

Virginia Building and Code Officials Association

Virginia Plumbing and Mechanical Inspectors Association

2010 Session Legislative Report

April 23, 2010

This is the final report from the VBCOA/VPMIA legislative committee for the 2010 session. The underlined bill number is a hyperlink to the legislative services summary page for the bill. The “full text” hyperlink below the bill summary is a direct link to the final version of the bill as it was passed or failed. Bill numbers in red are bills that have some direct impact on building code enforcement and therefore it is recommended that these bills be reviewed thoroughly to determine any impact they may have on your local code enforcement operations.

HB 46 Passed (Watched to make sure it did not involve the building official)

Virginia Disaster Response Fund; hazardous materials in dwellings. Creates the Virginia Defective Drywall Correction and Restoration Assistance Fund to promote the correction and restoration of residential property affected by the environmental problems attributable to defective drywall used in new construction or renovation that occurred between 2001 and 2008. The fund will be administered by the shall be Virginia Resources Authority and the Department of Housing and Community Development. Under the bill, the Department of Housing and Community Development would develop guidelines for the distribution of loans or grants from the Fund to particular recipients. The grants and loans may be used to pay the reasonable and necessary costs associated with (i) the remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (ii) the stabilization or restoration of such structures or (iii) the demolition and removal of the existing structures or other work necessary to remediate or reuse the real property.

Full text:

[04/13/10 House: Governor's substitute printed 10106168D-H2](#)

HB 250 Passed (no position) Board for Contractors; Class C license. Raises the threshold for which a person must have a Class C contractors license from less than \$7,500 to less than \$10,000. As a result, the Class B threshold is also raised from \$7,500 or more to \$10,000 or more.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0062\)](#)

HB 299 Passed (support, HB 299 and HB 493 incorporated into HB 687) Uniform Statewide Building Code; increases civil penalty. Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to

\$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances.

SEE HB 687

HB 312 Passed (support) Building Code; appeals to local board and State Technical Review Board. Uniform Statewide Building Code; appeals to the local board of building code appeals and the State Technical Review Board. Clarifies that any person aggrieved by a local building official's application of the Uniform Statewide Building Code may appeal to the local board of Building Code appeals. The bill also removes the authority of the State Technical Review Board to hear appeals from the Virginia Manufactured Housing Construction and Safety Standards Law and the Virginia Certification Standards adopted by the Board of Housing and Community Development.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0063\)](#)

HB 313 Passed (support) Industrialized Building Safety Law; appeals to State Building Code Technical Review Board. Provides that any person aggrieved by the Department of Housing and Community Development's application of the Industrialized Building Safety Law appeal to the State Building Code Technical Review Board. Currently only local building officials, compliance assurance agencies, and industrialized building manufacturers are listed as being allowed such appeals. In addition, the bill deletes references to model code writing entities and replaces them with the International Code Council.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0077\)](#)

HB 363 Died in committee (no position)Vacant building registration; increases fee required of an owner of building vacant for 12 months. Increases the maximum registration fee required of an owner of a building that has been vacant for a continuous period of 12 months from \$25 to \$250.

Full text:

[01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10101720D](#)

HB 369 Died in committee (no position)Statewide Building Code; rental inspection ordinance may require certain owners to post signs. Provides that a rental inspection ordinance may include a provision that requires the owners of any multifamily residential development in a rental inspection district, which development contains more than 10 dwelling units and is managed by a property manager or managing agent of the owner, to post signs on such property conspicuous to public view identifying the name, address, and telephone number of the property manager or managing agent of the owner. The building department may develop a form for such purpose.

Full text:

[01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10101721D](#)

HB 374 Passed (no position) Cash proffers; acceptance by localities. Delays collection or acceptance of a cash proffer by a locality until the residential property has passed final inspection and before it is issued a certificate of occupancy by said locality.

Full text:

[03/08/10 House: Bill text as passed House and Senate \(HB374ER\)](#)

HB 406 Passed (no position) Board for Contractors; certification of accessibility mechanics. Provides for the certification of accessibility mechanics by the Board for Contractors. An "accessibility mechanic" is an individual who erects, constructs, installs, alters, services, repairs, tests, or maintains wheelchair lifts, incline chairlifts, certain dumb waiters, and private residence elevators, in accordance with the Uniform Statewide Building Code.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0081\)](#)

HB 409 Passed (Support, this is a bill that we worked with patron Del. Oder on before the session as a substitute for the bill last year that authorized localities to have building officials issue summonses to unlicensed contractors). Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evidence of being exempt licensure as a contractor. The bill contains a technical amendment.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0082\)](#)

HB 422 Died in committee (Oppose, this has been rejected multiple times by the ICC for inclusion in the IRC and IBC) Uniform Statewide Building Code; visitability to single family dwellings. Requires the Board of Housing and Community Development to adopt regulations establishing standards for new construction of single-family residential buildings to meet minimum standards for accessibility for persons with disabilities, including provision for (i) doorway entrances of at least 32 inches in width; (ii) accessible pathways of at least 36 inches in width throughout the first floor; (iii) at least one accessible no-step main floor entryway; (iv) accessible environmental controls, including electrical outlets at least 18 inches above the floor and light switches at least 44 inches above the floor; and (v) at

least one bathroom on the first floor that is capable of supporting the installation of grab bars and other assistive equipment. The bill provides that such standards may include reasonable exemptions from such requirements as deemed appropriate by the Board.

Full text:

[01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103774D](#)

HB 493 Passed (support, HB 299 and HB 493 incorporated into HB 687) Uniform Statewide Building Code; increases civil penalty. Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances.

SEE HB 687

HB 517 Passed (Support) Uniform Statewide Building Code; court may order violations on nonresidential buildings be abated. Provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0087\)](#)

HB 605 Passed (Support) Housing and Community Development, Board for; clarifies that the 2% levy on permits applies to all permit types issued under the USBC. Provides that the levy of two percent of building permit fees for the support of the Virginia Building Code Academy also is not limited to building permits but also applies to permits issued in connection with the enforcement of amusement device regulations.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0066\)](#)

HB 687 Passed (support this bill was from Prince William County, HB 299 and HB 493 incorporated into HB 687) Uniform Statewide Building Code; increases civil penalty. Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for an initial violation from \$100 to \$200; for each subsequent violation from \$150 to \$500; and the total for violations arising from the same operative set of facts from \$3,000 to \$5,000. This brings the Uniform Statewide Building Code in line with civil penalties for violation of zoning ordinances.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0094\)](#)

HB 833 Died in committee (Support) Board for Asbestos, Lead, Mold, and Home Inspectors; regulation of home energy auditors. Provides for the licensure of home energy auditors by the Board for Asbestos, Lead, Mold, and Home Inspectors. The bill defines home energy audits and includes one licensed home energy auditor to be appointed to the Board for Asbestos, Lead, Mold, and Home Inspectors, and changes the name of the Board to Board for Asbestos, Lead, Mold, Home Inspectors, and Home Energy Auditors.

Full text:

[01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10103779D](#)

HB 880 Died in committee (No Position, this issue has also been the subject of a state building code change that the administrative committee took no position on, Newport News bill) Derelict buildings; expands definition. Expands the definition of derelict buildings to include residential or nonresidential buildings or structures that have not been completed and approved for use or occupancy, and for which the construction permit has been revoked in accordance with the Uniform Statewide Building. This legislation also expands the definition of blighted property to include any structure for which a construction permit was not obtained or for which the construction permit has been revoked in accordance with the Uniform Statewide Building Code.

Full text:

[01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101628D](#)

HB 929 Died in committee (no position) State Library Board; retention of certificates of occupancy. Requires the State Library Board to adopt regulations increasing the minimum mandatory period for the retention of certificates of occupancy to 15 years.

Full text:

[01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102969D](#)

HB 954 Died in committee (no position) Uniform Statewide Building Code; rental inspections, penalty. Increases the penalty for the willful failure of an owner of a dwelling unit, who is using the dwelling unit for residential rental purposes, to provide written notification of the residential rentals to the local governing body from a maximum of \$50 to a maximum of \$250.

Full text:

[01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102368D](#)

HB 967 Passed (no position) Assisted living facilities; zoning. Expands certain provisions, that currently apply to only the Counties of Arlington and York, statewide that

prohibit zoning ordinances that restrict assisted living facilities in residential neighborhoods. The existing provisions for the Counties of Arlington and York declare that zoning ordinances for all purposes shall consider a residential facility in which no more than eight aged, infirm, or disabled persons reside with one or more resident counselors or other staff persons as residential occupancy by a single family.

Full text:

[04/21/10 House: Reenrolled bill text \(HB967ER2\)](#)

HB 983 (opposed; effectively this bill died in committee through incorporation into HB 409, which we supported. HB409 passed without any of the language from HB983 included) Board for Contractors; installation of HVAC systems.

Authorizes the Board for Contractors, in addition to the requirements of the Uniform Statewide Building Code, to establish by regulation a requirement for any tradesman required to be licensed to install any HVAC system or equipment in compliance with any manufacturer's specifications for same as may be contained in the manufacturer's warranty on such system or equipment. Such regulation may also include a provision requiring such system or equipment to be installed by a factory-trained tradesman.

Full text:

[01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10100380D](#)

SEE HB409

HB 1126 Died in committee (Opposed) Uniform Statewide Building Code; grading limitations.

Provides that the Uniform Statewide Building Code shall not supersede counties, municipalities, and other political subdivisions grading regulations prescribing maximum slopes in the construction or substantial renovation of single-family detached dwelling units located on lots not exceeding one-half acre.

Full text:

[01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102950D](#)

HB 1211 (HB206 & SB198 incorporated) Passed with 12-31-2011 sunset clause (Opposed, negotiated a sunset clause in exchange for assistance in getting the state building code changed to address the problem. The state building code change will be finalized at the 4-29 DHCD work group meeting) Liquid fertilizer aboveground storage tanks.

Authorizes localities to adopt an ordinance that makes it unlawful for any person to construct, maintain, or use any non-petroleum storage tank having a capacity of more than 100,000 gallons without obtaining a permit from the local fire official. The penalty for violating the ordinance is not to exceed a Class 1 misdemeanor.

Full text:

[03/12/10 House: Bill text as passed House and Senate \(HB1211ER\)](#)

HB 1260 Passed (Support) Uniform Statewide Building Code; buildings or structures built on state-owned property. Provides that the Uniform Statewide Building Code shall also apply to buildings or structures built on state-owned property. The bill requires the Department of General Services to act as the building official for all buildings or structures built on state-owned property. The bill contains technical amendments.

Full text:

[03/09/10 Governor: Acts of Assembly Chapter text \(CHAP0105\)](#)

HB 1307 Passed (No position) Zoning provisions for temporary family healthcare structures. Provides that zoning ordinances for all purposes shall consider temporary family healthcare structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver at his residence as a permitted accessory use in any single-family residential zoning district. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Full text:

[04/08/10 Governor: Acts of Assembly Chapter text \(CHAP0296\)](#)

HB 1310 Died in committee (no position) Board for Contractors; certification of direct exchange geothermal heat pump ground loop system providers. Requires the certification of direct exchange geothermal heat pump ground loop system providers by the Board for Contractors. The bill defines "direct exchange geothermal heat pump ground loop system provider" and provides that direct exchange geothermal heat pump ground loop system providers shall continue to be certified as water well systems providers until such time as the Board for Contractors adopts final regulations for direct exchange geothermal heat pump ground loop system providers.

Full text:

[01/22/10 House: Presented and ordered printed 10103594D](#)

SB 8 Passed (no position) Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors.

Full text:

[03/22/10 Senate: Bill text as passed Senate and House \(SB8ER\)](#)

SB 105 Passed (no position) Mechanics' and materialmen's liens. Removes the definitional requirement that one must give consent in writing in order to be a "mechanics' lien agent." The bill also authorizes any person entitled to claim a lien to notify the mechanics' lien agent that he seeks payment for labor performed or material furnished if the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent. Current law provides that any person entitled to claim a lien may notify the mechanics' lien agent that he seeks payment for labor performed or material furnished only if, at the time of issuance, the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent.

Full text:

[04/10/10 Governor: Acts of Assembly Chapter text \(CHAP0341\)](#)

SB 215 (No position, Same as HB 406) Board for Contractors; certification of accessibility mechanics. Provides for the certification of accessibility mechanics by the Board for Contractors. An "accessibility mechanic" is an individual who erects, constructs, installs, alters, services, repairs, tests, or maintains wheelchair lifts, incline chairlifts, certain dumb waiters, and private residence elevators, in accordance with the Uniform Statewide Building Code.

SEE HB 406

SB 290 Carried over until the 2011 session awaiting publication of the ICC Green Building Code (Opposed, VBCOA needs to discuss ICC Green Code for next year) Board for Housing and Community Development; Green Building Code. Requires the Board for Housing and Community Development to promulgate a Green Building Code as a part of the Uniform Statewide Building Code for optional adoption per locality.

Full text:

[01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10101294D](#)

SB 491 Passed (No position) Sale of used building fixtures; penalty. Requires dealers in secondhand building fixtures to retain records of identifying information about the seller or purchaser of such materials and to obtain documentation establishing that the person lawfully possesses any article being sold. Dealers are required to keep the records for five years. If the dealer buys copper gutters, downspouts, or similar copper materials, he is required to hold the articles for not less than 15 days following the date he gives the required notice of the transaction to the chief of police or sheriff. The measure also increases the penalty for a first violation to a Class 2 misdemeanor and for a second or subsequent violation to a Class 1 misdemeanor.

Full text:

[04/21/10 Senate: Reenrolled bill text \(SB491ER2\)](#)

SB 609 Carried over until the 2011 session (opposed, old bill) Carbon monoxide detectors; locality to enact ordinance requiring installation in certain places. Authorizes any locality to enact an ordinance requiring the installation of carbon monoxide alarms in (i) any building containing one or more dwelling units; (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations; and (iii)

any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations, provided such buildings contain dwelling units that have an attached garage or carport or are serviced by fuel-fired appliances.

Full text:

[01/14/10 Senate: Presented and ordered printed 10103092D](#)