-Requires air conditioning in rental units. Even if you like the idea how do we know when something is rented? **This was struck from the docket.**

HB2273-Keam-Oppose- Allows localities to designate building officials as sworn law enforcement investigators for unlicensed contracting. We have opposed this initiative for the past 3 years in one form or another. The issue has had substantial vetting amongst our membership. We regulate the product of construction, not behaviors or professions. Professional practice is regulated by DPOR. **This bill was laid on the table in sub-committee.**

SB290-Deeds-Oppose-This bill was a carry over bill from the 2010 session that attempts to implement a green building code in VA. **The bill was left in committee prior to the start of the session, which means it was dead before the 2011 session started.**

SB1254-Vogel- Oppose-Authorizes a locality to reduce permit fees levied for construction, rehabilitation, renovation, or improvement of a building by up to 10 percent of the amount otherwise charged if the building is an energy-efficient building. We can already do this. The current law is that fees are capped at a level to defray operational costs but there is no minimum. **Passed by indefinitely. We worked with the patron and constituent to have this bill passed by.**

SB1342-Norment- Oppose-Provides that buildings used by fraternal organizations shall be classified as residential structures for the purposes of complying with the Building Code. This is legislating the building code and has a number of technical flaws. It states they are residential structures but there are 5 separate types of “residential” structures in the building code. It states these buildings are not for overnight accommodation but that is what all of the residential uses are. **Passed by indefinitely.**

No Position /Watch list that PASSED

HB1492- (SB766) water well systems provider is qualified to install, remove or repair geothermal water well systems to the point of connection to the ground source heat pump.

HB1611- Requires localities with a retrofit smoke detector ordinance follow a maintenance standard

HB1905-Allows after school programs of less than 4 hours, such as karate schools, to be exempt from licensure as a day care. Not a direct building code issue but if passed may be good to discuss building code designation for the structures during the next state code update. **This bill was substantially modified in committee.**

SB766- See/same as HB1492

SB1375-Provides for the licensure of building analysts by the Board for Asbestos, Lead, Mold, and Home Inspectors. **This bill was substantially modified in committee. Licensure was established but a new board seat was not provided for the profession.**

SB1455- Excludes snow tubing parks and rides, ski terrain parks, ski slopes and ski trails from the definition of amusement device or structure under the Virginia Amusement Device Act.

No Position /Watch list that FAILED to pass

HB1397- residence in compliance USBC exempt from Cap and Trade

HB1677- Changes parking in accessible space fine; if passed VCC language regarding parking signs must be changed.

HB1803- Provides for the certification of home energy auditors by the Board for Contractors. The bill defines home energy audits and includes one licensed home energy auditor to be appointed to the Board for Contractors. This was killed in committee, House GL #4, last year as HB833.

HB1817-Requires Leeds certification for public buildings; does not involve code enforcement

HB1918- Allows localities to use a contractor working on behalf of the locality to issue civil summonses for certain violations related to sewage disposal systems. VA Beach bill.

HB2260-Allows licensed plumbers to perform well maintenance.

HB2262- See/same as HB1817

HB2210- Derelict building receivership

SB766- See/same as HB1492

SB832- See/same as HB1817

SB996-This bill is a soft attempt to reverse the proffer collection bill from last session, that require proffer collection at CO issuance instead of permit issuance, by changing shall to may.

SB997-Allows the locality to hold CO issuance up for road work completion. The bill is flawed in that it keeps COs from being issued to the developer but does not prevent issuance to a contractor.

SB1019-Transfers state fire marshal's office fee approval from the BHCD to the FSB.

SB1312- Derelict building receivership. **This issue was referred to the Housing Study Commission.**

Statistics:

38 total bills tracked.

18 total bills on which we took positions. 8 (44%) we supported and 10 (56%) we opposed.

100% success rate. Out of 18 bills on which we took positions, 18 had the outcome that we desired.

For bills on which we took positions, 40% passed and 60% failed to pass.

For all bills tracked 35% passed and 65% failed to pass.

VBCOA/VPMA 2011 Legislative Report recommendation for Further action required by VBCOA/VPMA:

HJ648 & HB2070 Accessible routes to buildings. DHCD will facilitate a study of what would be required to provide accessible routes from parking spaces to building entrances at existing building sites and report the results of that study back to the GA. **VBCOA Building Code Committee will need to get involved in that process with DHCD.**

HB1610 & SB942 Chinese drywall. DHCD has begun a series of study group meetings on this issue. **VBCOA Building Code Committee will need to get involved in that process with DHCD.** The March 24th meeting will be held at DHCD, 600 E. Main St., 12th floor South conference room from 9:30 to 3:00. Parking and lunch will be provided to attendees, but you must contact Janice. The third and final DHCD workgroup meeting on April 28, 2011 will be at Virginia Housing Center, 4224 Cox Road, Glen Allen, VA 23060 from 9:30-3:00. Free parking is available on site and a box lunch will be provided. The BHCD public hearing will be March 28, 2011 at the Virginia Housing Center starting at 10:00. Comments should be concise and normally would be allowed for 3-5 minutes. Your input should be focused on the USBC and the type of remediation protocol you would like to see adopted. If you have real world remediation experience sharing that would also be useful for the BHCD to hear.

Janice.firestone@dhcd.virginia.gov or 804-371-7150 by March 18th to confirm your attendance. A tentative agenda and schedule is attached

HB1834 Permissible Fireworks. DHCD will facilitate a work group to explore potential changes to the VCC to address permissible fireworks as a hazardous material separate from and of lower hazard than 1.4G fireworks. **VBCOA Building Code Committee will need to get involved in that process with DHCD.**

HB2045 Designating buildings as blight for which a building permit was not obtained or the building permit has been revoked or has expired. This bill was referred to the Housing Study Commission. **VBCOA Property Maintenance Committee needs to be involved in that process.** The property maintenance committee needs to review this issue and have representation attend the housing study commission meetings. Ron Clements is on the Housing sub-committee so he can pass along the meeting dates to the PM committee when the meetings are established.

SB1312 Derelict building receivership. This bill was referred to the Housing Study Commission. **VBCOA Property Maintenance Committee needs to be involved in that process.** The property maintenance committee needs to review this issue and have representation attend the housing study commission meetings. Ron Clements is on the Housing sub-committee so he can pass along the meeting dates to the PM committee when the meetings are established.

HB 1918 & HB2168 Statute of limitations bills. Letters need to be sent to the bill patrons from the organizations thanking them for helping us and serving as patrons for the bills. Ron Clements to work with the presidents to complete this task.