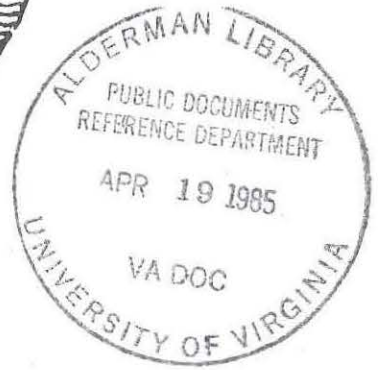


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THE VIRGINIA REGISTER

VA
DOC

OF REGULATIONS



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APRIL 15

1985

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the Virginia Register a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The Virginia Register is cited by volume, issue, page number, and date. **1:3 VA.R. 75-77 November 12, 1984** refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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Members of the Virginia Code Commission: Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; William G. Broaddus, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

Citizen Participation in the Rule-Making Process

As required by the Administrative Process Act, each agency of the Commonwealth is required to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations.

Citizens may participate in the process by which administrative regulations are adopted, amended, or repealed by submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see General Notices and Calendar of Events section of the *Virginia Register*).

How to Follow State Agency Regulatory Action in the Virginia Register

Under the provisions of the Administrative Process Act, state agencies must publish in the *Virginia Register* the full text of proposed rules and regulations, if substantive, as well as a summary statement.

In addition, the agency is required to provide a public comment period and hold a public hearing. A notice of hearing will be published sixty days prior to the hearing. Such notices are published in the CALENDAR OF EVENTS section of the *Virginia Register*. Proposed regulations and adopted regulations are published in separate sections of the *Virginia Register*.

All executive orders and comments on regulations issued by the Governor are published under the GOVERNOR section.

The CALENDAR OF EVENTS section not only contains the notices of public comment periods and hearings but also all notices of meetings required to be open under the provisions of the Freedom of Information Act.

VIRGINIA REGISTER OF REGULATIONS PUBLICATION DEADLINES AND SCHEDULES

| ISSUE DATE | MATERIAL SUBMITTED BY 4:30 p.m. Friday | Will be included in PUBLICATION MAILED on Friday |
|----------------|---|--|
| Feb. 4 | Jan. 18 | Feb. 1 |
| Feb. 18 | Feb. 1 | Feb. 15 |
| Mar. 4 | Feb. 15 | Mar. 1 |
| Mar. 18 | Mar. 1 | Mar. 15 |
| Apr. 1 | Mar. 15 | Mar. 29 |
| Apr. 15 | Mar. 29 | Apr. 12 |
| | | Index |
| Apr. 29 | Apr. 12 | Apr. 26 |
| May 13 | Apr. 26 | May 10 |
| May 27 | May 10 | May 24 |
| June 10 | May 24 | June 7 |
| June 24 | June 7 | June 21 |
| July 8 | June 21 | July 5 |
| | | Index |
| July 22 | July 5 | July 19 |
| Aug. 5 | July 19 | Aug. 2 |
| Aug. 19 | Aug. 2 | Aug. 16 |
| Sept. 2 | Aug. 16 | Aug. 30 |
| Sept. 16 | Aug. 30 | Sept. 13 |
| Sept. 30 | Sept. 13 | Sept. 27 |
| | | Index |
| Oct. 14 | Sept. 27 | Oct. 11 |
| Oct. 28 | Oct. 11 | Oct. 25 |
| Nov. 11 | Oct. 25 | Nov. 8 |
| Nov. 25 | Nov. 8 | Nov. 22 |
| Dec. 9 | Nov. 22 | Dec. 6 |
| Dec. 23 | Dec. 6 | Dec. 20 |
| | | Index |

TABLE OF CONTENTS

PROPOSED REGULATIONS

HOUSING AND COMMUNITY DEVELOPMENT, BOARD OF

| | |
|--|-----|
| Virginia Uniform Statewide Building Code - Volume I - New Construction Code (VR 394-01-21) | 936 |
| Uniform Statewide Building Code - Volume II - Building Maintenance Code/1984 (VR 394-01-22) | 936 |
| Virginia Uniform Statewide Building Code - Volume III - Fire Prevention Code/1984 (VR 394-01-23) | 944 |
| Virginia Industrialized Building and Mobile Home Safety Regulations (VR 394-01-31) | 949 |
| Virginia Public Building Safety Regulations (VR 394-01-41) | 960 |
| Virginia Liquefied Petroleum Gas Regulations/1984 (VR 394-01-42) | 961 |

HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

| | |
|---|-----|
| Certification of Tradesmen Standards/1984 (VR 395-01-2) | 962 |
|---|-----|

MEDICAL ASSISTANCE SERVICES, DEPARTMENT OF

| | |
|--|-----|
| Hospital Reimbursement Appeals Process (VR 460-02-4.191) | 966 |
| Public Participation in the Formation and Development of Regulations (VR 460-04-8.900) | 969 |

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

| | |
|--|-----|
| Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs (VR 470-01-02) | 971 |
|--|-----|

VIRGINIA TAX BULLETIN

| | |
|--|-----|
| Virginia Tax Bulletin No. 85-3 Watercraft Sales and Use Tax and Retail Sales and Use Tax | 974 |
| Virginia Tax Bulletin No. 85-4 Subtraction of Railroad Retirement Benefits from Virginia Taxable Income | 974 |
| Virginia Tax Bulletin No. 85-6 | |

| | |
|--|-----|
| Application of the Sales Tax to Purchases by Foreign Diplomats | 974 |
|--|-----|

| | |
|---|-----|
| Virginia Tax Bulletin No. 85-7 Withholding of Virginia Income Tax from Military Retirement Pay | 975 |
|---|-----|

| | |
|--|-----|
| Virginia Tax Bulletin No. 85-8 Stamping 25 Cigarette Packages in Cartons of Eight | 975 |
|--|-----|

REPORTING FORMS

Taxation, Department of

| | |
|-----------------|-----|
| Tax Forms | 976 |
|-----------------|-----|

GENERAL NOTICES/ERRATA

| | |
|---|-----|
| Notices of Intended Regulatory Action | 980 |
| General Notices | 982 |

ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS, DEPARTMENT OF

| | |
|----------------------------|-----|
| Notice to the Public | 982 |
|----------------------------|-----|

STATE CORPORATION COMMISSION

| | |
|------------------------------------|-----|
| Memorandum | 983 |
| Administrative Letter 1985-7 | 983 |
| Administrative Letter 1985-8 | 984 |

VIRGINIA FIRE COMMISSION

| | |
|----------------------------|-----|
| Notice to the Public | 984 |
|----------------------------|-----|

HOUSING AND COMMUNITY DEVELOPMENT, BOARD OF

| | |
|----------------------------|-----|
| Notice to the Public | 985 |
|----------------------------|-----|

VIRGINIA CODE COMMISSION

| | |
|--------------------------------|-----|
| Notice to State Agencies | 985 |
|--------------------------------|-----|

CALENDAR OF EVENTS

| | |
|--|-----|
| Executive Open Meetings and Public Hearings | 986 |
|--|-----|

| | |
|--|------|
| Legislative Open Meetings and Public Hearings | 1004 |
|--|------|

| | |
|--------------------------------------|------|
| Chronological list of meetings | 1004 |
|--------------------------------------|------|

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulations: VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction/1984.

Statutory Authority: §§ 36-97 - 36-107 of the Code of Virginia.

NOTICE

Due to its length the proposed 1984 Edition of the Virginia Uniform Statewide Building Code, Volume I - New Construction Code, filed by the Division of Building Regulatory Services, Department of Housing and Community Development, is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Summary:

The Board of Housing and Community Development proposes to replace the 1981 edition of the Virginia Uniform Statewide Building Code (USBC) with a 1984 edition. It will be retitled as Volume I - New Construction Code/1984 edition. The 1984 edition of the USBC represents a change in organization and format from the 1981 edition. Requirements of the USBC are now divided into three volumes: (i) Volume I - New Construction Code; (ii) Volume II - Building Maintenance Code; and (iii) Volume III - Fire Prevention Code.

Minor clarifications have been made to the administrative and enforcement provisions of the proposed New Construction Code. The provisions for accessibility for handicapped persons contained in Article 5 of Addendum 1 have been extensively revised to reflect comments received from affected groups throughout Virginia. Incremental changes to the building design requirements of the New Construction Code will occur when the referenced model codes are updated to the current editions as proposed by the Board. The referenced models include the 1984 editions of the model Building, Plumbing and Mechanical Codes of Building Officials and Code Administrators International, Inc., and the Electrical Code of the National Fire Protection Association. These will be supplemented by adoption of the 1983 edition, with 1984 supplement, of the One and Two Family Dwelling Code

published by the council of American Building Officials.

The New Construction Code is a mandatory, statewide, uniform regulation which must be complied with in all buildings or additions hereafter constructed, altered, enlarged, repaired, or converted to another class of use. Its purpose is to protect the health, safety and welfare of building users, and to provide for energy conservation, water conservation, and accessibility for the physically handicapped and aged. The New Construction Code specifies the enforcement procedures to be used by local governments. Enforcement by local governments is mandatory. Provision is made for acceptance of alternate means by the building official whenever equivalent health and safety will be provided. An administrative appeals system is established for resolution of disagreements between the building owner and the building official.

Title of Regulations: VR 394-01-23. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1984.

Statutory Authority: Title 36, Chapter 6, Article 1 of the Code of Virginia.

Summary:

Volume II - Building Maintenance Code of the 1984 Edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide, uniform set of regulations that must be complied with in all buildings to protect the occupants from health and safety hazards that might arise from improper maintenance and use. Technical requirements of the Building Maintenance Code are based on the BOCA model Existing Structures Code, a companion document to the BOCA model Building Code which serves as the basis for Volume I of the USBC, the New Construction Code. Enforcement procedures are provided that must be used when the Building Maintenance Code is enforced by local agencies. Local enforcement of the Code is optional. An administrative appeals system is established for resolution of disagreements between the building owner and the code official.

VR 394-01-22. Uniform Statewide Building Code - Volume II - Building Maintenance Code/1984.

Article 1.

ADOPTION, ADMINISTRATION AND ENFORCEMENT SECTION 100.0 GENERAL

100.1 Title: These regulations shall be known as Volume II

- Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code. Except as otherwise indicated, Building Maintenance Code or Code, shall mean Volume II - Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code.

Note: See Volume I - New Construction Code for regulations applicable to new construction. See Volume III - Fire Prevention Code for fire safety requirements applying to existing public buildings used by 10 or more persons.

100.2 Authority: The Building Maintenance Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia.

100.3 Adoption: The Building Maintenance Code was adopted by order of the Board of Housing and Community Development on (...). This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4 Effective date: The Building Maintenance Code shall become effective on (.....).

100.5 Effect on other codes: The Building Maintenance Code shall supersede all building maintenance codes and regulations of the counties, municipalities, political subdivisions and State agencies, that have been or may be enacted or adopted.

100.5.1 Application to pre-USBC buildings: Buildings or portions thereof constructed, altered, converted or repaired before the effective date of the initial edition of the Virginia Uniform Statewide Building Code (USBC) shall be maintained in compliance with the Building Maintenance Code and with the applicable State and local building regulations that were in effect at that time, and with the Virginia Public Building Safety Regulation/1984 Edition.

Note: Such existing regulations include, but are not limited to, the following examples:

- Local building codes
- Local housing and property maintenance codes
- Those parts of local fire prevention codes that apply to buildings and their equipment.

100.5.2 Application to post-USBC buildings: Buildings or portions thereof that were subject to the Uniform Statewide Building Code when constructed, altered,

converted or repaired shall be maintained in compliance with the Building Maintenance Code and with the edition of the USBC that was in effect at that time.

Note: The Building Maintenance Code is based on the premise that all matters pertaining to the design and equipment of a building or structure (either in its initial construction or through subsequent alterations, repairs, additions, and conversions of use) should be governed by the applicable building code or regulations, and should thereafter be maintained in compliance with those requirements. Continuation of such compliance is the objective of the Building Maintenance Code.

100.6 Exemptions for certain equipment: The provisions of the Building Maintenance Code shall not apply to distribution equipment installed by a provider of public regulated utility services, or to electrical equipment used for radio and television transmission. However, the buildings, including their service equipment, housing such utility services shall be subject to this Code. The exempt equipment shall be under the exclusive control of the public service agency and located on property by established rights.

100.7 Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Building Maintenance Code. However, such structures lying within a flood plain or in a mudslide-prone area shall be subject to the applicable floodproofing regulations or mudslide regulations.

100.8 Purpose: The purpose of the Building Maintenance Code is to ensure public safety, health and welfare through proper building maintenance and compliance with minimum building construction, energy conservation, water conservation, and physically handicapped and aged accessibility standards.

SECTION 101.0 REQUIREMENTS

101.0 Adoption of model code: The following model code, as amended by §§ 101.2 and 101.3, is hereby adopted and incorporated in the Building Maintenance Code. In accordance with the Virginia Uniform Statewide Building Code Law, this model code shall protect the health, safety and welfare of the residents of this State at the least possible cost consistent with recognized standards of health, safety, welfare, energy conservation, water conservation, and accessibility for the physically handicapped and aged.

The BOCA BASIC/NATIONAL EXISTING STRUCTURES CODE/1984 EDITION

Published by:

Building Officials and Code Administrators International, Inc.

4051 West Flossmoor Road

Proposed Regulations

Country Club Hills, Illinois 60477

101.2 Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced hereby that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the Building Maintenance Code.

101.3 Other amendments to the referenced model code: The amendments noted in Addendum 1 shall be made to the specified articles and sections of the BOCA Basic/National Existing Structures Code/1984 edition for use as part of this Code.

SECTION 102.0 LOCAL ENFORCING AGENCY

102.1 Enforcement by local governments: Any local government may, after official action, enforce the Building Maintenance Code, or any portion of the Code. The local governing body may assign responsibility for enforcement of the Building Maintenance Code, or any portion thereof, to another local agency. The terms "enforcing agency" and "code official" are intended to apply to the agency or agencies assigned. However, the terms "building official" or "building department" shall apply only to the local building official or building departments.

102.2 Interagency co-ordination: Where enforcement of any portion of the Building Maintenance Code has been assigned to an agency other than the building department, such as the fire prevention bureau, such agency shall coordinate its reports of inspection with the building department. All required alterations, repairs, installations or constructions shall be subject to the building permit and certificate of use and occupancy provisions of the Uniform Statewide Building Code.

102.3 Code official: Each local enforcing agency shall have an executive official in charge, hereinafter referred to as the code official. Where the local building department has been designated as the local enforcing agency, the building official shall serve as the code official.

102.4 Appointment: The code official shall be appointed in a manner selected by the local government having jurisdiction. After appointment, he shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority.

102.5 Qualification of local enforcing agency personnel: The local government shall establish qualifications for the code official and his assistants adequate to insure proper administration and enforcement of the Building Maintenance Code.

Note: Detailed requirements for the qualifications of the building official and his assistants are provided in Volume I - New Construction Code of the Uniform Statewide Building Code. However, if a person from another agency is appointed as the code official to enforce

the Building Maintenance Code, the requirements of Volume I - New Construction Code would not apply. In such cases, it is recommended that the code official have at least five years of related experience. Consideration should be given to the use of the Virginia Voluntary Certification Program for Building Officials and Assistants and of the Fire Inspection Certification Program of the State Department of Fire Programs in the selection and maintenance of enforcing agency personnel.

102.6 Control of conflict of interest: An official or employee of the enforcing agency except one whose only connection is that of a member of the local Board of Building Code Appeals, shall not be engaged in or connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or specifications thereof, unless that person is the owner of the building; such officer or employee shall not engage in any work which conflicts with official duties or with the interests of the enforcing agency within the jurisdiction in which the official or employee works.

102.6.1 Relief from personal responsibility: The local enforcing agency personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the department as employees. The building official or his subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the USBC as a result of any act required or permitted in the discharge of official duties while assigned to the department as employees, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed by him in the discharge of his duties and under the provisions of the USBC may be defended by the Department's legal representative.

102.7 Assistance by State: Upon notification of appointment of a code official, the Office of Uniform Building Code shall advise the official of all services offered and will keep him continually informed of developments affecting the Code and its interpretation and administration.

SECTION 103.0 DUTIES AND POWERS OF THE CODE OFFICIAL

103.1 General: The code official shall enforce the provisions of the Building Maintenance Code as provided herein.

Note: Section 36-105 of the Code of Virginia provides that fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

103.2 Notices and orders: The code official shall issue all

Proposed Regulations

necessary notices or orders to ensure compliance with the requirements of this Code for the health, safety and general welfare of the public.

103.3. Delegation of duties and powers: The code official may delegate his duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the Code.

103.4 Maintenance inspections: When the local government has acted under § 36-105 of the Code of Virginia to enforce the requirements of this Code, the code official may inspect buildings to which it applies to assure continued compliance.

103.5 Unsafe conditions not related to maintenance: When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a building which was constructed, altered, converted, or repaired before the effective date of the initial edition of the Uniform Statewide Building Code, and when such condition was not caused by faulty maintenance, or by failure to comply with the applicable State and local regulations that were in effect at the time, he may order the minimum changes needed to remedy the hazardous condition. Such order shall be in writing and shall be made a part of the permanent records of the code official relating to the building affected.

Note: The Building Maintenance Code does not generally provide for retrofitting existing buildings. However, conditions may exist in older buildings, because of faulty design or equipment, that constitute such serious and dangerous hazards that correction is necessary to protect life and health. It is not the intent of this section that such changes comply fully with the requirements of the current edition of the Uniform Statewide Building Code. Only those changes that are needed to remedy the serious and dangerous hazards to life or health may be required by the code official. Reference is also made to Section 107.0 of the administrative provisions of the Uniform Statewide Building Code - Volume I, which provides authority for modifications to be issued for alternate means to be used that provide the same level of safety.

103.6 Annual report: At least annually, the code official shall submit to the authority designated by the local government a written statement of operations in the form and content prescribed by such local government. A copy shall be forwarded to the Office of Uniform Building Code for use in studies to improve the Virginia Uniform Statewide Building Code system.

SECTION 104.0 APPLICATIONS AND PERMITS

104.1 Procedures: Applications for permits for construction or alterations necessary to comply with this code shall be made to the building official under the procedures prescribed in Volume I - New Construction Code of the

Uniform Statewide Building Code.

SECTION 105.0 MODIFICATIONS

105.1 Modifications: When there are practical difficulties involved in carrying out any provision of the Code, the owner or his agent, or the code official, may apply to the building official for a modification under the procedures of Volume I - New Construction of the Uniform Statewide Building Code. When the proposed modification does not involve any alterations or construction for which a building permit would be required, the code official may issue the modification.

105.2 Records: A copy of the application for modification and a copy of the final decision of the official to whom the application was made shall be kept in the permanent records of the enforcing agency.

SECTION 106.0 VIOLATIONS

106.1 Code violations prohibited: No person, firm or corporation shall maintain or use any building or equipment in conflict with or in violation of any of the provisions of this Code.

106.2 Notice of violation: The code official shall serve a notice of violation on the person responsible for maintenance or use of a building in violation of the provisions of this Code. Such order shall direct the discontinuance and abatement of the violation.

106.3 Prosecution of violation: If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation; or to require the removal or termination of the use of the building in violation of the provisions of this Code.

106.4 Violation penalties: Violations of this Code are a misdemeanor in accordance with § 36-106 of the Code of Virginia, and upon conviction, may be punished by a fine of not more than one thousand dollars.

106.5 Abatement of violation: Conviction of a violation of this Code shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of this Code relating to maintenance and use of the building or premises.

SECTION 107.0 APPEAL TO THE LOCAL BOARD OF BUILDING CODE APPEALS

107.1 Grounds for appeal: The owner of a building or his agent may appeal from a decision of the code official to the local Building Code Board of Appeals established under Volume I - New Construction of the Uniform Statewide Building Code when it is claimed that:

1. The code official has refused to grant a

Proposed Regulations

modification of the provisions of the Code;

2. The true intent of this Code has been incorrectly interpreted;

3. The provisions of this Code do not fully apply;

4. The use of a form of compliance that is equal to or better than that specified in this Code has been denied.

107.2 Form of application: Applications for appeals shall be submitted in writing to the Local Building Code Board of Appeals.

107.3 Form of decision, notification: Every action of the Board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant, to the building official, and to the code official.

107.4 Enforcement of decision: The code official shall take immediate action in accordance with the decision of the Board.

SECTION 108.0 APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD

108.1 Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the local Board of Building Code Appeals, who was a party to the appeal, or any officer or member of the governing body of the local jurisdiction, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

108.2 Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the code official shall take immediate action in accordance with the decision.

108.3 Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board shall be to the circuit court of original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 of Chapter 1.1:1, Title 9 of the Code of Virginia.

SECTION 109.0 UNSAFE BUILDINGS

109.1 Right of condemnation: This section shall apply to buildings and their equipment that fail to comply with the Building Maintenance Code through deterioration, improper maintenance, or for other reasons, and thereby become unsafe, unsanitary, or deficient in adequate exit facilities, and which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare. All such buildings shall be made safe through compliance with this Code or shall be vacated, taken down and removed. A

vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.

109.2 Inspection of unsafe buildings: The code official shall examine every such building reported as unsafe, and shall prepare a report to be filed in the records of the enforcing agency. In addition to a description of unsafe conditions found, the report shall include the use of the building, and nature and extent of damages, if any, caused by a collapse or failure.

109.3 Notice of unsafe buildings: If a building is found to be unsafe, the code official shall serve a notice to the owner, his agent or person in control of the unsafe building. The notice shall specify the required repairs or improvements to be made to the building, or require the unsafe building, or portion of the building to be taken down and removed within a stipulated time. Such notice shall require the person notified to declare to the designated official without delay his acceptance or rejection of the terms of the notice.

109.4 Posting of unsafe building notice: If the person named in the notice of unsafe building cannot be found after diligent search, such notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

109.5 Disregard of notice: Upon refusal or neglect of the person served with a notice of unsafe building to comply with requirements of the notice to abate the unsafe condition, the code official may revoke the occupancy permit.

109.6 Authority to vacate building: When in the opinion of the code official, there is actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life; or when any building or part of a building has fallen and life is endangered by occupancy of the building; or when any other hazardous condition poses an immediate and serious threat to life, the code official may order the occupants to vacate the building. The code official shall post a notice at each entrance to such building that reads: "THIS STRUCTURE IN UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." Upon the posting of the notice, no person shall enter such a building except upon authorization of the code official for one of the following purposes: (a) to make the required repairs; (b) to take the building down and remove it; or (c) to make inspections.

109.7 Temporary safeguards and emergency repairs: When, in the opinion of the code official, there is immediate danger of collapse or failure of a building or any part of a building which would endanger life, or when a violation of this code results in a fire hazard that creates an immediate, serious and imminent threat to the life and

safety of the occupants, the code official shall have the necessary work done to the extent permitted by the local government to make such building or part of the building temporarily safe, whether or not legal action to force compliance has begun.

SECTION 110.0 DEMOLITION OF BUILDINGS

110.1 Procedures for demolition: Whenever a building is to be demolished pursuant to any provision of this Code, the work shall be carried out in compliance with the requirements of Volume I - New Construction Code of the Uniform Statewide Building Code.

ADDENDA

ADDENDUM 1

AMENDMENTS TO THE BOCA BASIC/NATIONAL EXISTING STRUCTURES CODE/1984 EDITION

As provided in Section 101.3 of Volume II - Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code, the amendments noted in this Addendum shall be made to the BOCA Basic/National Existing Structures Code/1984 edition for use as part of the Building Maintenance Code.

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

1. Article 1, Administration and Enforcement, has been deleted in its entirety and replaced with Article 1 of the Building Maintenance Code, as established in Section 101.2 of this Code.

ARTICLE 2

DEFINITIONS

2. Delete the following definitions from Section ES-201:

Building Code
Extermination
Garbage
Infestation
Junk Vehicle
Public Nuisance
Renovation
Rubbish

2. Amend the term Premises to read:

Premises: Any building on a lot, plot or parcel of land.**Whenever the words "multi-family dwelling," "residence building," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this Code, they shall be construed as though they were followed by the words, "or any part thereof."

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

1. Amend Section ES-300.1 to read:

ES-300.1 Scope: The provisions of this article shall govern the minimum conditions for maintenance of premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

2. Amend Section ES-300.2 to read:

ES-300.2 Responsibility: The owner of the premises shall maintain such structures and premises in compliance with these requirements.

3. Amend Section ES-300.3 to read:

ES-300.3 Vacant structures: All vacant structures shall be maintained in a clean, safe, secure, and sanitary condition as provided in this code so as not to cause a hazard or adversely affect public health, safety or welfare.

4. Delete Section ES-301.1

5. Delete Section ES-301.1.1

6. Delete Section ES-301.3.

7. Delete Section ES-301.4.

8. Amend Section ES-301.5 to read:

ES-301.5 Public areas: All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair. Accumulations of snow, ice, mud and other debris shall be removed within a reasonable time as determined by the code official.

9. Delete Section ES-301.6.

10. Delete Section ES-301.7.

11. Delete Section ES-301.10.

12. Delete Section ES-301.10.1.

13. Delete Section ES-301.10.2.

14. Delete Section ES-301.11.

15. Amend Section ES-302.3.3. to read:

ES-302.3.3 Roofs: Roofs shall be structurally sound and shall not have defects which admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portions of the building.

16. Amend Section ES-302.3.5 to read:

Proposed Regulations

ES-302.3.5 Exterior components and structures: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar exterior extensions or overhangs shall be maintained in good repair and shall be kept properly anchored.

17. Amend Section ES-302.3.6 to read:

ES-302.3.6 Chimneys: All chimneys, flues, smokestacks and similar appurtenances shall be maintained in structurally safe and sound condition and in good repair.

18. Delete Section ES-302.3.7.

19. Amend Section ES-302.4 to read:

ES-302.4 Window and door frames: All exterior door and window frames shall be maintained with materials that are compatible with the walls in which they are installed so as to prevent the entrance of rain as completely as possible.

20. Amend Section ES-302.4.1 to read:

ES-302.4.1 Weathertightness of windows and doors: All exterior windows and doors shall be fitted reasonably in their frames so that they are weathertight.

21. Delete Section ES-302.4.4.

22. Amend Section ES-302.4.6 to read:

ES-302.4.6 Basement hatchways: Every basement or cellar hatchway shall be maintained to prevent, as far as practicable, the entrance of rats, rain, and surface drainage water into the structure.

Amend Section ES-302.4.7 to read:

ES-302.4.7 Guards for basement window: Every basement or cellar window which can be opened shall be supplied with rat-proof shields, or storm windows, or other material affording protection against the entry of rats.

23. Amend Section ES-303.2 to read:

ES-303.2 Structural members: The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

24. Amend Section ES-303.3 to read:

ES-303.3 Interior surfaces: Floors, walls (including windows and doors), ceilings and other interior surfaces, and any protective coatings that have been applied thereto, shall be maintained in good condition and shall be kept clean and sanitary.

25. Delete Section ES-303.3.1.

26. Delete Section ES-303.5.

27. Delete Section ES-303.5.1.

28. Delete Section ES-303.6.

29. Amend Section ES-303.7 to read:

ES-303.7 Exit facilities: Landings, stairs, railings and other exit facilities shall be maintained in sound condition and good repair. Treads and risers that show evidence of excessive wear or are broken, warped or loose shall be replaced or repaired. Inside stairs shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

30. Delete Section ES-303.8.

31. Delete Section ES-303.8.1.

32. Delete Section ES-303.8.2.

ARTICLE 4

LIGHT, VENTILATION AND SPACE REQUIREMENTS

1. Amend Section ES-400.2 to read:

ES-400.2 Responsibility: The owner of the structure shall maintain such light and ventilation and space conditions in compliance with these requirements.

2. Delete Section ES-401.2

3. Amend Section ES-401.3 to read:

ES-401.3 Common halls and stairways: Every common hall and stairway, in buildings other than single family dwellings, shall be adequately lighted at all times, with an illumination of at least one foot candle, measured at a level of 30 inches above the floor.

4. Amend Section ES-402.2 to read:

ES-402.2 Habitable rooms: Every habitable room shall have at least one window which can be easily opened, or other means which will adequately ventilate the room.

4. Amend Section ES-402.3 to read:

ES-402.3 Toilet rooms: Every bathroom and water closet compartment shall be provided with adequate light and ventilation, except that a window shall not be required when the space is equipped with an approved mechanical ventilation system.

6. Amend Section ES-402.4 to read:

ES-402.4 Cooking Facilities: Cooking facilities shall not be permitted in any sleeping room.

Note: Not intended to apply to efficiency apartments.

7. Delete Section ES-403.1

8. Amend Section ES-403.3 to read:

ES-403.3 Below Grade Rooms: Basement rooms partially below grade shall not be used for living purposes unless the following requirements have been met:

a. Floors and walls are substantially watertight and protected to prevent entry of moisture; and

b. The required minimum window area, including required openable area, of habitable rooms below grade shall be protected by window wells or other approved means.

9. Delete Section ES-404.0

ARTICLE 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

1. Amend Section ES-500.1 to read:

ES-500.1 Scope: The provisions of this article shall govern the maintenance of existing plumbing facilities and fixtures. All plumbing facilities and fixtures shall comply with the applicable requirements of this Code.

Note 1: A provision of the Virginia Residential Landlord and Tenant Act, Section 55-248.13, Code of Virginia, requires that "running water and reasonable amounts of hot water shall be provided at all times in dwelling units subject to the Act.

Note 2: The Code of Virginia permits political subdivisions to create water and/or sewer authorities. In accordance with Section 15.1-1261, Code of Virginia, such authorities are empowered, with the concurrence of the local government, to require the connection of residential, commercial and industrial buildings to water mains and sanitary sewers operated by the authority and to restrict the use of other sources of water supply or disposal of sewage under certain conditions specified in the law.

2. Amend Section ES-500.2 to read:

ES-500.2 Responsibility: The owner of the structure shall maintain such plumbing facilities and fixtures in compliance with these requirements.

3. Add Section ES-500.3 to read:

ES-500.3 High density districts: For the purpose of controlling the special problems of health and sanitation in areas of high population density, the local government may establish districts designated as "high density

districts" in any area or areas within the jurisdiction in which the population density exceeds 1,000 persons per square mile.

4. Amend Section ES-501.1 to read:

ES-501.1 Dwelling units: Every dwelling unit shall have ready access to adequate facilities, in the dwelling unit or on the same lot, which can be used in privacy for personal cleanliness and the disposal of human waste. Sections ES-501.1, ES-501.1.2, and ES-501.1.3 shall apply only in areas designated by the local government as high density districts.

5. Delete Section ES-501.2

6. Delete Section ES-501.3

7. Amend Section ES-501.4 to read:

ES-501.4 Maintenance: Plumbing facilities shall be maintained in proper operating condition.

8. Amend Section ES-502.2 to read:

ES-502.2 Direct access: Toilet rooms and bathrooms located in public buildings shall not be used as a passageway between public spaces.

9. Delete Section ES-502.6

10 Amend Section ES-503.2 to read:

ES-503.2 Connections: Water supply lines, plumbing fixtures, vents and drains shall be kept properly connected and free from obstructions, leaks and defects, and shall be kept in good working order and capable of performing the functions for which they are designed.

11. Delete Section ES-503.5.

12. Amend Section ES-504.1 to read:

ES-504.1 General: Sinks, lavatories, bathtubs or showers, drinking fountains, water closets, or other facilities shall be properly connected to either a public water system or to an approved private water system.

13. Amend Section ES-504.2 to read:

Contamination: The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

14. Amend Section ES-504.4 to read:

ES-504.4 Water heating facilities: Where hot water is provided, water heating facilities shall be maintained in an approved manner and properly connected with hot water lines to the fixtures required to be supplied with hot water.

Proposed Regulations

ARTICLE 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

1. Amend Section ES-600.1 to read:

ES-600.1 Scope: The provisions of this article shall govern the maintenance of existing mechanical and electrical facilities and equipment. All mechanical and electrical facilities and equipment shall comply with the applicable requirements.

2. Amend Section ES-600.2 to read:

ES-600.2 Responsibility: The owner of the structure shall maintain such mechanical and electrical facilities and equipment in compliance with these requirements.

3. Amend Section ES-601.1 to read:

ES-601.1 Residential buildings: In high density districts designated by the local government, every dwelling unit and guest room shall be provided with means capable of maintaining a room temperature of not less than 65 degrees F. (18.33 degrees C), at a point 3 feet (0.91 m) above the floor and 3 feet (0.91 m) from an exterior wall in all habitable rooms, bathrooms and toilet rooms.

4. Delete Section ES-601.2.

5. Amend Section ES-601.3 to read:

ES-601.3 Cooking and heating equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained in proper working condition free from leaks and obstructions

Note: A provision of the Virginia Residential Landlord and Tenant Act, Section 55-248.13, Code of Virginia, requires that "reasonable heat in season" shall be provided in dwelling units subject to the Act.

6. Delete Section ES-601.4.5.

7. Delete Section ES-601.6.

8. Amend Section ES-602.1 to read:

ES-602.1 Facilities required: The electrical facilities installed in all buildings subject to this Code shall be maintained in proper operating condition and shall be capable of safe operation under imposed electrical load. The electrical system shall be maintained free of defects, improper circuit protection, deterioration and damage.

9. Delete Section ES-602.1.1

10. Delete Section ES-602.1.2

11. Delete Section ES-602.3

ARTICLE 7

FIRE SAFETY REQUIREMENTS

1. Amend Section ES-700.1 to read:

ES-700.1 Scope and purpose: The provisions of this article shall govern the maintenance of fire safety in buildings. Buildings shall be maintained and used in a manner to prevent and avoid fire hazards which would endanger the safety of the occupants.

Note: See Section 100.5.2 for the relationship between the requirements of this article and those of the local building regulations and fire prevention codes in the case of buildings erected prior to the effective date of the initial edition of the USBC.

2. Amend Section ES-700.2 to read:

ES-700.2 Responsibility: The owner or operator of the structure shall maintain the fire safety facilities and equipment in compliance with these requirements.

ARTICLE 8

Delete Article 8

ARTICLE 9

Delete Article 9

APPENDIX A

Delete Appendix A

APPENDIX B

Delete Appendix B

APPENDIX C

Delete Appendix C

Title of Regulations: VR 394-01-23. Virginia Uniform Statewide Building Code, Volume III - Fire Prevention Code/1984.

Statutory Authority: §§ 36-97 through 36-107 of the Code of Virginia.

Summary:

Volume III - Fire Prevention Code of the 1984 Edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide, uniform regulation that must be complied with in all buildings. Its purpose is to prevent the occurrence of fires as much as possible, and to minimize property damage and injury to building occupants when fires do occur. The requirements of Volume III are based on the BOCA model Fire Prevention Code, a companion document to the BOCA model Building Code. The code provides

Proposed Regulations

administrative and appeal procedures that must be used when it is enforced by local agencies. Enforcement of the Fire Prevention Code by local governments is optional.

VR 394-01-23. Virginia Uniform Statewide Building Code - Volume III - Fire Prevention Code/1984.

ARTICLE I

ADOPTION, ADMINISTRATION AND ENFORCEMENT

SECTION 100.0 GENERAL

100.1 Title: These regulations shall be known as Volume III - Fire Prevention Code of the 1984 Edition of the Virginia Uniform Statewide Building Code. Except as otherwise indicated, Fire Prevention Code or FPC, as used herein, shall mean Volume III - Fire Prevention Code and USBC shall mean Volume I - New Construction Code of the 1984 edition of the Virginia Uniform Statewide Building Code.

Note: See Volume I - New Construction Code for regulations applicable to new construction and to alterations, repairs, and conversions of buildings and their equipment. See Volume II - Building Maintenance Code for maintenance regulations applying to existing buildings.

100.2 Authority: The FPC is adopted under authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia.

100.3 Adoption: The FPC was adopted by order of the Board of Housing and Community Development on (.....). This order was prepared according to requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4 Effective date: The FPC shall become effective on (.....).

100.5 Effect on other codes; exceptions: As provided in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia, the FPC supersedes the fire prevention codes and regulations of the counties, municipalities and other political subdivisions and State agencies, relating to maintenance of buildings and their equipment.

100.5.1 Application to pre-USBC buildings: Buildings or portions thereof constructed, altered, converted or repaired before the effective date of the initial edition of the Virginia Uniform Statewide Building Code (USBC) shall be maintained in compliance with the applicable State and local fire regulations that were in effect at that time, and with the Virginia Public Building Safety Regulations/1984 edition.

Note: Such existing regulations include, but are not limited to the following examples:

- The fire safety maintenance and use provisions of local building codes.
- Those parts of local fire prevention codes that apply to buildings and their equipment.

100.5.2 Application to post-USBC buildings: For buildings or portions of buildings that were constructed, altered, converted or repaired on or after the effective date of the initial edition of the Virginia Uniform Statewide Building Code, the requirements imposed by the BOCA Fire Prevention Code shall be no more restrictive than those imposed by the Virginia Uniform Statewide Building Code/1984 edition.

100.6 Purpose: The purpose of the FPC is to regulate the maintenance and use of buildings to ensure safety to life and property from fire.

SECTION 101.0 FIRE SAFETY STANDARDS

101.1 Fire prevention code adopted: Buildings shall be maintained in compliance with the applicable requirements of the model fire prevention code specified below, (hereafter referred to as the BOCA Fire Prevention Code), as amended by Sections 101.2 and 101.3.

◦ THE BOCA BASIC/NATIONAL FIRE PREVENTION CODE/1984 EDITION

Published by:
Building Officials and Code Administrators
International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60477

101.2 Administration and enforcement provisions: Article 1 of the BOCA Fire Prevention Code and all other provisions thereof that relate to administrative and enforcement matters are deleted, and are replaced by the provisions of the Fire Prevention Code.

101.3 Other provisions: Only those requirements of the BOCA Fire Prevention Code that apply to the maintenance and use of buildings and their equipment are adopted. This will not prevent adoption, under other State law, of the other fire safety requirements by local governments which do not effect the manner of construction or materials to be used in the erection, alteration, repair, maintenance or use of a building or structure.

Note: Such requirements include transportation of hazardous or flammable materials, outdoor storage and use of such materials, fireworks displays, bonfires, and other potentially hazardous activities or processes when located outside of buildings.

101.4 Conflicting provisions: The requirements, referenced

Proposed Regulations

standards, and definitions of the BOCA Fire Prevention Code shall be so applied that they do not conflict with any requirements of this Code.

SECTION 102.0 LOCAL ENFORCING AGENCY

102.1 Enforcement by local governments: Any local government may, after official action, enforce the FPC or any portion of the Code. The local governing body may assign responsibility for enforcement of the FPC or any portion thereof to the local agency or agencies of its choice. The terms "enforcing agency" and "fire official", are intended to apply to the agency or agencies to which responsibility for enforcement of the FPC has been assigned. However, the terms building official or building department apply only to the local building official or building department.

102.2 Interagency coordination: Where Enforcement of any portion of the FPC is assigned to an agency other than the building department, such as the fire prevention bureau, such agency shall coordinate its reports of inspection with the building department. All required alterations, repairs, installations or construction shall be subject to the building permit and certificate of use and occupancy provisions of Volume I - New Construction Code of the USBC.

Note: Unlike Volume I - New Construction Code of the USBC, which must be enforced by the local building department, enforcement of Volume III - FPC may be assigned to any local agency.

102.3 Fire official: Each local enforcing agency shall have an official in charge, referred to herein as the fire official. Where the local building department has been designated as the local enforcing agency, the building official will serve as the fire official.

102.4 Appointment: The fire official shall be appointed in a manner selected by the local government having jurisdiction. After appointment, the fire official shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority.

Note: See Chapter 27-34.4, Code of Virginia which reflects the intent of the General Assembly.

102.4.1 Relief from personal responsibility: The local enforcing agency personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the department as employees. The building official or his subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the USBC as a result of any

act required or permitted in the discharge of official duties while assigned to the department as employees, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed by him in the discharge of his duties and under the provisions of the USBC may be defended by the Department's legal representative.

102.5 Qualifications of local enforcing agency personnel: The local government shall establish qualifications for the fire official and assistants adequate to insure proper administration and enforcement of the FPC.

Note: It is recommended that the fire official have at least five years of related experience. Consideration should be given to the use of the fire safety portion of the Voluntary Certification Program of the Department of Housing and Community Development for Building Officials and Assistants, and/or the Fire Prevention Certification Course or the Fire Investigator Certification Course of the Department of Fire Programs in the selection and maintenance of enforcing agency personnel.

102.6 Control of conflict of interest: An official or employee of the enforcing agency shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications, unless that person is the owner of the building. Such officer or employee shall not engage in any work which conflicts with official duties or with the interests of the enforcing agency within the jurisdiction in which the official or employee works.

SECTION 103.0 DUTIES AND POWERS OF THE FIRE OFFICIAL

103.1 General: The fire official shall enforce the provisions of the FPC as provided herein.

Note: § 36-105 of the Code of Virginia provides that fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

103.2 Applications and permits: Applications for permits for any construction or alterations necessary for compliance with the FPC shall be made to the building official for issuance under the procedures prescribed in Volume I - New Construction Code of the Uniform Statewide Building Code.

103.3 Delegation of duties and powers: The fire official may delegate duties and powers subject to limitations imposed by the local government, but shall be responsible that powers and duties delegated are carried out in accordance with the FPC.

103.4 Time of inspections: Except as otherwise provided by State law, the fire official is authorized to enter any building or premises at any reasonable time for the purpose of making inspections and performing duties under

the FPC. He shall notify the owner or other person in charge before doing so.

103.5 Enforcing agency records: The fire official shall keep records of reports of inspections, notices and orders issued and such other matters as directed by the local government. Records may be disposed of in accordance with the provisions of the Virginia Public Records Act and, (a) after retention for 1 year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, and (b) after retention for 3 years in the case of all other buildings.

SECTION 104.0 MODIFICATIONS

104.1 Procedures: When there are practical difficulties involved in carrying out any provisions of the FPC, the owner or his agent may apply to the building official for a modification under the procedures of Volume I - New Construction Code of the Uniform Statewide Building Code. When the proposed modification does not involve any alterations or construction for which a building permit would be required, the fire official may issue the modification.

104.2 Records: A copy of the application for modification and a copy of the final decision of the official to whom the application was made shall be kept in the permanent records of the enforcing agency.

SECTION 105.0 VIOLATIONS

105.1 Code violations prohibited: No person, firm or corporation shall maintain or use any building or equipment in conflict with or in violation of any of the provisions of the FPC.

105.2 Notice of violation: The fire official shall serve a notice of violation on the person responsible for maintenance or use of a building in violation of the provisions of the FPC. Such order shall direct the discontinuance and abatement of the violations.

105.2.1 Arrests, warrants and summons: The fire official may use the powers to arrest, to procure and serve a warrant, and to issue a summons under § 27-34.2 of the Code of Virginia under the following conditions:

1. He shall have been appointed as a local fire marshal or assistant by the local governing body.
2. He shall have been authorized to use the specified powers by the local governing body.
3. He shall have satisfactorily completed a training course designed specifically for local fire marshals and their assistants and approved by the Virginia State Fire Services Commission.
4. He shall exercise these powers only when he is in uniform and is serving a designated tour of duty.

105.3 Prosecution of violation: If the notice of violation is not complied with promptly, the fire official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the use of the building in violation of the provisions of the FPC.

105.4 Violation penalties: Violations of the FPC are a misdemeanor pursuant to § 36-106 of the Code of Virginia, and upon conviction, shall be punished by a fine of not more than one thousand dollars.

105.5 Abatement of violation: Conviction of a violation of the FPC shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of the FPC relating to maintenance and use of the building.

SECTION 106.0 APPEAL TO THE LOCAL BOARD OF BUILDING CODE APPEALS

106.1 Application for appeal: The owner of a building or his agent may appeal from a decision of the fire official to the local Building Code Board of Appeals established under Volume I - New Construction Code of the Uniform Statewide Building Code when it is claimed that:

1. The fire official has refused to grant a modification of the provisions of the FPC; or
2. The true intent of the FPC has been incorrectly interpreted; or
3. The provisions of the FPC do not fully apply; or
4. The use of a form of compliance that is equal to or better than that specified in the FPC has been denied.

106.1.1 Form of application: Applications for appeals shall be submitted in writing to the local Building Code Board of Appeals.

106.2 Form of decision, notification: Every action of the Board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant, to the building official, and to the fire official.

106.3 Enforcement of decision: The fire official shall take immediate action in accordance with the decision of the Board.

SECTION 107.0 APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD

107.1 Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the local Board of Building Code Appeals, who was a party to the appeal, or any officer or member of the governing body of the local jurisdiction, may appeal to the State Building

Proposed Regulations

Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

107.2 Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the fire official shall take immediate action in accordance with the decision.

107.3 Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the Circuit Court of original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 of Chapter 1.1:1, Title 9 of the Code of Virginia.

SECTION 108.0 DEMOLITION OF BUILDINGS

108.1 Procedures for demolition: Whenever a building is to be demolished pursuant to any provision of this Code, the work shall be carried out in compliance with the requirements of Volume I - New Construction Code of the Uniform Statewide Building Code.

SECTION 109.0 UNSAFE BUILDINGS

109.1 Right of condemnation: This section shall apply to buildings and their equipment that fail to comply with the FPC through deterioration, improper maintenance, or for other reasons; and thereby become unsafe or deficient in adequate exit facilities, and which constitute a fire hazard dangerous to life or the property of others. All such buildings shall be made safe through compliance with the FPC or shall be vacated and taken down and removed. A vacant building, unsecured or having an open door or window, may be considered a fire hazard and unsafe within the meaning of this section.

109.2 Examination and record of damaged building: The fire official shall examine all such buildings reported as unsafe, and shall prepare a report to be filed in the records of the enforcing agency. The report shall include the use of the building, and nature and extent of damages, if any.

109.3 Notice of unsafe building: If a building is found to be unsafe, the fire official shall serve a notice on the owner, his agent or person in control of the unsafe building. The notice shall specify the required repairs or require the unsafe building or portion of the unsafe building to be taken down and removed within a stipulated time. Such notice shall require the person notified to declare without delay to the designated official his acceptance or rejection of the terms of the notice.

109.4 Posting of unsafe building notice: If the person named in the notice of unsafe building cannot be found after diligent search, such notice shall be sent by registered or certified mail to the last known address of

such person.

A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

109.5 Penalty for disregarding unsafe building notice: Upon refusal or neglect of the person served with an unsafe building notice to comply with the requirements of the notice, the fire official may temporarily suspend the certificate of use and occupancy when there is imminent danger to life and property. The suspension shall be removed when the unsafe conditions have been abated and the corrective action approved by the fire official.

109.6 Authority to vacate: When, in the opinion of the fire official, there is actual and immediate danger of fire in a building subject to this Code, which would endanger life, the fire official may order the occupants to vacate the building immediately. The fire official shall post a notice at each entrance to such building reading as follows: This Structure is Unsafe and its Use or Occupancy has been Prohibited by the (insert title of fire official). Upon the posting of the notice, no person shall enter such a building except upon authorization of the official for one of the following purposes; (a) to make the required repairs; (b) to take the building down and remove it; (c) to make inspections authorized by the designated official.

SECTION 110.0 COORDINATION WITH CHIEF FIRE MARSHAL

110.1. When required: Coordination between the State Chief Fire Marshal and any local government which elects to enforce the FPC shall be maintained as provided in the Virginia Public Building Safety Regulations.

110.2 Resolution of disagreements: When a difference of opinion arises between the Chief Fire Marshal and the local fire official as to the proper application of any provision of the FPC over which both officials have jurisdiction, the matter shall be resolved by appeal directly to the State Building Code Technical Review Board.

SECTION 111.0 REPORTS AND PERMITS

111.1 When required: The operating permit requirements of the BOCA Fire Prevention Code are not effective until required by the local government.

111.2 Operating permits: When enforcement of the fire safety provisions of the Fire Prevention Code has been assigned to an agency other than the building department, such as the fire prevention bureau, the issuance and control of operating permits may be assigned to the enforcing agency. Such permits shall not require the building or its equipment to be altered if they remain in compliance with a previous approval by the building official.

111.3 When certificate of use and occupancy is required:

Proposed Regulations

No operating permit shall be issued for a building subject to the Uniform Statewide Building Code until a certificate of use and occupancy has been issued by the building official that states the purpose for which the building and equipment may be used.

SECTION 112.0 FIRE DRILLS

112.1 *General:* Fire drills shall be held in buildings or parts of buildings used for educational or institutional purposes.

112.2 *Frequency:* Fire drills shall be held at least once a month in educational uses, and at least once every three months on each work shift in institutional uses. During severe weather, fire drills may be postponed.

112.3 *Records:* When required by the local government, a record of all fire drills shall be kept on the premises. Such records shall be kept for one year unless reviewed and approved by the code official at an earlier time. The records shall contain the following information:

1. Time of drill.
2. Date of drill.
3. Weather conditions when occupants were evacuated.
4. Number of occupants evacuated.
5. Total time for evacuation.
6. Other information relevant to the drill.

112.4 *Evacuation:* In educational uses, fire drills shall include complete evacuation of all persons from the building. In institutional uses, fire drills shall be conducted to familiarize operating personnel with their assigned positions of emergency duty. Complete evacuation of occupants from the building at the time of the fire drill shall be required only where it is practicable and does not involve moving or disturbing persons under medical care or restraint.

SECTION 113.0 FIRE SAFETY PLAN AND EVACUATION PROCEDURE FOR HIGH-RISE BUILDINGS

113.1 *General:* This section shall apply to buildings of use groups B, R-1 and R-2 when such buildings have floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access. The person in charge of such a building shall prepare and submit a fire safety plan and evacuation procedure for review and approval by the code official.

113.2 *Fire safety plan:* After approval by the code official, the fire safety plan shall be posted in conspicuous locations on each floor, or it may be distributed to the tenants and building service employees. When the plan is distributed to tenants, they shall distribute to the employees those parts of the plan which affect their action in the event of fire or emergency.

113.3 *Responsibility to update fire safety plan:* The fire

safety plan shall be updated promptly upon changes in occupancy, use, or physical arrangement.

Title of Regulations: VR 394-01-31. Virginia Industrialized Building and Mobile Home Safety Regulations.

Statutory Authority: §§ 36-70 and 36-85.1 of the Code of Virginia.

Summary:

The Virginia Industrialized Building and Mobile Home Safety Regulations provide for the administration and enforcement of uniform, statewide, health and safety standards for manufactured buildings and mobile homes, wherever produced. A major purpose of the regulation is to make good quality housing more affordable for residents of Virginia. It does so by providing pre-certification of manufactured buildings that contain concealed parts which can not be readily inspected at the point of use. Such units must be accepted by the local building official without disassembly. The enforcement system includes: (a) State accreditation, use, and monitoring of independent third-party inspection agencies to review the design of manufactured buildings and to inspect their production for code compliance, (b) assignment of responsibility for safe installation to local building departments, and (c) State action to secure correction of defects discovered after installation.

VR 394-01-31. Virginia Industrialized Building and Mobile Home Safety Regulations.

1981 1984 EDITION
VIRGINIA INDUSTRIALIZED BUILDING AND
MOBILE HOME SAFETY REGULATIONS

PART ONE

Industrialized Buildings and Mobile Homes Not Subject to Federal Regulations

ARTICLE 1 ADMINISTRATION

SECTION ~~101-0~~ 100.0 GENERAL

~~101-1~~ 100.1 *Title:* Articles 1 through 5 of the State these Regulations shall be known and may be cited as the Virginia Industrialized Building and Mobile Home Safety Regulations - PART ONE. Except as otherwise indicated, Regulations, or these Regulations, as used in Articles 1 through 5, shall mean the Virginia Industrialized Building and Mobile Home Safety Regulations - PART ONE.

100.2 *Authority:* These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Industrialized Building Unit and Mobile Home Safety Law, Chapter 4, Title 36, Code of Virginia.

Proposed Regulations

~~100.3~~ *Adoption: The Virginia Industrialized Building and Mobile Home Safety Regulations were adopted by order of the Board of Housing and Community Development on (.....). This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.*

~~101.2~~ *100.4 Application: PART ONE shall apply to industrialized building units buildings and mobile homes, as defined in Section ~~100.0~~ 200.0 , that are not subject to Federal regulations.*

~~101.3~~ *100.5 Effective date: The effective date of PART ONE of these Regulations is July 16, 1982 (to be inserted).*

~~101.3.1~~ *100.5.1 Compliance after effective date: No person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building unit or mobile home which has been produced after the effective date of any provision of these Regulations unless it conforms with such provision of the Regulations.*

~~101.3.2~~ *100.5.2 Local regulations: Nothing in these Regulations shall prevent the local adoption of requirements for industrialized building units buildings or mobile homes produced before the effective date of these Regulations where necessary to provide for adequate safety to life, health and property.*

100.6 Continued compliance: Industrialized buildings and mobile homes subject to any edition of these Regulations when constructed shall be maintained in compliance with the applicable edition by the owners and/or occupants.

100.7 Purpose: The purpose of the Virginia Industrialized Building and Mobile Home Safety Regulations is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings and enforcement regulations for mobile homes.

SECTION ~~102.0~~ 101.0 ENFORCEMENT GENERALLY

~~102.1~~ *101.1 General: These Regulations shall be enforced as prescribed authorized by Chapter ~~103~~, Acts of Assembly, ~~1971~~, and Chapter ~~613~~, Acts of Assembly, ~~1977~~ Title 36, Chapter 4, Code of Virginia, as amended. (Note: See Addendum 3, "Virginia Industrialized Building Unit and Mobile Home Safety Law.")*

~~102.2~~ *101.2 Inspection and enforcement: The Office of Industrialized Building Code is designated as the Board's Board of Housing and Community Development's (the Board) representative for the enforcement of these Regulations ; it . It shall have authority to make such inspections and to take such other actions as are required to enforce the Regulations.*

~~102.2.1~~ *101.2.1 Monitoring Factory inspections: The Board's*

representative shall, during reasonable hours, make such inspections of factories producing industrialized building units buildings or mobile homes as many be necessary to determine whether the approved testing facility having jurisdiction is performing its evaluation and compliance assurance functions in a satisfactory manner.

~~102.2.2~~ *101.2.2 Field inspections: The Board's representative may, during reasonable hours, make such inspections as are necessary to determine whether industrialized building units and buildings or mobile homes, not at the time occupied as a dwelling dwellings , are in compliance with these Regulations. Such inspections may include but are not limited to: industrialized building units buildings and mobile homes on dealer lots, or industrialized buildings and mobile homes that are otherwise offered for sale to the public. Industrialized building units and buildings or mobile homes that are occupied as a dwelling dwellings may be examined from the exterior for the presence of labels and registration seals required by Article 5 of these Regulations or may be inspected at the request of the owners or occupants .*

~~102.2.3~~ *101.2.3 Orders of compliance Notice of Violation: : Wherever Where such representative shall find finds any violations violation of the provisions of these Regulations ,a notice of violation shall be issued. he This notice of violation shall order the party responsible therefor to bring the unit into compliance, within a reasonable time ; . to be fixed in the order. If the party cited shall feel aggrieved, he may within ten days after notice of such order, appeal to the Board and the cause of his complaint shall be at once investigated by the Board, and unless its authority under such order is revoked, the same shall remain in force and be complied with by such party.*

~~102.2.4~~ *101.2.4 Placarding non complying units in violation : Wherever the Board's representative shall find finds any violations of the Regulations, placards may be required on he may require the noncomplying unit to be conspicuously placarded . Such placards shall not be removed except upon permission of the Board's representative. The placard shall list the violations and may prohibit the use of any unit , not at the time occupied as a dwelling , until the necessary corrections have been made.*

101.2.5 Appeals to notice of violation: Parties aggrieved by the findings of the notice of violation may appeal to the Board, which shall investigate the complaint. The aggrieved party must file the appeal within ten days of the receipt of the notice of violation. Unless the notice of violation is revoked by the Board, the aggrieved party must comply with stipulations of the notice of violation.

~~102.3~~ *101.3 Referral to local building officials: If the nature of the violation is such that it may be remedied under Section ~~103.0~~ 102.0 of these Regulations, the Board's representative may refer the matter to the local building official for enforcement.*

~~102.4~~ *101.4 Limitation of manufacturers liability: The*

manufacturer of the unit shall not be required to remedy violations caused by on-site work by others not under his control or violations involving components and materials furnished by others and not included with the unit.

~~102.5~~ 101.5 Penalty for violation: Any person, firm or corporation violating any provisions of these rules and Regulations shall be subject to the penalties prescribed by *considered guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00* (§ 36-83 of the Code of Virginia.)

SECTION ~~102.0~~ 102.0 ENFORCEMENT IN LOCALITIES

~~102.1~~ 102.1 Responsibility of local building officials: Every local building official is authorized to and shall enforce the provisions of these Regulations within the limits of his jurisdiction. He shall not permit the use of any industrialized building unit that does not comply with these Regulations.

~~102.2~~ 102.2 Labeled industrialized building units buildings and mobile homes: Industrialized building units or buildings and mobile homes that are both registered and labeled shall be ~~acceptable~~ accepted in all localities as meeting the requirements of this law, and shall be ~~acceptable~~ accepted as meeting the requirements of safety to life, health and property imposed by any ordinance of any local governing body of this State without further investigation, testing or inspection. Notwithstanding this provision, the local building official is ~~officials~~ authorized to carry out the following functions ~~applicable~~ that apply to registered, labeled industrialized building units buildings and mobile homes provided they such functions do not involve disassembly of units or parts thereof of units, or change of design, or result in the imposition of more stringent conditions than those required by the approved testing agency or by these Regulations.

1. He They may, after installation of the unit, verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, this may include tests for tightness of plumbing systems and gas piping and tests for shorts at the meter connection in the electrical system.

2. He They may verify that supplemental components required by the label or by these Regulations are properly provided.

3. He They may verify that the instructions of the label for installation and erection are observed.

4. He They may verify that any special conditions or limitations of use that are stipulated by the label pursuant to in accordance with the standards of Articles 2 and Article 3 of these Regulations are observed.

5. He They may require submission and approval of plans and specifications for the supporting structures,

foundations including anchorages, and all other components necessary to form the completed building in combination with the labeled units. He They may require such architectural and engineering services as may be specifically authorized by the standards of ~~Articles 2 and Article 3~~ of these Regulations to assure that the supporting structures, foundations including anchorages, and other components necessary to form the completed building in combination with the labeled units are ~~correctly~~ designed in accordance with these Regulations.

6. He They may enforce applicable requirements of these Regulations for alterations and additions to the units or to the buildings of for which they are component parts, and for their maintenance. As an aid thereto, he , they may require submission of plans and specifications of the model of the unit. Such plans and specifications may be furnished on approved microfilm.

7. Where permitted by the standards of ~~Articles 2 and Article 3~~, he they may establish local rules that require design for special wind, snow, earthquake and other special local conditions whose existence is verified by authoritative records. Such rules shall not become effective until filed with and approved by the Board.

8. He They may enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, certificates of use and occupancy, and all other applicable requirements thereof of the USBC , except those governing the design and construction of the labeled units and the design of the buildings of which the labeled units are component parts.

9. He They may verify that the unit bears displays the required State registration seal and the proper label of the approved testing facility.

~~102.3~~ 102.3 Unlabeled industrialized building units buildings and mobile homes: No unlabeled industrialized building unit or mobile home constructed after the effective date of these Regulations shall be used until it has been inspected by the local building official for compliance with these Regulations. He The building official shall require the units to be in compliance with these Regulations, and he may also require the units to comply with all applicable local regulations. He The building official shall enforce all applicable requirements of these Regulations including those relating to the sale, rental and disposition of noncomplying units. In aid thereof he The building official may require submission of full plans and specifications for each unit and for the completed building of which it is to be a part. He may require concealed Concealed parts of the unit to may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The government of any locality for which a building official

Proposed Regulations

has not been appointed may exercise the powers of enforcement for unlabeled industrialized building units buildings that are granted therein to the local building official, except for inspection.

~~102.2.1~~ 102.3.1 Unlabeled units industrialized buildings and mobile homes offered for sale: Unlabeled industrialized building units buildings or mobile homes offered for sale by dealers in this State shall be marked by a warning sign to prospective purchasers that the unit is not labeled pursuant to in accordance with these Regulations and must be inspected and approved by the local building official having jurisdiction. The sign shall be of a size and form approved by the Department and shall be conspicuously posted on the exterior of the unit near the main entrance door.

~~102.4~~ 102.4 Disposition of noncomplying units: Where the local building official finds any When a unit that has been delivered for use in his jurisdiction is found to be in violation of these Regulations, he shall the local building official may require the violations to be corrected before such use occupancy of the unit is permitted and he may require the unit to be conspicuously placarded to indicate that it may not be used in this State until the corrections have been made. If the unit is moved to another locality before the violations are corrected, such placard shall not be removed except upon permission of the building official in the new locality. If such locality has no building official, permission shall be obtained from the Department before the placard is removed.

~~102.5~~ 102.5 Report to the Office of Industrialized Building Code: Where If the unit is moved from the jurisdiction of the local building official before the violations have been corrected, he the local building official shall make a prompt report of the circumstances to the Office of Industrialized Building Code. The report shall include the following:

1. A list of the uncorrected violations.
2. All information contained on the label pertinent to the identification of the unit and , the manufacturer and the approved testing facility.
3. The number of the Department Virginia registration seal.
4. The new destination of the unit, if known.
5. The party responsible for the moving of the unit.
6. Whether the unit was placarded for violation.

SECTION 104.0 VARIANCE FROM 103.0 MODIFICATION OF THE REGULATIONS

~~104.1~~ 103.1 When variancee modification may be granted: The Board shall have the power upon appeal in specific cases to authorize variancees from modification of the

Regulations so as to permit certain specified alternatives where the objectives of this law can still be fulfilled by such other means . Such appeals shall be in writing and shall be accompanied by the plans, specifications and other information necessary for an adequate evaluation of the variancee modification requested.

~~104.1.1~~ 103.1.1 Input by local building official: Before any variancee a modification is authorized, the local building official having local jurisdiction may be afforded an opportunity to present his views and recommendations.

ARTICLE 2 SAFETY STANDARDS FOR MOBILE HOMES

SECTION 200.0 DESIGN REQUIREMENTS

200.1 Protection against hazards: Mobile homes produced after the effective date of these Regulations shall be reasonably safe for the users thereof and shall provide reasonable protection to the public against the hazards thereof to life, health and property. Compliance with the standards specified in Section 200.2 shall be acceptable evidence of compliance with this provision for mobile homes which are produced during the applicable time periods specified in Section 200.2.

200.2 Reference standards and time limits established: The standards and time limitations specified below are those referred to in Section 200.1:

° ANSI A119.1 (NFPA No. 501B), STANDARD FOR MOBILE HOMES, BODY AND FRAME DESIGN AND CONSTRUCTION REQUIREMENTS AND THE INSTALLATION OF PLUMBING, HEATING AND ELECTRICAL SYSTEMS

Published by: American National Standards Institute, 1430 Broadway, New York, New York 10018

Either the 1974 or 1975 Edition, until superseded by the Federal Manufactured Home Construction and Safety Standards, with the following amendment to Part C, Section 11.2.1 - Water Connection: Add the following sentence: A master cool water shut off full flow valve shall be installed on the main feeder line in an accessible area:

200.2.1 Optional standard: The following standard may be used as an option to the standards listed above:

° FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

Published by: U. S. Department of Housing and Urban Development, Federal Register, Volume 40, Number 244, December 18, 1975 (Part 280, Code of Federal Regulations)

No time limit.

ARTICLE 2

DEFINITIONS

SECTION 100.0 200.0 DEFINITIONS

The following words and terms, when used in these Regulations, shall have the following meaning, unless the context clearly indicates otherwise.

"Approved" as applied to a material, device, ~~mode~~ *method* of construction, labeled unit or as otherwise used in these Regulations means approved by the Board of Housing and Community Development, unless the context clearly indicates another meaning.

"Approved testing facility" means an organization, or an architect or professional engineer registered in Virginia, determined by the Department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized ~~building units~~ *buildings* and mobile homes subject to PART ONE; *The approved testing facility shall have the ability to list such units complying with standards approved by the Board; to provide adequate follow-up services at the point of manufacture to insure ensure that production units are in full compliance; and to provide a label, seal or other evidence of compliance on each unit. An approved testing facility may utilize the services of other organizations or individuals determined by it to be qualified and reliable in performing any of these functions, provided that the approved testing facility shall be held responsible for all such services.*

"Board" means the Board of Housing and Community Development.

"Federal regulations" means the Manufactured Home Construction and Safety Standards and the procedural and Enforcement Regulations ~~promulgated~~ *enacted* by the U. S. Department of Housing and Urban Development ~~pursuant to~~ *in accordance with* the National Manufactured Housing Construction and Safety Standards Act of 1974 (Title VI of Public Law 93-383, 88 Stat. 700, 42 U.S.C. 5401, et seq.).

"Industrialized building" means a finished building in which one or more industrialized building units have been used.

"Industrialized building unit" or "Unit" means a building assembly or system of building sub-assemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two or more industrialized building units ~~and not designed for ready removal to or installation or erection on another site.~~ Off-site, as used in this definition, refers to an industrialized building unit produced at any place other than the location in the completed building

where it is permanently positioned.

"Labeled", as applied to an industrialized building ~~unit~~ or mobile home subject to PART ONE, means that the unit has been found by an approved testing facility to be in full compliance with all applicable safety standards specified by the Board; ~~and that the unit has been provided with appropriate evidence of such compliance by an approved, permanently affixed label, seal or similar device; and that the finding of compliance by the approved testing facility has been preceded by appropriate investigation, testing and evaluation of the unit model acceptable to the Board; and that inspections and other quality assurance follow-up services acceptable to the Board have been provided at the point of manufacture to the extent necessary to insure ensure that each labeled production unit complies with PART ONE.~~

"Local building official" means an official designated by any city, town, or county to enforce structural, plumbing, electrical, mechanical or other building regulations for safety to life, health and property.

"Mobile home", as used within PART ONE hereof, means an industrialized building unit a structure not subject to Federal regulation, which is constructed on a chassis for towing to the point of use and designed to be used, with or without a permanent foundation, for continuous year round occupancy as a dwelling; or two or more such units separately towable, but designed to be joined together at the point of use to form a single dwelling; and which is designed for removal to, and installation or erection on other sites, which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

"Model" means a specific design, as designated by the producer, of an industrialized building ~~unit~~ or mobile home. Production units of any model may include variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical or electrical systems or any other items governed by these Regulations.

"Office of industrialized building code" means the Office of the Department of Housing and Community Development which has been designated to carry out the State plan for enforcement of the Virginia Industrialized Building and Mobile Home Safety Regulations.

"Registered" means a labeled industrialized building ~~unit~~ or mobile home subject to PART ONE that bears displays a registration seal issued by the Department of Housing and Community Development in accordance with

Proposed Regulations

Article 5 of these Regulations.

"Regulations" means Regulations as defined by Section ~~101.1~~ 100.1 .

"State regulations" means the Virginia Industrialized Building and Mobile Home Safety Regulations, consisting of PART ONE (Articles 1 through 5) and PART TWO (Article 11 and 12 through 13) .

"The law" or "This law" means the Virginia Industrialized Building Unit and Mobile Home Safety Law as embraced in Chapter ~~103~~, Acts of Assembly, 1971, as amended: Title 36, Chapter 4, Code of Virginia, as amended.

ARTICLE 3

SAFETY STANDARDS FOR INDUSTRIALIZED BUILDING UNITS BUILDINGS OTHER THAN MOBILE HOMES

SECTION 300.0 REQUIREMENTS

300.1 Hazards prohibited ; and standards specified: Industrialized building units buildings , other than mobile homes, produced after the effective date of these Regulations shall be reasonably safe for the users thereof and shall provide reasonable protection to the public against the hazards thereof to life, health and property. Compliance with all applicable requirements of the code and standards specified in Section 301.0, subject to the specified time limitations specified therein , shall be acceptable evidence of compliance with this provision.

300.2 Combination of units and components: Where industrialized building units are used in combination with each other or in combination with other components, compliance of the entire resulting building with all applicable requirements of the codes and standards specified in Section 301.0 shall be acceptable evidence of compliance with this provision.

300.3 Door hardware: The local building official may also enforce the door hardware requirements of the Virginia Uniform Statewide Building Code, provided that installation of the required security devices may be made after delivery of the industrialized building units to the building site.

SECTION 301.0 REFERENCE STANDARDS

301.1 Reference standards and time limits established: The standards and time limitations specified below are those referred to in Section 300.0:

°BOCA BASIC BASIC/NATIONAL BUILDING CODE

Published by: Building Officials and Code Administrators International, Inc. (BOCA), 17926 South Halsted Street, Homewood, Illinois 60432 4051 West Flossmoore Road, Country Club Hills, Illinois 60477

(a) ~~1978~~ 1. 1981 Edition – until November 15, 1982 (to be inserted)

(b) ~~1981~~ 2. 1984 Edition – no time limit

°BOCA BASIC BASIC/NATIONAL PLUMBING CODE

(a) ~~1978~~ 1. 1981 Edition – until November 15, 1982 (to be inserted)

(b) ~~1981~~ 2. 1984 Edition – no time limit

°BOCA BASIC BASIC/NATIONAL MECHANICAL CODE

(a) ~~1978~~ 1. 1981 Edition – until November 15, 1982 (to be inserted)

(b) ~~1981~~ 2. 1984 Edition – no time limit

° NATIONAL ELECTRICAL CODE – NFPA NO. 70

Published by: National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269

(a) ~~1978~~ 1. 1981 Edition – until November 15, 1982 (to be inserted)

(b) ~~1981~~ 2. 1984 Edition – no time limit

301.2 Optional standard: The following standard may be used for one and two family dwellings only, as an alternative to the standards specified above: in Section 301.1.

° ONE AND TWO FAMILY DWELLING CODE

Jointly published by: BOCA; American Insurance Association, 85 John Street, New York, New York 10038; Southern Building Code Congress International , 3617 Eighth Avenue 900 Montclair Road , Birmingham, Alabama 35203 35213 ; International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601

(a) 1975 Edition with the following amendment unit November 15, 1982

One and two family dwellings shall conform to the energy conservation design specifications of ASHRAE Standard 90 75, the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

(b) 1975 Edition, as amended and adopted June 19, 1978, as part of the Virginia Uniform Statewide Building Code until November 15, 1982

(c) 1. 1979 Edition and 1980 Supplement ; as amended and adopted March 15, 1982, as part of the 1981 Edition of the Virginia Uniform Statewide Building code no time limit until (to be inserted)

2. 1983 Edition – no time limit

301.3 General amendment to reference codes and standards: All requirements of the referenced model codes and standards that relate to fees, permits, certificates of use and occupancy, approval of plans and specifications and other procedural, administrative and enforcement matters are deleted and replaced by the procedural, administrative and enforcement provisions of these Regulations and the applicable provisions of Article 1 of the Virginia Uniform Statewide Building Code.

ARTICLE 4

APPROVED TESTING FACILITIES

SECTION 400.0 PROCEDURES FOR APPROVAL

400.1 Application to Department: Application may be made to the Department for acceptance as an approved testing facility as defined in ~~Section 100.0~~ Article 2. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the Department to determine whether the applicant is specially qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate, test and evaluate industrialized building units and mobile homes buildings for compliance with these Regulations, and to provide adequate follow-up and quality assurance services at the point of manufacture.

Note: A suggested format for the application for acceptance as an approved testing facility may be obtained from the Office of Industrialized Building Code.

400.2 Freedom from conflict of interest: An approved testing facility shall not be affiliated with nor influenced or controlled by producers, suppliers, or vendors of products in any manner which might affect its capacity to render reports of findings objectively and without bias. An approved testing facility is judged to be free of such affiliation, influence, and control if it complies with all of the following conditions:

1. ~~Has~~ It has no managerial affiliation with producers, suppliers or vendors, and is not engaged in the sale or promotion of any product or material.
2. The results of its work accrue no financial benefits to the agency ~~via~~ through stock ownership; and the like, of any ~~producers, suppliers, or producer, supplier or vendor of the products~~ product involved.
3. Its directors and other management personnel, in such capacities, receive no stock option, ~~nor~~ or other financial benefit from any producer, supplier, or vendor of the product involved.
4. ~~Has~~ It has sufficient breadth of interest or activity that the loss or award of a specific contract to determine compliance of a producer's, supplier's; or vendor's product with these Regulations would not be

a ~~determinative~~ determining factor in its financial well-being.

5. The employment security status of its personnel is free of influence or control ~~of~~ by producers, suppliers, or vendors.

400.3 Information required by Department: The following information and criteria will be considered by the Department in designating approved testing facilities:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under these Regulations.
3. Description of qualifications of personnel and their responsibilities.

Personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall meet the requirements of the American Society for Testing and Materials (ASTM) Standards E-541-84, Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings.

4. Summary of ~~organizational~~ experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model unit, factory follow-up, quality assurance, labeling of production units, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective units resulting from oversight.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

ARTICLE 5

LABELING, REGISTRATION AND FEES

SECTION 500.0 LABELS

500.1 Minimum information required: Every labeled industrialized building unit and mobile home shall be marked with a label, seal, or similar evidence of compliance supplied by the approved testing facility that ~~bears~~ includes the following information directly or by reference:

1. Name and address of approved testing facility.
2. Type of unit (mobile home or other type of industrialized building unit), and list of codes and standards for which the unit has been evaluated,

Proposed Regulations

inspected and found in compliance by the approved testing facility.

3. Serial number of label.

4. Special instructions for handling, installation and erection, or list of such instructions that are furnished separately with the unit.

5. Special conditions or limitations of use of the unit under the standards for which the unit has been evaluated, or list of such conditions and limitations that are furnished separately with the unit.

500.2 Mounting of label: To the extent practicable, the label shall be so installed that it cannot be removed without destroying it. It shall be applied in the vicinity of the electrical distribution panel or other location that is readily accessible for inspection, except that on mobile homes the label shall be applied to the exterior of the unit in a location that can be readily viewed by the Board's representative or local building official without entering into or upon the unit. Where the unit ~~comprises~~ *is part of* a system of sub-assemblies the required label may be furnished as a single label for the system, provided each sub-assembly is listed on or with the label and is marked by the approved testing facility in some clearly identifiable manner that relates it to the label.

500.3 Manufacturer's data plate and other markings: The following information shall be placed on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The approved testing facility shall approve the form, completeness and location ~~thereof of the data plate to include the information listed below:~~

1. Manufacturer's name and address.
2. Serial number of the ~~separate~~ label of the approved testing facility.
3. ~~Manufacturer's serial~~ Serial number of the unit.
4. Name of manufacturer and model designation of major factory installed appliances.
5. Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, and directions for water and drain connections.
6. For mobile homes, a zone map indicating the zone for which the home is designed.
7. For mobile homes, details relative to pier spacing and location on which the home design is based.

500.4 Label control: The labels shall be under direct control of the approved testing facility until applied by the manufacturer to units that comply fully with these

Regulations. The manufacturer shall place ~~his~~ *its* order for labels with the approved testing facility. ~~He~~ *The manufacturer* is not permitted to acquire labels from any other source. Each approved testing facility shall keep a list of the serial numbers of labels issued to each manufacturer's plant in such manner that a copy of the record can be submitted to the Department upon request.

SECTION 501.0 REGISTRATION OF LABELED UNITS

501.1 Registration seal for mobile homes: Every labeled mobile home, composed of one or more units, shall be marked with an approved registration seal issued by the Department. The seal shall be applied by the manufacturer to any unit intended for sale or use in Virginia prior to its shipment *from the factory*.

501.2 Registration seal for industrialized ~~building units~~ *buildings* other than mobile homes: ~~Every such~~ *Each* labeled unit, or combination ~~thereof of units~~, that constitutes a single-family house or that constitutes a single-family living unit in a building of multi-family occupancy, shall be marked with an approved registration seal issued by the Department. Every labeled unit, or combination ~~thereof of units~~, that is erected as a single building for some other type of occupancy shall be marked with an approved registration seal issued by the Department. The seal shall be applied by the manufacturer to any unit intended for sale or use in Virginia prior to its shipment *from the factory*.

501.3 Issue of registration seals and fees: Approved registration seals may be purchased from the Department of Housing and Community Development in advance of use. The fee for each registration seal shall be ~~\$25.00; set~~ *by the Board*. Checks shall be made payable to "Treasurer of Virginia".

501.4 Mounting of registration seal: To the extent practicable, the registration seal shall be so installed so that it cannot be removed without destroying it. It shall be installed ~~in the vicinity of~~ *near* the label applied by the approved testing facility.

PART TWO Mobile Homes Subject to Federal Regulations

ARTICLE 11 ADMINISTRATION

SECTION ~~1101.0~~ 1100.0 GENERAL

~~1101.1~~ 1100.1 Title: Articles 11 ~~and 12~~ *hereof through 13* shall be known ~~and may be cited as the~~ Virginia Industrialized Building and Mobile Home Safety Regulations - PART TWO. PART TWO shall mean the Virginia Industrialized Building and Mobile Home Safety Regulations - PART TWO.

~~1101.2~~ 1100.2 Application: PART TWO shall apply to ~~mobile manufactured~~ homes as defined in Section ~~1100.0-~~ 1200.0.

~~1101.3~~ 1100.3 Effective date: The effective date of PART TWO of these Regulations is ~~July 16, 1982.~~ (to be inserted).

SECTION ~~1102.0~~ 1101.0 ENFORCEMENT GENERALLY

~~1102.1~~ 1101.1 Federal regulation: Enforcement of PART TWO shall be in accordance with the Federal Manufactured Home Procedural and Enforcement Regulations, ~~promulgated enacted~~ May 13, 1976, pursuant to under authority granted by Section 625 of the Act, and designated as Part 3282, Chapter XX, Title 24 of the Department's regulations. (Part 3282 consists of subparts A through L, with Sections numbered 3282.1 through 3282.554, and has an effective date of June 15, 1976.)

~~1102.2~~ 1101.2 Delegation of authority: ~~Mindful of the statutory responsibility placed upon it by the provisions of the Virginia Industrialized Building Unit and Mobile Home Safety Law, and in furtherance of the legislative policies expressed in Section 36-72 thereof, By the authority of the Board, hereby delegates to the Department of Housing and Community Development is delegated all lawful authority for the enforcement of the Federal Standards pertaining to manufactured homes, as prescribed by the aforesaid Procedural and Enforcement Regulations. The Board hereby approves the The Division of Building Regulatory Services of the Department of Housing and Community Development is designated by the Board as a State Administrative Agency in the HUD enforcement program, and the exercise by said Division of all authority vested in it shall act as an agent of HUD. And the Board hereby authorizes the The Division, under the supervision of the Deputy Director of Building Regulatory Services, as Administrator, is authorized to perform the activities required of an SAA by the HUD enforcement plan, including (but not limited to) investigation, citation of violations, handling of complaints, conducting hearings, supervising remedial actions, monitoring, and making such reports as may be required.~~

SECTION ~~1102.0~~ 1102.0 ENFORCEMENT IN LOCALITIES

~~1103.1~~ 1102.1 Responsibility of local building officials: ~~Every All~~ local building official is officials are authorized by Section 36-81 of the Law to enforce the provisions of PART TWO within the limits of his their jurisdiction. Such local building officials shall enforce PART TWO, subject to the general oversight of the Division, and shall not permit the use of any mobile manufactured home that does not comply with PART TWO within their respective jurisdictions.

~~1103.2~~ 1102.2 Effect of label: Mobile Manufactured homes bearing displaying the HUD label shall be acceptable accepted in all localities as meeting the requirements of this Law, and shall be acceptable as meeting the requirements of safety to life, health, and property

imposed by any ordinance of any local governing body of this State without further investigation, testing, or inspection. Notwithstanding this provision, local building officials are authorized to carry out the following functions with respect to mobile manufactured homes bearing displaying the HUD label, provided such functions can be performed without do not involve disassembly of the units or parts thereof of the units, or change of design, and provided such function does not or result in the imposition of more stringent conditions than those required by the Federal regulations:

1. After installation of the unit, local officials they may verify that it has not been damaged in transit to such a degree as that would render it unsafe. Where indicated, tests may be made for : tightness of plumbing systems ; tightness of and gas piping, and electrical short circuits at meter connections.
2. They may verify that supplemental components required by the label or by this Part PART TWO are properly provided.
3. They may verify that installation or erection instructions are observed.
4. They may verify that any special conditions or limitations of use stipulated by the label pursuant to in accordance with the Standards or PART TWO are observed.
5. They may enforce applicable requirements of PART TWO for alterations and additions to mobile manufactured homes, and for maintenance thereto: of the homes.
6. They may enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, certificates of use and occupancy, and all other applicable requirements thereof, except those governing the design and construction of the labeled units.
7. They may verify that a mobile manufactured home bears displays the required HUD label.
8. They may verify that corrections of nonconforming items have been accomplished: corrected.

~~1103.3~~ 1102.3 Action upon noncompliance: Whenever any local building official finds that a mobile manufactured home delivered for use in his jurisdiction is in violation of PART TWO, he shall initiate the corrective procedure required, in accordance with PART TWO.

~~1103.4~~ 1102.4 Report to the Division: Whenever any mobile manufactured home is moved from a local building official's jurisdiction before a noted violation has been corrected, such the building official shall make a prompt report of the circumstances to the Division of Building

Proposed Regulations

Regulatory Services of the Department of Housing and Community Development. His report shall include : a list of uncorrected violations, all information pertinent to identification and manufacture of the mobile home contained on the label and the data plate thereof , the destination of the subject mobile home if known , and the name of the party responsible for moving it.

SECTION ~~1104.0~~ 1103.0 RESTRICTIONS ON DISTRIBUTORS AND DEALERS

~~1104.1~~ 1103.1 Alterations: No distributor or dealer shall perform or cause to be performed any alteration affecting one or more requirements set forth in the Federal Standards, ~~except pursuant to approval obtained from~~ *except those alterations approved by* the Division of Building Regulatory Services.

~~1104.1.1~~ 1103.1.1 Assistance from local building officials: In handling and approving dealer requests for alterations, the Division may be assisted by local building officials ; ~~and such local~~ . *The building officials shall report to the Division* violations of this Section and failures to conform to the terms of ~~his~~ *their* approval ~~to the Division~~.

~~1104.2~~ 1103.2 Prohibited re-sale: No distributor or dealer shall offer for resale any mobile manufactured home possessing a serious defect or imminent safety hazard.

SECTION ~~1105.0~~ 1104.0 CONTINUING ENFORCEMENT

~~1105.1~~ 1104.1 Inspections: At any time when a mobile manufactured home is located within the State of Virginia, and is not then occupied and used as a dwelling, the Division shall have authority to inspect for violations of the Federal Standards, and to order the correction of any serious defect or imminent safety hazard found. Nothing ~~herein shall be construed to contained in these Regulations shall~~ limit the authority granted local building officials to inspect occupied mobile manufactured homes ~~which otherwise may be conferred upon local building officials~~.

ARTICLE 12

DEFINITIONS

SECTION ~~1100.0~~ 1200.0 DEFINITIONS

~~1100.1~~ 1200.1 Definitions from PART ONE: Terms defined in PART ONE (~~Section 100.0 Article 2~~) shall have the same meaning ~~herein in PART TWO~~, unless otherwise specifically indicated. Terms defined within the Federal Manufactured Home Construction and Safety Standards and the Federal Manufactured Home Procedural and Enforcement Regulations, as adopted by the United States Department of Housing and Urban Development, shall have ~~herein~~ the same meanings ~~assigned them there~~. *in these Regulations*.

~~1100.2~~ 1200.2 Additional definitions:

"Act" or "The Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401, et seq.).

Note: The Act was originally entitled the National Mobile Home Construction and Safety Standards Act of 1974, but was recently amended as noted above. For this reason, the use of the term mobile home in the Federal Standards may be phased out in the future in favor of has been replaced by the term manufactured home.

"Administrator" means the person designated by the Board to enforce ~~this Part~~: PART TWO.

"Board" means the Board of Housing and Community Development.

"Department" means the Department of Housing and Community Development.

"Division" means the Division of Building Regulatory Services of the Department of Housing and Community Development.

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable Federal mobile manufactured home construction or safety standard.

"Label" or "Certification label" means the approved form of certification by the manufacturer that, under Section 3282.362(c)(2)(i) of the Act, is permanently affixed to each transportable section of each mobile manufactured home manufactured for sale to a purchaser in the United States.

"MOBILE " "Manufactured Home" ; as used within PART TWO means a structure { subject to federal regulation } ; which is transportable in one or more sections ; ; which is 8 body feet or more in width and is 32 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site ; and which ; is built on a permanent chassis ; ; and is designed to be used as a single-family dwelling , with or without a permanent foundation, when connected to the required utilities ; ; and includes the plumbing, heating, air-conditioning, and electrical systems contained ~~therein~~. *in the structure*.

Note: The term MANUFACTURED HOME, as noted earlier, replaces the term MOBILE HOME in the Federal regulations and in PART TWO.

"Serious defect" means any failure to comply with an applicable Federal mobile manufactured home construction and safety standard that renders the mobile manufactured

home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected mobile manufactured home.

"Standards" or "Federal standards" means the Federal Manufactured Home Construction and Safety Standards adopted by HUD, pursuant to in accordance with authority in the Act. Said standards were promulgated enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" (SAA) means an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the standards pursuant to Section 623 of the Act, 42 U.S.C. 5422, and subpart G of the Federal Procedural and Enforcement Regulations.

ARTICLE ~~12~~ 13 SAFETY STANDARDS

SECTION ~~1200.0~~ 1300.0 FEDERAL STANDARDS

~~1200.1~~ 1300.1 Compliance required: Mobile Manufactured homes produced on or after June 15, 1976, shall conform to all the requirements of the Federal Standards, as they may thereafter be amended.

SECTION ~~1201.0~~ 1301.0 MOUNTING AND ANCHORING

~~1201.1~~ 1301.1 Reference to Uniform Statewide Building Code: Mounting and anchoring of mobile manufactured homes shall be in accordance with the applicable requirements of the ~~1981~~ 1984 Edition of the Virginia Uniform Statewide Building Code. The manufacturer's printed instructions shall supersede the requirements of the ~~1981~~ 1984 Edition of the Uniform Statewide Building Code where there are differences.

~~1981~~ 1984 EDITION

VIRGINIA INDUSTRIALIZED BUILDING AND MOBILE HOME SAFETY REGULATIONS ADDENDA

ADDENDUM 1 REQUIREMENTS FOR MOUNTING AND ANCHORING MOBILE HOMES

The following requirements are from the ~~1981~~ 1984 Edition of the Virginia Uniform Statewide Building Code:

SECTION ~~623.0~~ 613.0 MOBILE HOMES

~~623.1~~ 613.1 Anchorage and tiedown: Mobile homes may be mounted on and anchored to permanent foundations specifically designed for each such mobile home. When the mobile home is not mounted on and anchored to a permanent foundation, a system of stabilizing devices conforming to accepted engineering practices shall be

used. The manufacturer shall provide printed instructions with each mobile home specifying the location, required capacity and other details of stabilizing devices (tiedowns, piers, blocking, footings, etc.) on which the design of the mobile home is based. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost line.

~~623.2~~ 613.2 Required Anchorage:

(a) 1. Mobile homes installed or relocated in the Hurricane zone on or after October 15, 1974, and mobile homes installed or relocated outside of the Hurricane zone on or after April 15, 1975, shall be anchored in accordance with this section.

(b) 2. The Hurricane zone includes the following counties and all cities located therein, contiguous thereto, or to the east thereof: Accomack, Charles City, Essex, Gloucester, Greensville, Isle of Wight, James City, King & Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Northampton, New Kent, Prince George, Richmond, Surry, Sussex, Southampton, Westmoreland, York.

(c) 3. Mobile homes equipped by the manufacturer with a system of tiedowns; designed in accordance with one of the reference standards listed in Section ~~623.3~~, shall be attached vertically and diagonally to a system of ground anchors in a manner adequate to resist wind overturning and sliding as imposed by the design loads. Mobile homes hereafter installed in the Hurricane zone shall be of Hurricane and Windstorm Resistive design as defined by the applicable reference standards listed in Section ~~623.3~~. Mobile homes not equipped by the manufacturer with a system of tiedowns shall be anchored in a manner deemed adequate by the local building official to resist wind overturning and sliding as imposed by the design loads of the applicable reference standards listed in Section ~~623.3~~.

~~623.2~~ Applicable reference standards: The applicable standards to be used in determining compliance with the anchorage requirements of this section are:

o ANSI A119.1 (NFPA NO. 501B), STANDARD FOR MOBILE HOMES BODY AND FRAME DESIGN AND CONSTRUCTION REQUIREMENTS AND THE INSTALLATION OF PLUMBING, HEATING AND ELECTRICAL SYSTEMS

Published by: American National Standards Institute
1430 Broadway, New York, New York 10018

Either the 1974 or 1975 Edition, until superseded by the Federal Manufactured Home Construction and Safety Standards, with the following amendment to Part C, Section ~~11.2.1~~ Water Connection, add the following sentence: A master, cold water shut off, full flow valve shall be installed on the main feeder line in an accessible area.

Proposed Regulations

622.3.1 **Optional standard:** The following standard may be used as an option to the standard listed above:

FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

Published by: U. S. Department of Housing and Urban Development, Federal Register, Volume 40, Number 244, December 18, 1975 (Part 280, Code of Federal Regulations)

No time limit.

622-4 613.3 **Placement of ground anchors:** Unless the entire tiedown system, including ground anchors, is designed by a professional engineer or architect, ground anchors shall be placed as follows:

1. **Hurricane zones:** Not more than 12 feet on centers beginning from the front line wall of the mobile home stand (congruent with the front wall of the mobile home). Not more than 6 feet open-end spacing shall be provided at the rear line of the mobile home stand unless additional tiedowns are installed.

2. **Nonhurricane zones:** Not more than 24 feet on centers beginning from the front line wall of the mobile home stand (congruent with the front wall of the mobile home). Not more than 6 feet open-end spacing shall be provided at the rear line wall of the mobile home stand unless additional tiedowns are installed.

3. **Load capacity:** Each ground anchor shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds applied in the direction of the tiedown. In addition, each ground anchor shall be capable of withstanding a 50 percent overload without failure.

4. **Weather resistance:** Ground anchors shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot of surface coated.

ADDENDUM 2 PREVIOUS ADOPTIONS AND AMENDMENTS

The Virginia Industrialized Building Unit and Mobile Home Safety Regulations were first adopted in 1971 by the State Corporation Commission and became effective on January 1, 1972. Subsequent editions and amendments were adopted by the Commission to update the reference standards or reflect changes in State and Federal legislation. On July 1, 1978, responsibility for the Regulations passed to the State Board of Housing and Community Development. The Board has also amended the Regulations to incorporate later editions of the reference standards and legislative changes.

The Office of Industrialized Building Code has compiled a list of the successive editions of the Regulations and amendments. This list includes the effective dates and a summary of the major changes incorporated in each edition or amendment. A copy may be obtained without charge upon request to:

Office of Industrialized Building Code
Department of Housing and
Community Development
205 North Fourth Street
Richmond, Virginia 23219
Telephone (804) 786-4846

ADDENDUM 3 VIRGINIA INDUSTRIALIZED BUILDING UNIT AND MOBILE HOME SAFETY LAW

This law is designated as Chapter 4 of Title 36 of the Code of Virginia, and contains Sections 36-70 through 36-85.1 of the Code. It provides authority for adoption of these regulations and establishes penalties for violations. A copy may be obtained without charge upon request to:

Office of Industrialized Building Code
Department of Housing and
Community Development
205 North Fourth Street
Richmond, Virginia 23219
Telephone (804) 786-4846

Title of Regulation: VR 394-01-41. Virginia Public Building Safety Regulations.

Statutory Authority: Article 2, Chapter 6, Title 27 of the Code of Virginia.

NOTICE

Due to its length the proposed 1984 Edition of the Virginia Public Building Safety Regulations, filed by the Division of Building Regulatory Services, Department of Housing and Community Development, is not being published. However in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Summary:

The Board of Housing and Community Development proposes to replace the 1981 edition of the Virginia Public Building Safety Regulations (VPBSR) with a revised 1984 edition. Minor changes have been made, primarily to improve clarity and to update certain

Proposed Regulations

obsolescent requirements. Other changes have been made to the administrative and enforcement provisions to ensure better coordination with the Virginia Uniform Statewide Building Code, and to reflect changes made necessary by the transfer of the State Fire Marshal's Office from the State Corporation Commission to the Department of Housing and Community Development in 1978. The format of the 1984 edition has been rearranged to more clearly reflect the application of the Virginia Public Building Safety Regulations according to date of construction. Because the application of the VPBSR is affected by the date of construction, the 1984 edition has been divided into four parts as follows:

Part A - Common requirements, including administration, enforcement, definitions, and classification.

Part B - Requirements for public buildings erected after September 1973, and subject to the Uniform State Building Code.

Part C - Requirements for buildings that were erected before September 1973, but after the VPBSR first became effective in 1949.

Part D - Requirements for buildings existing in 1949, at the time the VPBSR first became effective.

The VPBSR is a mandatory, statewide, uniform regulation that must be complied with in all buildings used by 10 or more persons. Its purpose is to afford a reasonable minimum level of protection for the occupants and the buildings from fire hazards arising from improper design, maintenance or use. Requirements for buildings erected after the initial effective date of the Virginia Uniform Statewide Building Code (USBC) in 1973 are identical to the fire safety requirements of the USBC. Provision is made for enforcement of the VPBSR by the State Fire Marshal with optional, supplemental enforcement by local governments.

The VPBSR first became effective in 1949. It was adopted by the State Corporation Commission pursuant to the 1948 Virginia Fire Hazards Law. Enactment by the General Assembly was preceded by a study of fire hazards by the Virginia Advisory Legislative Council pursuant to Senate Joint Resolution No. 8 of 1946. The VALC report to the General Assembly, Senate Document No. 11, Fire Hazards, noted serious deficiencies in existing building regulatory practices. It recommended the adoption of minimum, statewide standards for safety to life and property for buildings used by 10 or more persons.

Title of Regulation: VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/1984.

Statutory Authority: §§ 27-87 of the Code of Virginia.

Summary:

The Virginia Liquefied Petroleum Gas Regulations, 1984 Edition, is a mandatory, statewide, uniform regulation that must be complied with in the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing L-P gases for fuel purposes, and for odorization of L-P gases. The purpose of the regulations is to require the safe use and storage of L-P gases in order to protect individuals and property from fire and explosion hazards. All law enforcement officers are empowered to enforce the regulations.

VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/1984.

SECTION 100.0 GENERAL

1. **100.1 Title:** The title of these regulations shall be the Virginia Liquefied Petroleum Gas Regulations. Except as otherwise indicated, Regulations shall mean the 1984 Edition of the Virginia Liquefied Petroleum Gas Regulations.

2. **100.2 Authority:** These Regulations are adopted pursuant according to regulatory authority conferred on granted the Board of Housing and Community Development by the Liquefied Petroleum Gases Law, Chapter 7, Title 27, Code of Virginia.

3. **100.3 Adoption:** These Regulations were adopted by order of the Board of Housing and Community Development on July 16, 1982, (.....) pursuant to a signed instrument which This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and which is available for public inspection.

4. **100.4 Effective date:** The 1984 1984 Edition of the Virginia Liquefied Petroleum Gas Regulations shall become effective on July 16, 1982 (.....).

5. **100.5 Minimum Standards for equipment:** The design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer and utilizing the storage, handling, odorization, transportation and use of Liquefied Petroleum Gases liquefied petroleum gases requiring the odorization of said gases and the degree thereof shall conform to the minimum general standards established by the Regulations.

6. **100.6 Model Codes:** These Regulations shall consist of: The following model codes, and all portions of other model codes and standards that are referenced therein, are adopted and incorporated in these Regulations:

a. A. Standard for Storage and Handling of Liquefied Petroleum Gases - NFPA 58 (1979 1983 Edition)

Proposed Regulations

b. B. National Fuel Gas Code - NFPA 54 (1974 1980 Edition) (ANSI Z223.1 -1980)

7. 100.7 Exception: Where the Uniform Statewide Building Code is applicable, it shall take precedence over these regulations.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: VR 395-01-2. Certification of Tradesmen Standards/1984.

Statutory Authority: § 15.1-11.4 of the Code of Virginia.

Summary:

The 1984 Edition of the Certification of Tradesmen Standards is a statewide, uniform regulation that must be used by every local governing body that chooses to require certification of plumbers, building-related mechanical workers, and electricians as to ability, proficiency and qualifications. Provision is made for examination for two levels of certification in each trade, journeyman and master. The purposes of the Standards are to ensure reasonable competency of tradesmen who are certificate holders, and to enable each certificate holder to work throughout Virginia without further examination; a certificate from any community must be honored by all others.

VR 395-01-2. Certification of Tradesmen Standards/1984.

§ 3 § 1. - Definitions

The terms used in these standards shall have the following meaning:

AGENT - The person designated by the county, city, or town, according to local ordinance, to examine and determine an applicant's qualifications for certification.

BOARD - The Board established by a county, city, or town, according to local ordinance, to examine and determine an applicant's qualification for certification.

BUILDING-RELATED MECHANICAL WORKER - A tradesman who does building-related mechanical work, including heating, air conditioning, ventilation and gas piping.

CONTRACTOR - A person licensed according to § 54-113 of the Code of Virginia who for a fixed price, commission, fee or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing or superintending the construction, removal, repair or improvement of any building or structure owned, controlled or leased by another person.

DEPARTMENT - The Department of Housing and Community Development.

ELECTRICIAN - A tradesman who does electrical work.

HELPER OR LABORER - A person who assists a tradesmen certified according to these standards.

JOURNEYMAN - A person who possesses the necessary ability, proficiency and qualifications to install, repair and maintain specific types of materials and equipment;

(a) utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code; and

(b) according to plans and specifications complying with the Virginia Uniform Statewide Building Code. A tradesman must be certified as a journeyman in each of the trades for which local certification is required in order to practice such trades as a journeyman.

MASTER - A person who possesses the necessary ability, proficiency and qualifications to;

(a) supervise the work of installing, repairing, and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Uniform Statewide Building Code; and

(b) plan and lay out the details for installation of specific types of materials and equipment that comply with the Virginia Uniform Statewide Building Code. A tradesman must be certified as a master in each of the trades for which local certification is required in order to practice such trades as a master.

PLUMBER - A tradesman who does plumbing work.

PLUMBER-GAS FITTER - A plumber who does gas piping work.

SUPERVISION - Monitoring of the work in progress to determine that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.

TRADE - Any of the following: Plumbing, Plumbing-Gas Fitting, Building-Related Mechanical or Electrical work.

TRADESMAN - A person who engages in or offers to engage in, for the general public for compensation, any of the trades covered by these standards.

VOLUNTARY APPRENTICESHIP ACT - An Act authorized in Title 40.1, Chapter 6 of the Code of Virginia that establishes an Apprenticeship Council to determine standards for apprentice agreements, approve local

Proposed Regulations

apprenticeship agreements, and appoint local joint apprenticeship committees; includes required information on apprentice agreements; and defines apprentice.

§ 1 § 2 - Authority and Use Application

A. These standards are promulgated pursuant to established in accordance with § 15.1-11.4 and 36 - 90.1 of the Code of Virginia for use of by counties, cities, and towns. These standards are not intended to affect licensing under other provisions of the Code of Virginia: by individual counties, cities and towns: by local governments.

B. These standards are to be used by local governments when certifying plumbers, plumbers-gas fitters, building-related mechanical workers, and electricians as identified by local ordinance. Such local ordinance may specify the trade(s) to be certified, the type of tradesmen within a trade to be certified, or the level(s) of certification (journeyman or master).

§ 9 § 3 - Exemption from Certification

A. Plumbers, plumbers-gas fitters, building-related mechanical workers, or electricians who were certified or licensed prior to July 1, 1978, in accordance with the certification or license provisions of the Commonwealth or any local government, shall be exempt from any further local certification requirement for the same trade.

B. Any persons certified according to these standards shall be exempt from obtaining any other certificate as a journeyman or master in the same trade.

C. Helpers or laborers who assist tradesmen that are required to be certified by local government shall be exempt from local certification.

D. Any person that performs plumbing, plumbing-gas fitting, building-related mechanical, or electrical work on their own property rather than for the general public for compensation shall be exempt from local certification.

§ 2 Levels of Certification

The issuance of certificates pursuant to these standards shall be limited to two (2) levels based on the ability and proficiency demonstrated by the applicant in specified areas of competence. These levels are defined as:

A. Level One

A certificate issued under Section 15.1-11.4 of the Code of Virginia to a person who possesses the necessary ability, proficiency and qualifications to perform the work in installing, repairing and maintaining specific types of equipment and related apparatus, and is capable of performing such tasks (a) utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code, and (b) according to plans and specifications complying with the

Virginia Uniform Statewide Building Code. The holder of a Level One certificate shall be limited to the type of work and types of equipment and related apparatus for which certification is granted.

B. Level Two

A certificate issued under Section 15.1-11.4 of the Code of Virginia to a person who possesses the necessary ability, proficiency and qualifications to (a) supervise the work of installing, repairing and maintaining specific types of equipment and related apparatus utilizing a working knowledge sufficient to comply with the pertinent provisions of the Uniform Statewide Building Code, and (b) to plan and lay out the details of installation and specific types of equipment and related apparatus according to plans and specifications complying with the Virginia Uniform Statewide Building Code. The holder of a Level Two certificate shall be limited to the type of work and types of equipment and related apparatus for which certification is granted.

§ 3 § 4 - Evidence of Ability and Proficiency

§ 3-1 § 4.1 Level One JOURNEYMAN

Applicants desiring to obtain certification as a Level One journeyman shall furnish evidence that one of the following experience and education standards have been attained:

A. Four (4) years of practical experience in the specific areas of expertise in the trade or a directly related area of expertise for which certification is desired; or

B. Successful completion prior to July 1, 1981, of a Registered Apprenticeship System Program established in accordance with the Virginia Voluntary Apprenticeship Act, Title 40.1, Chapter 6 of the Code of Virginia, in the trade area of expertise for which certification is desired; or

C. An Associate Degree in the area of expertise a curriculum related to the trade for which certification is desired and two (2) years of practical experience in the specific area of expertise trade for which certification is desired; or

D. A Bachelor's Degree in the study of engineering in a curriculum related to the areas of expertise trade for which certification is desired and one (1) year of practical experience in the specific area of expertise trade for which certification is desired.

§ 3-4 § 2. Level Two MASTER

Applicants desiring to obtain certification as a Level Two Master shall furnish evidence that they have met Item A, below and one or more of experience or education standards of Item requirements B through E. have been met.

Proposed Regulations

A. One (1) year of experience in supervision supervising of the installation or repair of the specific types of equipment materials, involved and or related apparatus utilized within in the trade, or equivalent education specific area of expertise for which certification is desired; or

B. Four (4) years of practical experience in the specific trade area of expertise or directly related area of expertise for which certification is desired; or

C. Successful completion prior to July 1, 1981, of a Registered Apprenticeship System Program established in accordance with the Virginia Voluntary Apprenticeship Act , Title 40.1, Chapter 6 of the Code of Virginia, in the trade in the area of expertise for which certification is desired; or

D. An Associate Degree in the area of expertise in a curriculum related to the trade for which certification is desired ; and two (2) years of practical experience in the specific area of expertise trade for which certification is desired ; or

E. A Bachelor's Degree in the study of engineering in a curriculum related to the area of expertise trade for which certification is desired and one (1) year of practical experience in the specific area of expertise trade for which certification is desired.

§ 6 § 5 - Examination and Testing for Determination of Qualifications

Each applicant is required by § 15.1-11.4(B) of the Code of Virginia to be examined by an agent or board appointed by the governing body to determine his qualifications. *The Director of the Department of Housing and Community Development will establish the method(s) for determining the applicant's qualifications.* Such examination for each level of certification shall be in accordance with the following guidelines:

A. *The examination shall be based on current pertinent provisions of the Virginia Statewide Building Code.*

A. *The Director may enter into a contract with a national testing organization to develop and administer tests based on the current provisions of the Virginia Uniform Statewide Building code that are relevant to the certified trades. In the case of trades for which the Director has contracted with a national testing organization to develop and administer tests, the local agent or board shall proceed as follows:*

1. *Forward qualifying application to the national testing organization which will administer the appropriate test of qualifications;*

2. *Receive and examine the test results from the national testing organization; and*

3. *Issue certificates, provided by the Department, to applicants receiving a notice of satisfactory results.*

B. *The examination shall be provided to the agent or board by the Department of Housing and Community Development. Such examination shall be administered by the agent or board and returned to the Department after examinations have been administered and graded and the applicant certified or denied certification.*

B. *For all trades for which the Director has not entered into a contractual arrangement with a testing organization, the Department will develop tests to be administered to applicants by the local agency or board. The local agency or board shall:*

1. *Adminster the test in accordance with accompanying instructions;*

2. *Administer the test in either a written or oral form;*

3. *Provide adequate supervision of the test to assure that applicants do not receive assistance in completing the test;*

4. *Assure that neither the test nor its contents are provided to any person except the applicant;*

5. *Assure that the test is not copied or reproduced by any person or entity including the applicant;*

6. *Administer the test to applicants at least once every three months, at a time and place designated by the local agency or board that is reasonably accessible to applicants; and*

7. *Issue certificates provided by the Department to applicants receiving a satisfactory (75%) score on the test.*

C. *The agent or board shall administer the examination in accordance with the instructions accompanying the examination.*

D. *The agent or board shall provide adequate supervision at the time of the examination to insure that the applicant does not receive any assistance from any other person in completing the examination.*

E. *The agent or board shall in no way provide the examination or any or its contents to any person or entity other than the applicant. The agent or board shall not allow the examination to be copied or reproduced by the applicant or any other person.*

F. *The agent or board shall administer the examination to prospective applicants at a time and place established by the agent or board but not less frequently than once every three months and at a location reasonably accessible to the applicant.*

Proposed Regulations

G. An applicant must successfully answer seventy five percent (75%) of the questions on the examination to be deemed qualified.

§ 5 § 6 Master Certification Level Inclusive

Certification at Level Two as a Master includes certification at Level One as a Journeyman for the type of work and types of equipment and related apparatus trade for which this the certificate is granted.

§ 6 § 7 Alternate Qualification Method

A. **Determination** Individuals who have successfully passed the Class A contractor's exam administered by the Virginia State Board for Contractors of compliance with the requirements for licensing as a Class "A" contractor in the a specified certified trade is deemed as substantial compliance with the standards specified herein relating to qualifications for Level Two shall be qualified as Masters in the trade - in accordance with the standards.

B. Individuals receiving after July 1, 1981, certificates of journeymanship in a specified certified trade upon completion of an apprenticeship program approved by the Virginia Apprenticeship Council shall be qualified as journeyman in that trade in accordance with these standards.

Graduates of a Registered Apprenticeship System who have taken the examination prepared by the Department of Housing and Community Development for Level One and have successfully answered seventy five percent (75%) of the questions as part of their apprenticeship program are deemed to be qualified in accordance with Section 4 of these standards.

C. Individuals certified as journeymen or masters by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with these standards, if the Director of the Department of Housing and Community Development has determined the certifying system to be equivalent to the Virginia system. The Department will provide certificates to localities for such individuals.

§ 8 - Certificates

A. The governing body of any county, city or town that has adopted a local ordinance to certify tradesmen shall issue to persons complying with these standards the certificate provided by the Department. Such certificate shall be filled in by the agent or board with the following information:

- A. 1. The name and social security number of the certificate holder;
2. The locality where the certificate was issued;
- B 3. The date of issue;

C 4. The trade for which it is applicable : plumber, plumber-gas fitter, building-related mechanical worker, or electrician : ; and

D 5. The level of certification for which it is issued as defined in these standards : Journeyman or Master : ; and

B. The certificate shall be signed by an authorized representative of the local government.

§ 9 - Revocation of Certification

The Director of the Department of Housing and Community Development shall be notified by the certifying local board or agent when a certificate issued by that board of or agent has been revoked in accordance with provisions of the local certification ordinance.

§ 10 - Exemption Card

§ 36-99.1 of the Code establishes that tradesmen who were certified or licensed prior to July 1, 1978, according to the certification of licensing provisions of the Commonwealth or any local government shall be exempt from any further local certification requirement for the same trade.

A. The local agent or board may request the Department to provide them with a special card to issue to persons who are determined by the agent or board to be exempt from certification in accordance with § 36-99.1 of the Code of Virginia. Such card may contain the following information:

1. The name and social security number of the card holder : ;
2. The locality which determined the card holder was exempt from certification in accordance with § 36-99.1 of the Code of Virginia : ;
3. The date of issue : ;
4. The trade for which the exemption is applicable: plumber, plumber-gas fitter, building-related mechanical worker or electrician : ;
5. The trades for which exemption is being given as defined in these standards - journeyman or master;
6. A statement that the card holder was determined to be exempt from certification in accordance with § 36-99.1 of the Code of Virginia.

B. The card shall be signed by an authorized representative of the local government.

Note: It is recommended that local certification procedures provide for appeals of the decisions of the local agent or board.

Proposed Regulations

§ 11 - TEMPORARY CERTIFICATES

A. The agent or board may issue a temporary certificate, furnished by the Department, to an applicant who holds a license or certificate issued by another state in the trade for which certification is desired, or to an applicant who furnishes evidence to the agent or board that documents the applicant's competence to perform work at the level of certification.

B. Certificates shall be issued on a one-time basis per year.

C. Temporary certificates shall be valid for a period of three months.

D. The local agent or board shall notify the Department of the issuance of temporary certificates.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-02-4.191. Hospital Reimbursement Appeals Process.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Summary:

The proposed regulation establishes a due process procedure for appeals of reimbursement rates by hospital providers in accordance with The Final Judgement Order, Civil Action No. 83-0551-R and applicable federal law and regulations.

VR 460-02-4.191. Hospital Reimbursement Appeals Process.

§ 1. Right to Appeal and Initial Agency Decision.

A. Right to Appeal.

Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs shall submit a written request to the Department of Medical Assistance Service within 30 days of the date of the letter notifying the hospital of its prospective rate. The written request for appeal must contain the information specified in subsection B. below. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later.

B. Required Information.

Any request to appeal the prospective payment rate must specify: (i) the nature of the adjustment sought; (ii) the amount of the adjustment sought; and (iii) current and prospective cost containment efforts, if appropriate.

C. Nonappealable Items:

The following items will not be subject to appeal: (i) the organization of participating hospitals into peer groups according to location and bedsize and the use of bedsize and the urban/rural distinction as a generally adequate proxy for case mix and wage variations between hospitals in determining reimbursement for inpatient care; (ii) the use of Medicaid and applicable Medicare Principles of Reimbursement to determine reimbursement of costs other than operating costs relating to the provision of inpatient care; (iii) the calculation of the initial group ceilings on allowable operating costs for inpatient care as of July 1, 1982; (iv) the use of the Bureau of Labor Statistics Consumer Price Index (CPI) (excluding housing and interest components) as the prospective escalator; and (v) durational limitations set forth in the State Plan (the "twenty-one day rule").

D. Costs which may be appealed are those incurred by a hospital during a single cost reporting period.

E. The hospital shall bear the burden of proof throughout the administrative process.

§ 2. Administrative Appeal of Adverse Initial Agency Determination.

A. General:

The administrative appeal of adverse initial agency determinations shall be made in accordance with the Virginia Administrative Process Act, § 9-6.14:11 through § 9-6.14:14 of the Code of Virginia as set forth below.

B. The Informal Proceeding.

1. The hospital shall submit a written request to appeal an adverse initial agency determination in accordance with § 9-6.14:11 of the Code of Virginia within 15 days of the date of the letter transmitting the initial agency determination.

2. The request for an informal conference in accordance with § 9-6.14:11 of the Code of Virginia shall include the following information:

a. The adverse agency action appealed from;

b. A detailed description of the factual data, argument or information the hospital will rely on to challenge the adverse agency decision.

3. The agency shall afford the hospital an opportunity for an informal conference in accordance with § 9-6.14:11 of the Code of Virginia within 45 days of the request.

4. The Director of the Division of Provider Reimbursement of the Department of Medical Assistance Services, or his designee, shall preside over

the informal conference. As hearing officer, the Director (or his designee) may request such additional documentation or information from the hospital or agency staff as may be necessary in order to render an opinion.

5. After the informal conference, the Director of the Division of Provider Reimbursement, having considered the criteria for relief set forth in §§ 4 and 5 below, shall take any of the following actions:

a. Notify the provider that its appeal is without merit and deny the relief requested setting forth the reasons for such denial;

b. Notify the provider that its appeal has merit and advise him of the agency action which will be taken.

6. The decision of the informal hearing officer shall be rendered within 21 days of the conclusion of the informal conference.

§ 3. The Formal Administrative Hearing: Procedures.

A. The hospital shall submit its written request for a formal administrative hearing under § 9-6.14:12 of the Code of Virginia within 15 days of the date of the letter transmitting the adverse informal agency decision.

B. The request for a formal evidentiary hearing shall include:

1. Identification of the adverse agency action appealed from; and

2. A summary of the factual data, argument and proof the provider relies on in connection with its case.

C. The agency shall afford the provider an opportunity for a formal administrative hearing within 45 days of the request.

D. The Director of the Department of Medical Assistance Services, or his designee, shall preside over the hearing. Where a designee presides, he shall make a recommended finding and a recommended decision to the Director. In such instance, the provider shall have an opportunity to file exceptions to the proposed findings and conclusions. In no case shall the designee presiding over the formal administrative hearing be the same individual who presided over the informal appeal.

E. The Director of the Department of Medical Assistance Services shall make the final administrative decision in each case.

F. The decision of the agency shall be rendered within 60 days of the conclusion of the administrative hearing.

§ 4. The Formal Administrative Hearing: Necessary

Demonstration of Proof.

A. The hospital shall bear the burden of proof in seeking relief from its prospective payment rate.

B. A hospital seeking additional reimbursement for operating costs relating to the provision of inpatient care shall demonstrate that its operating costs exceed the limitation on operating costs established for its peer group and set forth the reasons for such excess.

C. In determining whether to award additional reimbursement to a hospital for operating costs relating to the provision of inpatient care, the Director of the Department of Medical Assistance Services shall consider:

1. Whether the hospital has demonstrated that its operating costs are generated by factors generally not shared by other hospitals in its peer group. Such factors may include, but are not limited to, the addition of new and necessary services, changes in case mix, extraordinary circumstances beyond the control of the hospital, and improvements imposed by licensing or accrediting standards.

2. Whether the hospital has demonstrated that it operates in an efficient and economical manner. Economical and efficient operation includes both operational and financial efficiency. Factors which may be considered evidence of operational efficiency include, but are not limited to:

- a. Decrease in unnecessary lengths of stay;
- b. Economies in purchasing;
- c. Improvement in productivity;
- d. Improvement in utilization of plant and equipment.

Factors which may be considered evidence of financial efficiency include, but are not limited to:

- a. Improvement in patient billing and collections system and procedures;
- b. Improvement in accounts payable;
- c. Implementation of business and strategic planning;
- d. Improvement in inventory control;
- e. Implementation of cost accounting methods;
- f. Refinancing of debt, if applicable;
- g. Extending useful life of fixed assets.

In determining the efficient and economical operation of a hospital, the hearing officer may require that an onsite operational review of the hospital be conducted by the Department or its designee.

3. Whether the hospital has demonstrated that the Medicaid prospective payment rate it receives to cover operating costs related to inpatient care is insufficient to provide care and service that conforms to applicable state and federal laws, regulations and quality and safety standards.¹

Proposed Regulations

4. In no event shall the Director of the Department of Medical Assistance Services award additional reimbursement to a hospital for operating costs relating to the provision of inpatient care unless:

a. The hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is inadequate to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality.² In making such demonstration, the hospital shall show that:

(1) By providing care to Medicaid recipients at the current Medicaid rate, the hospital is, in the aggregate, incurring a marginal loss (i.e., the total variable cost of each additional patient day exceeds the Medicaid payment rate) which would threaten the long-term viability of the hospital;³ and

(2) But for the participation of the hospital in the state Medicaid Program, Medicaid recipients would have to travel in excess of thirty minutes to receive comparable care.⁴

5. In determining whether to award additional reimbursement to a hospital for reimbursement cost which are other than operating costs related to the provision of inpatient care, the Director shall consider Medicaid applicable Medicare rules of reimbursement.

§ 5. Available Relief.

A. Any relief granted under §§ 1-4 above shall be for one cost reporting period only.

B. Relief for hospitals seeking additional reimbursement for operating costs incurred in the provision of inpatient care shall not exceed the difference between:

1. The cost per allowable Medicaid day arising specifically as a result of circumstances identified in accordance with §§ 4.2 through 4.3 (excluding plant and education costs and return on equity capital).

2. The prospective operating cost per diem, identified in the Medicaid Cost Report and calculated by the Department of Medical Assistance Services.⁵

C. Relief for hospitals seeking additional reimbursement for (i) costs considered as "pass-throughs" under the prospective payment system, or (ii) costs incurred in providing care to a disproportionate number of Medicaid recipients, or (iii) costs incurred in providing extensive neonatal care shall not exceed the difference between the payment made and the actual allowable cost incurred.

D. Any relief awarded under §§ 1-4 above shall be effective from the first day of the cost period for which

the challenged rate was set. In no case shall this limitation apply to those hospitals filing an appeal of their prospective payment rate prior to January 4, 1985.

Footnotes:

¹See 42 U.S.C. § 1396 (a)(13)A. This provision reflects the Commonwealth's concern that it reimburse only those excess operating costs which are incurred because they are needed to provide adequate care. The Commonwealth recognizes that hospitals may choose to provide more than "just adequate" care and, as a consequence, incur higher costs. In this regard, the Commonwealth notes that "Medicaid programs do not guarantee that each recipient will receive that level of health care precisely tailored to his or her particular needs. Instead, the benefit provided through Medicaid is a particular package of health care services. . . that package of services has the general aim of assuring that individuals will receive necessary medical care, but the benefit provided remains the individual services offered — not "adequate health care." Alexander v. Choate — U.S. — decided January 9, 1985, 53 U.S. L.W., 4072, 4075.

²In Mary Washington Hospital v. Fisher, the court ruled that the Medicaid rate "must be adequate to ensure reasonable access." Mary Washington Hospital v. Fisher, at p. 18. The need to demonstrate that the Medicaid rate is inadequate to ensure recipients reasonable access derives directly from federal law and regulation. In its response to comments on the NPRM published September 30, 1981, HCFA points out Congressional intent regarding the access issue:

The report on H.R. 3982 states the expectation that payment levels for inpatient services will be adequate to assure that a sufficient number of facilities providing a sufficient level of services actively participate in the Medicaid Program to enable all Medicaid beneficiaries to obtain quality inpatient services. This report further states that payments should be set at a level that ensures the active treatment of Medicaid patients in a majority of the hospitals in the state.

46 Fed. Reg. 47970.

³The Commonwealth believes that Congressional intent is threatened only in situations in which a hospital is incrementally harmed for each additional day a Medicaid patient is treated — and therefore has good cause to consider withdrawal from the Program — and where no alternative is readily available to the patient, should withdrawal occur. Otherwise, although the rate being paid a hospital may be less than that paid by other payors — indeed, less than average cost per day for all patients — it nonetheless equals or exceeds the variable cost per day, and therefore benefits the hospital by offsetting some amount of fixed costs, which it would incur even if the bed occupied by the Medicaid patient were left empty.

It should be emphasized that application of this marginal

Proposed Regulations

loss or "incremental harm" standard is a device to assess the potential harm to a hospital continuing to treat Medicaid recipients, and not a mechanism for determining the additional payment due to a successful appellant. As discussed below, once a threat to access has been demonstrated, the Commonwealth may participate in the full average costs associated with the circumstances underlying the appeal.

"With regard to the 30 minute travel standard, this requirement is consistent with general health planning criteria regarding acceptable travel time for hospital care.

"The Commonwealth recognizes that in cases where circumstances warrant relief beyond the existing payment rate, it may share in the cost associated with those circumstances. This is consistent with existing policy, whereby payment is made on an average per diem basis. The Commonwealth will not reimburse more than its share of fixed costs. Any relief to an appellant hospital will be computed on an occupancy adjusted basis. Relief will be computed using patient days adjusted for the level of occupancy during the period under appeal. In no case will any additional payments made under this rule reflect lengths of stay which exceed the 21 day limit currently in effect.

Title of Regulation: VR 460-04-8.900. Public Participation in the Formation and Development of Regulations.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Summary:

The proposed regulation established guidelines for participation by interested individuals and organizations in the formation, development, drafting and promulgation of the regulations of the Department of Medical Assistance Services.

VR 460-04-8.900. Public Participation in the Formation and Development of Regulations.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the content clearly indicates otherwise.

"Board" means the Board of Medical Assistance Services.

"Director" means the Director of the Department of Medical Assistance Services.

"Department" means the Department of Medical Assistance Services.

"Formation and development process" means those activities with respect to a specific regulation which occur

between the Board's publication of a notice of intent to develop or modify regulations, and the Board's release of the proposed regulation for public comment. In no case will this period be less than ten days or more than sixty days.

"Regulation" means any statement of law, policy, right, requirement, or prohibition formulated and promulgated by an agency as a rule, standard, or guide for public or private observance or for the decision of cases thereafter by the agency or by any other agency, authority, or court.

§ 2. General Information.

A. Authority.

Chapter 1.1:1 of Title 9 of the Code of Virginia, deals with the promulgation of rules and regulations. Specifically, § 9.6.14:7.1 directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 32.1-325 of the Code of Virginia empowers the Board of Medical Assistance Services to make, adopt, and promulgate regulations.

B. Purpose.

These regulations are designed to provide consistent, written guidelines in order to ensure input from interested parties at all stages of the regulatory process.

C. Administration.

State Board of Medical Assistance Services – The Board of Medical Assistance Services has the responsibility for promulgating regulations pertaining to public input in the regulatory process.

D. Application of Regulations.

These regulations have general application throughout the Commonwealth.

E. Effective Date.

August 22, 1985

F. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code of Virginia, shall govern the adoption, amendment, modification, and revision of these regulations. All hearings on such regulations shall be conducted in accordance with § 9-6.14:7.1.

G. Severability.

If any provision of these regulations or the application

Proposed Regulations

of them to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

§ 3. Identification of Interested Parties.

A. Existing Data.

Programs within the Department which are responsible for rule-making will maintain a list of those persons and organizations who have demonstrated an interest in specific program regulations in the past through written comments or attendance at public hearings.

B. Development of New Lists.

Periodically, but not less than every two years, the Department shall publish a notice in The Virginia Register of Regulations, in a newspaper published at Richmond, and in other newspapers in Virginia localities a request that any individual or organization interested in participating in the development of specific rules and regulations so notify the office of the Director. Any persons or organizations identified in this process will be incorporated in the lists developed under § 3.A. The Director may at any time remove from the lists persons or organizations that request to be removed or who fail to respond to an inquiry regarding continued interest.

§ 4. Notification of Interested Parties.

When the Director of the Department of Medical Assistance Services determines that specific regulations need to be developed or modified, the program will so notify by mail the individuals and organizations identified in § 3 of these regulations. The notice will include the title of the regulation to be developed or modified; a summary of the subject matter; the program contact person, mailing address, and telephone number; and the date by which a notice of a desire to participate in the formation and development process must be received. This rule shall not be mandatory where the Department is formulating and developing regulations pursuant to court order, but whenever time permits every effort will be made to provide such notice.

B. Notice of Intent.

When any program of the Department determines that specific regulations need to be developed or modified, the program will publish a Notice of Intent in The Virginia Register of Regulations. This notice will include the title of the regulation to be developed or modified; a summary of the subject matter; the program contact person, mailing address and telephone number; and the date by which a notice of a desire to participate must be received.

§ 5. Solicitation of Input from Interested Parties.

A. Advisory Panels.

When the Director or the Board proposes to develop or modify a regulation, they will create an advisory panel to assist in this development or modification. Advisory panels will be established on an ad hoc basis except where the rule-making process is so frequent as to make a standing committee more efficient.

B. Membership of Panels.

Members of advisory panels will consist of individuals and representatives of organizations identified under § 3 of these regulations and who have expressed a desire to comment on new or modified regulations in the developmental process. Each panel will consist of no less than three and no more than seven members.

C. Operation of Panels.

Individual panels will establish their own operating procedure, but in every case a panel will meet once and then will decide on subsequent meetings. All panel and other comments on proposed regulations will be developed for each comment.

D. Exceptions.

The use of an advisory panel will be waived when (i) there is no response to the notice of intent, (ii) the Office of the Attorney General determines that regulations are promulgated to state or federal law or federal regulation and that no agency discretion is involved, or (iii) when the program is formulating and developing regulations pursuant to a court order.

E. Other Comments.

All persons and organizations who notify programs of the Department of Medical Assistance Services under § 4. of their desire to comment shall be provided an opportunity to examine regulations in their developmental stage and to provide written comments on these regulations to the program. The program will document the receipt of these comments and will respond to each commentor. This rule shall not be mandatory when the Department is formulating and developing regulations pursuant to a court order.

§ 6. Administrative Process Act Procedures.

After regulations have been developed according to these guidelines they will be submitted for public comment in accordance with the Administrative Process Act.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Title of Regulation: VR 470-01-02. Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs.

Statutory Authority: § 18.2-252 of the Code of Virginia.

Summary:

The Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs are designed to establish minimum criteria for any program that would provide substance abuse diversion and education services in accordance with the Code of Virginia, §§ 18.2-251 and 37.1-10. The substance abuse diversion and education programs provide alternative dispositions to courts for first offenders convicted on substance abuse violations. These programs are required to be certified by the Department of Mental Health and Mental Retardation. The standards delineate the application process for programs seeking certification including a description of the program, the curriculum design and educational objectives and the organization and management structure of the program. The standards further delineate criteria for intake and screening of potential clients, including descriptions of referral agreements with the courts. Criteria establishing minimum requirements for drug toxicology screenings, fee structure and payment procedures and minimum course requirements for the education program are also included.

VR 470-01-02. Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs.

PART I INTRODUCTION

§ 1.1. These standards are intended to establish the criteria for the certification of programs designed specifically to provide a substance abuse education alternative for first offender clients referred by the court under the provisions of § 18.2-251 of the Code of Virginia.

§ 1.2. The legal authority for the establishment of these standards is § 18.2-251 of the Code of Virginia.

Article 1. Definitions.

§ 1.3. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly states otherwise:

"Clinical screening evaluation" means a substance abuse experiential history, a brief social history, and a brief mental status evaluation, adequate to identify substance abuse problems which require referral into treatment.

"Community service board" means a citizen's board established pursuant to § 37.1-195 of the Code of Virginia, which provides mental health, mental retardation and substance abuse programs and services within the political subdivision or political subdivisions participating on the board.

"Court ordered referral" means a written order from the court stipulating the section of the code under which the referral was made, the name and other identifying information of the client, and specific reporting instructions for the client and the program manager.

"Department" means the Department of Mental Health and Mental Retardation.

"Diversion" means a process where a defendant is provided an alternative to traditional criminal justice system dispositions.

"Drug toxicology screenings" means the laboratory analysis of urine samples for the detection of substances related to the ingestion of controlled substances. On-site analysis, utilizing standardized kits and agents, is allowed in this program.

"Education program" means an organized plan of instruction in substance abuse designed to provide current information on substances of abuse and their physical/psychological effects on the human body and the overall impact on the community.

PART II ADMINISTRATIVE REQUIREMENTS

Article 1. Application Process.

§ 2.1. As of July 1, 1985, programs currently operating under the provision of § 18.2-251 of the Code of Virginia, shall submit a letter of intent as an application to operate a First Offender Drug Abuse Diversion/Education Program to the community services board serving the catchment area in which the program will operate and to the Department of Mental Health and Mental Retardation. A thorough description of the program including the curriculum and educational objectives, organization in a private corporate structure or the community services board structure, and a description of all interagency activity affecting the program shall be included in the letter of intent.

§ 2.2. As of July 1, 1985, all agents or agencies wishing to establish and operate programs shall submit a letter of intent as an application to operate a First Offender Drug Abuse Diversion/Education Program to the community services board serving the catchment area in which the program will operate and to the Department of Mental Health and Mental Retardation. A thorough description of the program including the curriculum and educational objectives, organization in a private corporate structure or

Proposed Regulations

the community services board structure, and a description of all interagency activity affecting the program shall be included in the letter of intent.

§ 2.3. The community services boards shall review all applications to operate a First Offender Diversion/Education Program and forward all comments, along with a recommendation that the program be certified or not to be certified, to the Department of Mental Health and Mental Retardation.

§ 2.4. The Department of Mental Health and Mental Retardation shall notify the community services board and the program seeking certification of its decision within 45 days of the receipt of the review and recommendation from the community services board.

A. Programs not recommended for certification shall have the opportunity to appeal through the Office of The Commissioner of the Department.

§ 2.5. Certification is required only once unless the program changes its objectives, staffing patterns, curriculum, clientele or organizational structure. If changes occur in these areas a new application for certification shall be required.

§ 2.6. Certified programs shall be reviewed by the community services board and the Department of Mental Health and Mental Retardation if the department and/or the community services board has reason to suspect that the program is not operating in accordance with the criteria established in these standards.

Article 2.

Admissions, Screening, Courts, Education and Reporting.

§ 2.7. There shall be an intake and screening process administered for each client referred. The process shall include a written description of the intake assessment and admissions policy and procedures from initial client contact through the implementation of services or a referral to a more appropriate program.

§ 2.8. Referral agreements shall be made with local courts, and clarification as to whether drug toxicology screening shall be required on all referrals made.

§ 2.9. The program shall have written policy and procedure for drug toxicology screening as a means of adhering to court orders for such services.

§ 2.10. The programs shall accept fees from clients as required by the court as a condition of program participation, and fees are to be paid by the client for drug toxicology screening. Records shall be maintained for reporting and accountability of such fees.

§ 2.11. The programs shall provide a basic course in substance abuse education. The course will be approved by

the community services board and shall include, but not be limited to, the social, physical, psychological impact of drug and alcohol abuse, and the concerns of the criminal justice system related to the support of organized crime along with local criminal activity to support drug sales and distribution.

§ 2.12. The programs shall establish written policies and procedures that shall indicate:

A. Written agreements signed by participants outlining program participation expectations.

B. Criteria for successful completion of the program.

C. Criteria for termination from the program before successful completion.

D. Procedures for notifying the court of terminations or referrals.

§ 2.13. The programs shall retain quarterly calendar year reports to include the numbers of persons referred to the First Offender Diversion/Education Programs, the number of persons completing the program, the numbers terminated before completion, and those referred to treatment.

§ 2.14. Programs shall establish a written protocol for receiving, referring, and reporting clients with each court utilizing the program.

§ 2.15. Staffing for these programs shall be limited to persons who by licensure, certification, or documentation of training and experience are qualified to conduct substance abuse education.

VIRGINIA TAX BULLETIN

VIRGINIA DEPARTMENT OF TAXATION

Virginia Tax Bulletin

DATE: February 21, 1985

NO: 85-3

SUBJECT: Watercraft Sales and Use Tax and Retail Sales and Use Tax

Virginia Code § 58.1-1402(1) imposes a tax of two percent on the sale price of each "watercraft". "Watercraft" is defined as, "any contrivance used as a means of water transportation which is 15 feet or more in overall length measured along the centerline and which is powered by a motor of more than 25 horsepower, or any sail-powered vessel which is more than 18 feet in length measured along the centerline." Excluded from the definition of "watercraft" are seaplanes, and vessels having a valid marine titling document issued by the United States Coast Guard.

Prior law limited "watercraft" to any marine vessel more than 18 feet in length and weighing more than 400 pounds.

Under present law, "watercraft" which meet the above definition are subject to the two percent (2%) watercraft sales and use tax, and are not subject to the four percent (4%) retail sales and use tax. Section 58.1-608 (42) of the Virginia Sales and Use Tax Code specifically exempts "watercraft" from the four percent (4%) tax. Therefore, any marine vessel which does not meet the above definition of "watercraft", would be subject to the four percent (4%) tax, unless otherwise exempted.

It should also be noted that House Bill 1388 as passed by the 1985 session of the General Assembly exempts "Fishing Boats, Engines and Repair Parts," from the retail sales and use tax. Therefore, if this bill is signed, [bill signed March 22, 1985, Chapter 471] boats and vessels which are not "watercraft" will not be subject to either the 4% or the 2% tax. The effective date of this bill is July 1, 1985.

It is the intent of the sales and use tax to tax all marine vessels (unless otherwise exempt) according to one or the other tax rate (2% or 4%) but not both.

DATE: February 19, 1985

NO: 85-4

SUBJECT: Subtraction of Railroad Retirement Benefits from Virginia Taxable Income

All Railroad Retirement Act benefits are exempt from state income taxes under Federal law (45 U.S.C. § 231 m(a)) even though portions of such benefits may be subject to federal income taxes.

Portions of Tier 1 and Tier 2 railroad retirement benefits were made subject to federal income tax in 1984, but Tier 1 railroad retirement benefits were exempted from the Virginia income tax beginning the same year. To the extent taxed for federal purposes, such benefits may be subtracted from Virginia taxable income (federal adjusted gross income) on line 31 of the 1984 Virginia Form 760 (long form).

As Federal law effectively exempts Tier 2 railroad retirement benefits from the Virginia income tax, any such benefits included in federal adjusted gross income should be subtracted from Virginia taxable income on line 35 of the 1984 Virginia Form 760. Taxpayers who have already filed 1984 Virginia income tax returns and paid state tax on Tier 2 railroad retirement benefits may file amended returns until May 1, 1988, in order to obtain refunds of such tax.

Neither federal nor state law exempts from taxation railroad supplemental annuities received by retired rail employees under a pension plan set up by a particular railroad, whether the plan was contributory or not. However, as noted above, railroad supplemental annuities payable by the Railroad Retirement Board under the Railroad Retirement Act may be subtracted from Virginia taxable income on line 35 of the 1984 Virginia Form 760, as well as any railroad unemployment benefits included in federal adjusted gross income.

For purposes of computing the retirement income tax credit, the total amount of Social Security and Railroad Retirement Act benefits received during the taxable year must be included on line 47 of Form 760.

Married persons who file separately on a combined return and who both have received Social Security and Railroad Retirement Act benefits must allocate such benefits on a proportionate basis when filling in lines 31, 35, and 47 of Form 760. The benefits allocable to each spouse should be computed by taking the percentage that a spouse's benefits bear to the total benefits received by both spouses.

DATE: February 14, 1985

NO: 85-6

SUBJECT: Application of the Sales Tax to Purchases by Foreign Diplomats

Effective February 15, 1985, the sales tax exemption cards presently held by foreign diplomats will be replaced by new cards issued by the U.S. State Department. Such new cards will be the only valid exemption cards for use by diplomats on and after February 15, 1985.

Presently all foreign diplomats may obtain exemption cards; however, with the issuance of new cards, some

diplomats will be entitled to only a partial sales tax exemption and some will be entitled to no exemption whatsoever. The new cards are divided into three classes, each of which has its own color code. The three classes of cards are described below:

*cards with a blue strip entitle the holder to a complete sales tax exemption, including sales tax on rentals of hotel and motel rooms.

*cards with a green strip entitle the holder to a sales tax exemption on all tangible personal property purchased, but does not entitle the holder to an exemption on rentals of hotel and motel rooms.

*cards with a red strip entitle the holder to an exemption only if purchases exceed a certain dollar amount. Depending on the type of red card held, an exemption will be available only when the receipt total at the register is above \$50, \$150, or \$200. When a purchase does not exceed the figure listed on the red card, sales tax will be due on the purchase price.

Unlike the existing cards, the new cards will bear a photograph of the diplomat eligible for exemption. Also included on the new cards will be the height, weight, hair color, eye color, and age of the card holder. Exempt sales should not be made to anyone other than the person whose photograph appears on the exemption card.

Each diplomatic exemption card will contain a tax exemption number, the first two letters of which will denote the diplomat's home nation. The entire tax exemption number, including the two letter country code, must be recorded by any person making an exempt sale or rental and retained with records of other exempt sales or rentals.

A poster prepared by the U.S. State Department which illustrates the new diplomatic exemption cards is enclosed with this bulletin. (The poster is not made a part of the Virginia Register, but is available at the Tax Department.)

DATE: February 14, 1985

NO: 85-7

SUBJECT: Withholding of Virginia Income Tax from Military Retirement Pay

Legislation to permit the withholding of state income taxes from military retirement pay has recently been enacted by Congress as part of the 1985 Department of Defense Authorization Act.

Under this new federal legislation, military retirees would be able on a voluntary basis to have state income taxes withheld from their monthly retirement pay. This would free such retirees from filing and paying quarterly estimated taxes to Virginia.

The federal legislation specifies that any branch of the military shall enter into an agreement to withhold taxes for a state within 120 days of a request to do so; however, Virginia has not requested to enter into an agreement at this time as regulations for participation in such withholding programs will not be published by the Department of Defense until February 1985. After a review of the published guidelines, the Department of Taxation anticipates entering into discussions with the Defense Department, which hopefully will lead to the signing of withholding agreements with the various branches of the military.

Upon the establishment of procedures and the signing of withholding agreements, military retirees in Virginia will likely be contacted by either the Department of Taxation or the Department of Defense in order to determine those retirees wishing to have Virginia tax withheld from their retirement pay. In addition, a Virginia Tax Bulletin will be issued to announce the signing of any withholding agreements.

DATE: February 19, 1985

NO: 85-8

SUBJECT: Stamping 25 Cigarette Packages in Cartons of Eight

A cigarette manufacturer has recently started marketing in Virginia 25 cigarette packages, packaged in cartons containing two horizontal rows of four packs each. The purpose of this configuration is so that the current stamping machines may be used. However, at this time, the Department of Taxation does not have rolls of stamps for 25 cigarette packs that will accommodate this carton configuration.

Effective immediately wholesalers may start stamping the new 8-pack cartons with regular rolls of stamps for the 20 cigarette packs by applying ten stamps or ten meter impressions over the eight packs of 25 cigarettes. This will mean that two packs in each carton will contain two 2 1/2 ¢ stamps or meter impressions.

The current roll of 25 stamps for the 1 X 9 carton configuration will continue to be used for stamping those packages.

Tobacco wholesalers should complete a separate schedule or a separate Form TT-13 (TT-14 for nonresidents) showing the 20 and 25 cigarette pack information separately.

The discount for stamping the eight package carton will be the same as for the ten package carton.

The temporary procedures set forth in this bulletin will be applicable until rescinded by the department.

REPORTING FORMS

FORM VA-5
2510985
REV 1-85

EMPLOYER'S RETURN of VIRGINIA INCOME TAX WITHHELD
 VIRGINIA DEPARTMENT OF TAXATION PROCESSING
 SERVICES DIVISION, P.O. BOX 1202, RICHMOND, VA 23209-1202
 FOR INFORMATION CALL: (804) 257-8038

SEE INSTRUCTIONS

| THIS RETURN MUST BE FILED EVEN IF NO AMOUNT HAS BEEN WITHHELD DURING THE PERIOD. | |
|--|--|
| 1. VA. INCOME TAX WITHHELD | |
| 2. PREVIOUS PERIOD(S) ADJUSTMENT (SEE INSTRUCTIONS) | |
| 3. ADJUSTED TOTAL | |
| 4. PENALTY (SEE INSTRUCTIONS) | |
| 5. INTEREST (SEE INSTRUCTIONS) | |
| 6. TOTAL AMOUNT DUE AND PAYABLE | |

| FOR PERIOD ENDING | FILING DATE | ACCOUNT NUMBER | FEIN NUMBER |
|-------------------|-------------|----------------|-------------|
| | | | |

I declare that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.

SIGNATURE _____

DATE _____ TELEPHONE NO. _____

MAKE CHECK OR MONEY ORDER PAYABLE TO
DEPARTMENT OF TAXATION

FORM VA-6
2510987
REV 1-85

EMPLOYER'S ANNUAL OR FINAL SUMMARY OF VIRGINIA INCOME TAX WITHHELD
 VIRGINIA DEPARTMENT OF TAXATION PROCESSING
 SERVICES DIVISION, P.O. BOX 511, RICHMOND, VA 23282-0056
 SEE INSTRUCTIONS
 INFORMATION - (804) 257-8038

VA. INCOME TAX PAID

| | | | |
|---------------------|--|----------------------|--|
| 1. JAN. | | 7. JULY | |
| 2. FEB. | | 8. AUG. | |
| 3. MAR. 1st Qtr. | | 9. SEPT. 3rd Qtr. | |
| 4. APR. | | 10. OCT. | |
| 5. MAY. | | 11. NOV. | |
| 6. JUNE 2nd Qtr. | | 12. DEC 4th Qtr. | |

| CALENDAR YEAR | FILING DATE | ACCOUNT NUMBER | FEIN NUMBER |
|---------------|-------------|----------------|-------------|
| | | | |

| | |
|---|--|
| 13. TOTAL PAYMENTS (Lines 1 thru 12) | |
| 14. TOTAL VA TAX WITHHELD ON W-2s | |
| 15. ADDITIONAL PAYMENT | |
| 16. ENTER THE TOTAL NUMBER OF W-2(s) SENT (STATE COPY) WITH THIS REPORT | |

FILE A W-2 (STATE COPY) WITH THIS REPORT FOR EACH EMPLOYEE YOU HAD DURING THE YEAR.

NOTE: IF LINE 13 IS GREATER THAN LINE 14 ATTACH EXPLANATION OF THE DIFFERENCE.

I declare that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.

SIGNATURE _____

DATE _____ TELEPHONE NO. _____

FORM VA-17
2605110
REV. 1-85

**EMPLOYER'S PAYMENTS RECONCILIATION AND
RETURN OF VIRGINIA INCOME TAX WITHHELD**
VIRGINIA DEPARTMENT OF TAXATION
P. O. BOX 1202
RICHMOND, VIRGINIA 23209-1202

SEE INSTRUCTIONS
FOR INFORMATION CALL: (804) 257-8122

| FOR PERIOD ENDING | FILING DATE | ACCOUNT NUMBER | FEIN NUMBER |
|-------------------|-------------|----------------|-------------|
| | | | |

| | | | |
|---|--|--|--|
| 1 | VA. INCOME TAX WITHHELD | | |
| 2 | PREVIOUS PERIOD(S) ADJUSTMENT (SEE INSTRUCTIONS) | | |
| 3 | ADJUSTED TOTAL | | |
| 4 | | | |
| 5 | BALANCE TAX DUE THIS MONTH | | |
| 6 | PENALTY (SEE INSTRUCTIONS) | | |
| 7 | INTEREST (SEE INSTRUCTIONS) | | |
| 8 | | | |
| 9 | TOTAL AMOUNT DUE AND PAYABLE | | |

I declare that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.

MAKE CHECK OR MONEY ORDER PAYABLE TO
DEPARTMENT OF TAXATION

SIGNATURE _____
DATE _____ TELEPHONE NO. _____

FORM VA-7
2513299
REV. 1-85

EMPLOYER'S RETURN OF VIRGINIA INCOME TAX WITHHELD
VIRGINIA DEPARTMENT OF TAXATION PROCESSING
SERVICES DIVISION, P. O. BOX 1202, RICHMOND, VA 23209-1202
FOR INFORMATION CALL: (804) 257-8045

SEE INSTRUCTIONS

| FOR PERIOD ENDING | FILING DATE | ACCOUNT NUMBER | FEIN NUMBER |
|-------------------|-------------|----------------|-------------|
| | | | |

| THIS RETURN MUST BE FILED EVEN IF NO AMOUNT HAS BEEN WITHHELD DURING THE PERIOD. | | | |
|--|--|--|--|
| 1 | VA. INCOME TAX WITHHELD | | |
| 2 | PREVIOUS PERIOD(S) ADJUSTMENT (SEE INSTRUCTIONS) | | |
| 3 | ADJUSTED TOTAL | | |
| 4 | PENALTY (SEE INSTRUCTIONS) | | |
| 5 | INTEREST (SEE INSTRUCTIONS) | | |
| 6 | TOTAL AMOUNT DUE AND PAYABLE | | |

I declare that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.

MAKE CHECK OR MONEY ORDER PAYABLE TO
DEPARTMENT OF TAXATION

SIGNATURE _____
DATE _____ TELEPHONE NO. _____

COMMONWEALTH OF VIRGINIA

List of Deeds for the Conveyance or Partition of Land (Other than Deeds of Trust and Mortgages Made to Secure the Payment of Debts), Which Have Been Admitted to Record in the Clerk's Office Within the Year Ending on the 31st Day of December, 19_____.

List prepared by _____ Clerk of _____ Court _____ County (City) on the _____ day of _____, 19_____.

NOTE.—The Clerk must, on or before the 15th of January, deliver a copy of this list to the Commissioner of the Revenue of his county or city

Table with columns: Date of Deed, When Deed Admitted to Record, NAME OF GRANTOR, NAME OF GRANTEE, QUANTITY CONVEYED, SPECIFIED VALUE, Assessed Value, Amount Recordation Tax Paid, DESCRIPTION OF THE LAND.

| FORM CS-40 | MEMORANDUM of LIEN COMMONWEALTH of VIRGINIA | | | Department of Taxation P. O. Box 6-L Richmond, Virginia 23282-0001 |
|--|---|--------------------|-------------|--|
| As provided by Section 58.1-1805 of the Code of Virginia, notice is given that taxes (including interest and penalties) have been assessed against the following-named taxpayer. Demand for payment of this liability has been made, but it remains unpaid. Therefore, the Tax Commissioner has caused this Memorandum of Lien to be filed in the Clerk's Office of the Circuit Court and recorded in the Judgement Docket Book. This memorandum shall have the same effect as a judgement in favor of the Commonwealth. | | | | For Optional Use by Clerk's Office |
| Location of Circuit Court | | | | Account Number (Indicate whether SSN, FEIN or system assigned) |
| Name of Taxpayer and Last Known Mailing Address | | | | |
| City/County of Residence or Principal Place of Business | | | | |
| Type of Tax | Tax Period | Date of Assessment | Bill Number | Unpaid Balance of Assessment. Includes Interest Through |
| | | | | |
| W. H. Forst Tax Commissioner Signature By: | | | Total \$ | |
| Title | | Date | | |

2604022 Effective 1/1/85

GENERAL NOTICES/ERRATA

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|---------------------|
| Symbol Key † |
|---------------------|

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|---|
| † Indicates entries since last publication of the Virginia Register |
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NOTICES OF INTENDED REGULATORY ACTION

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products.** The purpose of the proposed regulations is to allow the use of dry whey, reduced minerals whey, whey protein concentrate and reduced lactose whey as ingredients in the formulation of powder or dry imitation frozen dessert mixes, and require that these wheys used in the formulation of these mixes shall have been pasteurized or subjected to any other method of process demonstrated to be equally efficient.

Statutory Authority: § 3.1-562.1 of the Code of Virginia.

Written comments may be submitted until April 17, 1985 to Raymond D. Vaughan, Secretary of the Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

CONTACT: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture and Consumer Services, Division of Dairy Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products.** The purpose of the proposed amendments is to enable the

manufacture or sale of lowfat parevine and lowfat parevine mix in the Commonwealth of Virginia.

Statutory Authority: § 3.1-562.1 of the Code of Virginia.

Written comments may be submitted until May 15, 1985 to Raymond D. Vaughan, Secretary of the Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

CONTACT: William R. Crump, Jr., Chief, Bureau of Dairy Services, Virginia Department of Agriculture and Consumer Services, Division of Dairy Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

* * * * *

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Contractors intends to consider amending regulations entitled: **Rules and Regulations Relating to the Regulation of the Practice of Contracting in Virginia.** The purpose of the proposed amendment to the regulations is to raise revenue sufficient to meet projected costs of the Department of Commerce in the regulation of the contracting profession.

Statutory Authority: §§ 54-119 and 54-1.28(4) of the Code of Virginia.

Written comments may be submitted until April 16, 1985.

CONTACT: E. G. Andres, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511, toll free number (1-800) 552-3106

* * * * *

BOARD OF DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Dentistry intends to consider the promulgation of a regulation to allow the use of trade names by dentists.

Statutory Authority: § 54-184 of the Code of Virginia.

Written comments may be submitted until April 17, 1985.

CONTACT: Nancy T. Feldman, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0311.

GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Governor's Employment and Training Division intends to consider amending regulations entitled: **Management Requirements for Job Training Partnership Act (JTPA) Programs and Activities**. The purpose of the proposed regulations is to amend and update existing regulations governing the administration of JTPA activities. This is part of a routine periodic review process.

Statutory Authority: § 2.1-708(3) of the Code of Virginia.

Written comments may be submitted until April 17, 1985.

CONTACT: Patricia Walsh, Supervisor, Technical Assistance Unit, Governor's Employment and Training Division, P. O. Box 12083, Richmond, Virginia 23241, telephone (804) 786-2254.

HAZARDOUS WASTE FACILITY SITING BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Hazardous Waste Facility Siting Board intends to consider the promulgation of regulations entitled: **Application for and Use of the Technical Assistance Fund**. The purpose of the proposed regulations is to establish guidelines for local government applications to receive monies from the Technical Assistance Fund, and for use of such.

Statutory Authority: § 10-186.1 et seq. of the Code of Virginia.

Written comments may be submitted until April 30, 1985.

CONTACT: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Hazardous Waste Facility Siting Board intends to consider the promulgation of regulations entitled: **Hazardous Waste Facility Site Certification**. The purpose of the proposed regulations is to (i) establish siting criteria that prevent or minimize adverse impacts on the environment and natural resources; and significant adverse risks to public health, safety or welfare from the location, construction or operation of a hazardous waste facility; (ii) establish requirements for information to be provided by the applicant in the Notice of Intent and Application for Certification; and (iii) establish a schedule of fees for application review and certification procedures.

Statutory Authority: § 10-186.1 et seq. of the Code of Virginia.

Written comments may be submitted until April 30, 1985.

CONTACT: Harry E. Gregori, Jr., Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3235.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Medical Assistance Services intends to consider the promulgation of regulations entitled: **Home Health Agency Utilization Control and Home Health Agency Reimbursement Procedure**. The purpose of the proposed regulations is to (i) establish policies for utilization control of Home Health agencies; and (ii) to develop alternate reimbursement methodologies.

Statutory Authority: § 32.1-383 of the Code of Virginia.

Written comments may be submitted until April 15, 1985.

CONTACT: James M. Brown, Director, Reimbursement Policy, Department of Medical Assistance Services, 109 Governor St., 8th Floor, Richmond, Va. 23219, telephone (804) 786-6114.

DEPARTMENT OF TAXATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

General Notices/Errata

public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **Corporation Income Tax: Foreign Sales Corporations**. The purpose of the proposed regulations is to set forth the policies and procedures relating to the Virginia tax treatment of corporations which own and/or transact business with affiliated corporations qualifying under the Internal Revenue Code as Foreign Sales Corporations, Small Foreign Sales Corporations and Domestic International Sales Corporations for taxable years beginning on and after January 1, 1985.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until May 15, 1985.

CONTACT: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010.

* * * * *

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards, Section 2.02. Fecal Coliform Bacteria - Other Waters**. The purpose of the proposed amendments is to revise this section of the Standards to incorporate wording that would specify what conditions must be met prior to elimination of the Standard for bacteria when recreational use is unattainable.

Statutory Authority: § 62.1-44.15(3)(a) of the Code of Virginia.

Written comments may be submitted until May 1, 1985.

CONTACT: Jean W. Gregory, Water Resources Ecologist, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6985.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Water Control Board intends to consider promulgating regulations entitled: **General NPDES Permits**. The purpose of the proposed regulations is to allow the Board to issue general NPDES permits to a category of point sources that involve similar types of operations, discharge the same wastes, and require the same effluent limitations or operating conditions. This regulation will cover storm water, heat

pumps, and individual dwellings.

Statutory Authority: § 62.1 of the Code of Virginia.

Written comments may be submitted until May 31, 1985.

CONTACT: Ted Elkin, Engineer, Virginia State Water Control Board, 2111 Hamilton St., Richmond, Va. 23230, telephone (804) 257-6304.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Water Control Board intends to consider promulgating regulations entitled: **Water Treatment Plant Point Source Category Effluent Guidelines**. The purpose of the proposed regulations is to require a minimum level of treatment for all water treatment plant dischargers but to provide the option for dischargers to demonstrate on a case by case basis the ability to maintain water quality standards without a required minimum level of treatment.

Statutory Authority: § 62.1 of the Code of Virginia.

Written comments may be submitted until May 31, 1985.

CONTACT: Ted Elkin, Engineer, Virginia State Water Control Board, 2111 Hamilton St., Richmond, Va. 23230, telephone (804) 257-6304.

* * * * *

GENERAL NOTICES

VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Notice to the Public

Notice is given that the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, in accordance with the provisions of its Public Participation Guidelines, requests that any individual or organization interested in participating in the development of Regulations or Rules of Practice notify the Board.

Upon notification, the names of such persons or organizations will be added to the Board's General Mailing List and will receive notices of proposed actions on Regulations or Rules.

* * * * *

STATE CORPORATION COMMISSION

Bureau of Insurance

MEMORANDUM

Date: March 1, 1985

TO: All Insurance Companies Licensed in Virginia

RE: Revised Instructions for Filing the Attached Declaration of Estimated License Tax and Estimated Assessment

The Bureau of Insurance now maintains all company tax records on a computer system. The instructions below are to be followed when completing the declaration for each quarter of the calendar year.

Please read and follow these instructions carefully. Any questions regarding the declaration should be directed to Joyce Doss, (804) 786-4239, or Franklin Harris, (804) 786-6098.

1. The declaration should be filed with the Bureau on or before the due date shown on the form even though no tax liability has been incurred. This allows complete, up-to-date tax records and audit trails imperative to the computer system now in use.
2. The figures for license tax and/or assessment must be shown in the appropriate column. The figures will be recorded and payments applied as shown on the form. Bureau personnel will not change these figures, even though they appear to be wrong, without written notification from the company within the applicable calendar year.
3. Any overpayment from a previous year MAY NOT be applied to quarterly declaration payments. These overpayments will be refunded in accordance with the appropriate Virginia Code Sections at a later date.
4. The Bureau will no longer receive, hold and then process post-dated checks. Any checks submitted with a future payment date will be returned to the company.
5. All tax records and payments are recorded using ONLY the company's NAIC number. This number is located to the right of the due date on the form. If another company's form is used for submitting the payment, the NAIC number must be changed as well as the company's name. If not, the payment will be posted to the wrong company's record.
6. The declaration must be signed and dated by a

company officer. Filing of tax returns or payments of taxes by mail is in accordance with Section 58.1-9 of the Code of Virginia, which reads as follows:

"When remittance of a tax return or a tax payment is made by mail, receipt of such return or payment by the person with whom such return is required to be filed or to whom such payment is required to be made, in a sealed envelope bearing a postmark on or before midnight of the day such return is required to be filed or such payment made without penalty or interest, shall constitute filing and payment as if such return had been filed or such payment made before the close of business on the last day on which such return may be filed or such tax may be paid without penalty or interest."

NOTE: Code Sections 58.1-2520 and 38.1-48.2A state in part that every insurance company subject to a State license tax and/or assessment measured by direct gross premium income must file a declaration of estimated tax and estimated assessment at that point in the taxable and/or assessable year when the tax and/or assessment imposed exceeds \$3,000 and \$5,000, respectively.

Administrative Letter 1985-7

Date: March 1, 1985

TO: All Companies Licensed to Transact in the Commonwealth of Virginia

RE: Revised Procedures for Reviewing Public Record Information - Rates and Forms Sections

Recently, following visits from company personnel and/or agents reviewing records of the State Corporation Commission's Bureau of Insurance, it has come to our attention that certain rate and policy form filings apparently have been removed from the Bureau of Insurance. This results in the records of the Commission being incomplete. To avoid this problem in the future, the procedure for reviewing rate and/or policy form filings by company personnel and their agents will change effective March 18, 1985.

The Bureau of Insurance will only allow this information to be reviewed between the hours of 8:30 a.m. to 10:30 a.m. Monday through Friday by advance appointment only. Those wishing to review filings will be required to contact the appropriate rates and forms section for determination of the appointment date. In addition, when making the appointment, it will be necessary to specify exactly which files and manuals the individual wishes to review at the time of the appointment. Individuals who review files will be required to sign in and out on a form which will indicate which forms were reviewed. Because of the limited space available for the public, only a limited number of appointments will be

General Notices/Errata

made each day.

For appointments, please contact the receptionist for the Property and Casualty Division at 786-3665 and the receptionist for the Life and Health Division at 786-7691.

Any questions concerning these procedures should be addressed in writing to the following as appropriate:

Tricia Brady, Supervisor
Forms and Rates
Property and Casualty Division
Virginia Bureau of Insurance
P. O. Box 1157
Richmond, Virginia 23209

Robert L. Wright, III, Supervisor
Forms and Rates
Life and Health Division
Virginia Bureau of Insurance
P. O. Box 1157
Richmond, Virginia 23209

Company personnel should notify all branch offices and agents of these revised procedures. Individuals who remove filings from the Bureau of Insurance will be subject to disciplinary action for destruction of Commission records.

/s/ James M. Thomson
Commissioner of Insurance

Administrative Letter 1985-8

Date: March 1, 1985

TO: All Companies Licensed to Transact Insurance in the Commonwealth of Virginia

RE: Revised Instructions for Filing the "Declaration of Estimated License Tax and Estimated Assessment"

Effective March 1, 1985, the Bureau of Insurance revised its instructions for the filing of the "Declaration of Estimated License Tax and Estimated Assessment". Code Section 38.1-48.2 entitled "Declarations of estimated assessment" requires "Every insurance company which is required to make a declaration of estimated tax as provided in Article 2 of Chapter 11 of Title 58 of the Code of Virginia, as amended, and any hospital, medical, surgical, dental or optometric service organization licensed pursuant to the provisions of Chapters 11, 11.1 or 11.2 of Title 32 of the Code of Virginia, as amended, shall make a declaration of estimated assessment imposed by this chapter can reasonably be expected to exceed five thousand dollars." Chapters 11, 11.1 and 11.2 of Title 32 of the Code of Virginia have been repealed and have been reenacted as Chapters 23 and 27 of Title 38.1.

Code Section 58.1-2520 entitled "Requirement of declaration" states that "Every insurance company subject to the state license tax imposed by Code Section 58.1-2501 shall make a declaration of estimated tax if the tax imposed by this chapter, for the license year, measured by direct gross premium income, can reasonably be expected to exceed \$3,000.00."

Each quarter the Bureau of Insurance mails instructions to all licensed companies applicable to their filing of estimated license tax and estimated assessment. The attached instructions have been revised as follows:

a. The figures for license tax and/or assessment must be shown in the appropriate column. The figures will be recorded and payments applied as shown on the form. Bureau personnel will not change these figures, even though they appear to be wrong, without written notification from the company "within the applicable calendar year".

b. The Bureau will no longer receive, hold and then process post-dated checks. Any checks submitted with a future payment date will be returned to the company.

c. Code Section 58-502.2 (a) applicable to the filing of license tax has been repealed and reenacted as Code Section 58.1-2520, entitled "Requirement of declaration". The previous statutory requirement of a \$5,000 threshold for filing a declaration has been reduced to \$3,000. Code Section 38.1-48.2 applicable to filing of declarations for estimated assessment retains a minimum filing threshold of \$5,000.00.

Please follow the revised instructions as it will assist the Bureau of Insurance in the expeditious handling of your "Declaration of Estimated License Tax and Estimated Assessment".

/s/ James M. Thomson
Commissioner of Insurance

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VIRGINIA FIRE COMMISSION

† Notice to the Public

House Bill 1377 passed by the 1985 General Assembly adds § 38.1-44.1 to the Code of Virginia. This section establishes a Fire Program's Fund which shall be administered by the Department of Fire Programs under policies established by the Virginia Fire Commission. Although the Code does not require conformance with the Virginia Administrative Process Act, the Commission desires input into their policy development process from interested and affected parties. Anyone wishing to provide such input should submit material in writing to the Executive Director, Department

of Fire Programs, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219, prior to close of business April 27th, 1985.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice to the Public

The Board of Housing and Community Development and the Director of the Department of Housing and Community Development, in accordance with their Public Participation Guidelines, request that any individual or organization interested in participating in the development or amendment of the agency's regulations notify the Board and the Director through the undersigned contact person. Upon notification, the names will be added to the mailing lists of those who will receive notices of proposed actions on the agency's regulations.

Regulations currently adopted or proposed include: (i) Virginia Uniform Statewide Building Code, consisting of Volume I - New Construction Code, Volume II - Building Maintenance Code, and Volume III - Fire Prevention Code; (ii) Virginia Public Building Safety Regulations; (iii) Virginia Industrialized Building and Mobile Home Safety Regulations; (iv) Virginia Liquefied Petroleum Gas Regulations; (v) Solar Energy Criteria for Tax Exemptions; and (vi) Standards to be Used by Counties, Cities and Towns in Determining the Ability, Proficiency and Qualifications of Applicants for Certification as Plumbers, Building-Related Mechanical Workers and Electricians.

CONTACT: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751.

NOTICE TO STATE AGENCIES

Re: Forms for filing material on dates for publication in The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

Proposed (Transmittal Sheet) RR01

Final (Transmittal Sheet) RR02
Notice of Meeting RR03
Notice of Intended Regulatory Action RR04
Notice of Comment Period RR05
Agency Response to Legislative
or Gubernatorial Objections RR06

NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

CALENDAR OF EVENTS

| |
|---|
| Symbol Key † |
| † Indicates entries since last publication of the Virginia Register |

NOTICE: Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

THE VIRGINIA CODE COMMISSION

EXECUTIVE

STATE BOARD OF ACCOUNTANCY

† April 18, 1985 - 10 a.m. - Open Meeting

† April 19, 1985 - 10 a.m. - Open Meeting

Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to receive reports of Standing Committees; (i) review complaints; (ii) review budget; (iii) discuss hearing procedures for proposed regulations; (iv) discuss May, 1985, CPA exam; and to (v) review applications for certification.

Contact: Jennifer S. Wester, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8572

May 14, 1985 - 7 p.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 395, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

May 15, 1985 - 7:30 p.m. - Public Hearing
Northern Virginia Community College, Annandale Campus, 8333 Little River Turnpike, Science Building, Annandale, Virginia

May 16, 1985 - 7 p.m. - Public Hearing
City Hall Building, Court House Drive, Council Chambers, Virginia Beach, Virginia

May 16, 1985 - 7 p.m. - Public Hearing
Municipal Building, 215 Church Avenue, Council Chambers, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Accountancy intends to amend regulations entitled: **Regulations of the Board of Accountancy.** The regulations govern the practice of public accountancy, including entry qualifications, standards of practice, and provisions for revoking and reinstating licenses and certificates.

STATEMENT

The Virginia State Board of Accountancy proposes to repeal current regulations, and adopt new regulations consistent with the Commonwealth's policy of intruding as little as possible into the legitimate operations of the Commonwealth's businesses and citizens. The Board is proposing to delete those requirements considered procedural or informational only. Regulations which merely repeat applicable statutes is also being proposed for elimination. A complete listing of the changes is on file in the Board's office and at the office of the Registrar of Regulations, General Assembly Building, Richmond, Virginia.

The proposed regulations are grouped into three major parts or categories: General, Entry, and Standards of Practice.

Part I, General, describes definitions, fees, license renewal requirements and appeals.

Part II, Entry, describes the education requirements to become eligible to sit for the CPA examination; the administration and passing requirements for the examination; experience requirements for licensure; and requirements for applicants applying from other jurisdictions.

Part III, Standards of Practice, describes practice requirements for individual licenses and CPA professional corporations. Included in Part III are the requirements for maintaining independence, integrity and objectivity, for maintaining conformity with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Accounting Principles (GAAP), for maintaining confidentiality of client information, for release of clients' documents, and for revocation, suspension, fines and reinstatement of licenses and certificates.

1. Part I of the proposed regulations incorporate and modify definitions. Policy statements and sections which relate to the structure of the Board of Accountancy are being deleted as they are informational in nature. Proposed § 1.3 adds new language so as to provide a better explanation of the renewal procedure. Part I deals with general provisions involving license requirements, a definition of the practice of public accountancy, and the

use of professional designations and titles. The Board is revising the definition of the term "practice of public accountancy" to include, not only the rendering of opinions and disclaimers, but also the use of language so similar to that used by CPAs that it could be misunderstood by the public. The Board also intends to retain its prohibition against the use of the term "public accountant" by individuals who are not CPAs, since the term may be confusing to the public. These provisions are considered both significant and controversial. Comments on these provisions will be sought at the scheduled public hearings.

2. Part II of the proposed regulations outlines the education requirements for the Uniform CPA Examination, examination conduct, the work experience required for licensing, and the endorsement requirements for applicants from other jurisdictions seeking licensure in Virginia. Part II incorporates much of the requirements outlined in current § 5.00 of the regulations, with major modifications in the education and certification requirements. Education requirements for the CPA examination are being modified to provide that an applicant may have: a degree in accounting; a degree with a concentration in accounting; 120 semester hours (which must include 60 semester hours of designated business and accounting courses); or a written examination demonstrating the equivalent of a bachelor's degree plus 27 semester hours of accounting subjects. The current requirement, a bachelor's degree of any kind, plus 27 semester hours of accounting subjects, is being given a three-year extension period. Under the proposed regulations a candidate who completes the CPA examination and an ethics examination will be eligible for certification. Under current regulations, certification is granted after an experience requirement has been met. The proposal provides that experience must be documented for obtaining a license if the applicant wishes to practice as a CPA. These changes are expected to have a positive effect on those seeking to enter the profession by eliminating the experience requirement for certification.

3. Part III of the proposed regulations provides for a substantial modification in the licensing requirements for firms. The proposed regulations eliminate temporary permits, which are considered unnecessary, and should result in less burdensome requirements and lessen the administrative requirements for the regulatory program. Part III of the proposed regulations also describes revocation, suspension, censure, fines and probation, which are restated from current regulations. Procedural requirements for hearings and reinstatement found in current regulations are being deleted.

Purpose: The aim of the proposed regulations is to clarify, simplify and reduce regulations wherever possible.

Statutory Authority: §§ 54-84 and 54-1.28 of the Code of Virginia.

Written comments may be submitted until May 24, 1985, to the office of the Board of Accountancy.

Contact: Jennifer S. Wester, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va.

23230, telephone (804) 257-8505, (toll-free number 1-800-552-3016)

STATE AIR POLLUTION CONTROL BOARD

† May 6, 1985 - 10 a.m. - Public Hearing
Hampton Regional Office (Region VI), State Air Pollution Control Board Pembroke Office, Suite 409, Virginia Beach, Virginia

The meeting will be conducted to consider an application from the VI-TEX Packing, Inc. for a new alternate compliance schedule to achieve compliance with Section 120-04-3603 B of the Regulations for volatile organic compound emissions. Final compliance will be achieved by December 31, 1986.

Contact: Director, Region VI, State Air Pollution Control Board, 8205 Hermitage Rd., Richmond, Va. 23228, telephone (804) 499-6845

VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

April 22, 1985 - 9 a.m. - Open Meeting
May 6, 1985 - 9 a.m. - Open Meeting
May 13, 1985 - 9:30 a.m. - Open Meeting
May 20, 1985 - 9 a.m. - Open Meeting
June 3, 1985 - 9 a.m. - Open Meeting
June 10, 1985 - 9:30 a.m. - Open Meeting
June 17, 1985 - 9 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

Meetings to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

† April 17, 1985 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to conduct an informal fact-finding proceeding regarding APELSCLA v. Larry G. Rakes.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8424

Calendar of Events

COMMISSION FOR THE ARTS

May 17, 1985 - 9 a.m. - Open Meeting
May 18, 1985 - 9 a.m. - Open Meeting
Hyatt Richmond, 6624 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to award grants. The planned agenda will be available at the Commission office one week prior to the date of the meeting.

Contact: Gloria J. Hatchel, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-3132

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† April 19, 1985 - 10 a.m. - Open Meeting
Fourth Street Office Building, 205 North 4th Street, Conference Room, 2nd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting (i) to consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code; (iii) to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code; and (iv) to approve minutes of previous meetings.

Contact: C. Sutton Mullen, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

VIRGINIA BOARD OF COMMERCE

† April 26, 1985 - 9:30 a.m. - Open Meeting
† April 26, 1985 - 2 p.m. - Public Hearing
Massey Building, 4100 Chainbridge Road, Board of Supervisor's Room, Level A, Fairfax, Virginia

The Board will receive a subcommittee status report on the regulation of power engineers and flea market operators; review progress of projects in testing, complaint handling procedures and continuing education. At 2:00 p.m., the Board will hold a public hearing on the need for regulation of power/stationary engineers. Anyone interested should appear at the hearing or submit written comments to the Board at 3600 West Broad Street, Richmond, Virginia 23230.

Contact: Barbara L. Woodson, Secretary, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8500

VIRGINIA AVIATION COMMISSION

April 17, 1985 - 10 a.m. - Open Meeting

Byrd International Airport, Airport Manager's Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss current aviation matters.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

COMMISSION ON THE CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

† April 16, 1985 - 1:30 p.m. - Open Meeting
Town Council Chambers, Town of Colonial Beach, Virginia

A meeting to consider locality preproposal grant requests for various beach enhancement projects.

Contact: Gary L. Anderson, Virginia Public Beach Commission, P. O. Box 339, Gloucester Point, Va. 23062, telephone (804) 642-4892

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Division of Historic Landmarks' State Review Board

April 16, 1985 - 10 a.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nominations to the National Register of Historic Places. The meeting is open to the public:

Allied Arts Building, Lynchburg;
Cambria Station, Christiansburg, Montgomery County;
Carter Family Thematic Nomination, Scott County;
Clifton Historic District, Fairfax County;
Conjurors Field Archaeological Site, Colonial Heights;
Home for Needy Confederate Women, Richmond;
Seaboard Coastline Building, Portsmouth;
Southwest Historic District, Roanoke;
Williamsville, Hanover County.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

BOARD OF CORRECTIONS

May 15, 1985 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will conduct its regular monthly meeting to

Calendar of Events

consider such matters as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary to the Board, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

May 14, 1985 - 9 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

NOTICE: Please refer to Notice of Comment Period listed under the Department of Social Services.

VIRGINIA BOARD OF COSMETOLOGY

† **April 15, 1985 - 9 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review investigative reports of complaints and make determination of disposition; and to address general correspondence pertinent to the operation of the Board.

Contact: Gale G. Moyer, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

CRIMINAL JUSTICE SERVICES BOARD

Committee on Criminal Justice Information Systems

April 18, 1985 - 10 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets, Cabinet Conference Room, 6th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The committee will consider matters related to coordinating the development and operation of the Criminal Justice Information Systems.

BOARD OF DENTISTRY

April 17, 1985 - 9 a.m. - Open Meeting
Board of Dentistry, 517 West Grace Street, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

The Virginia Board of Dentistry will hold a special meeting for the purpose of reconsideration of the proposed regulation to allow the use of trade names.

Contact: Nancy T. Feldman, Executive Director, 517 W.

Grace St., Box 27708, Richmond, Va. 23261, telephone (804) 786-0311

BOARD OF EDUCATION

April 19, 1985 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to amend regulations entitled: Proposed Regulations Governing Adult High School Programs. The purpose of the proposed amendment is to upgrade the standards governing adult high school programs.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: In accordance with Chapter 13, Article 3, §§ 22.1-223 through 22.1-226 of the Code of Virginia, the Board of Education intends to promulgate appropriate standards and guidelines for adult education programs. The Board is now proposing amendments which will make the adult education regulations consistent with regulations for high school graduation.

The proposed changes are consistent with existing federal and state statutes, regulations, and judicial decisions. The proposed regulations are needed in order for the Board of Education to strengthen and clarify existing instructional requirements for adults who wish to receive a high school diploma in the Commonwealth of Virginia. The amendments have been prepared and reviewed by a committee consisting of local adult education specialists, local administrative personnel, and state adult education staff members. Alternative approaches to these regulations were considered; the proposed changes will have a minimum impact on school divisions and students.

Statutory Authority: Chapter 13, Article 3, §§ 22.1-223 through 22.1-226 of the Code of Virginia.

Written comments may be submitted until April 18, 1985.

Contact: Dr. Maude P. Goldston, Associate Director of Adult Education, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2024

April 19, 1985 - 3 p.m. - Open Meeting
Ingleside Conference Center, and The Virginia School for the Deaf and Blind, Staunton, Virginia

A planning session in which the Board of Education will discuss future program priorities. The meeting will begin at 3 p.m. on Friday, April 19, and end at noon on Sunday, April 21.

Contact: Margaret N. Roberts, Associate Director for Board/Staff Relations, James Monroe Bldg., 101 N.

Calendar of Events

14th St., 25th Floor, Richmond, Va., telephone (804) 225-2540

April 22, 1985 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to adopt regulations entitled: Regulations Governing the Educational Programs for Gifted Students.

STATEMENT

Subject and Substance: *The proposed Regulations Governing the Educational Programs for Gifted Students provide the required guidelines for the Board of Education to implement differentiated programs for identified gifted students in kindergarten through grade 12. Each local school division will be required to submit an annual plan to be approved by the Board of Education that includes (i) a statement of philosophy, goals and objectives; (ii) a process for identification and placement of students into appropriate programs; (iii) a program design; (iv) a process for selection and training of personnel; and (v) a design for the evaluation of such programs.*

Basis and Purpose: *The purpose of the proposed regulations is to provide specific requirements for local school divisions to follow when implementing Standard 5 of the Standards of Quality for Public Schools in Virginia and for the receipt of state funds to support programs for the education of gifted students.*

Statutory Authority: Chapter 13.1, § 22.1-253.5 of the Code of Virginia.

Written comments may be submitted until April 19, 1985.
Contact: Dr. William H. Cochran, Deputy Superintendent of Public Instruction, Virginia Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2024

May 14, 1985 - 9 a.m. – Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

NOTICE: Please refer to Notice of Comment Period listed under the Department of Social Services.

June 6, 1985 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Conference Room E, 1st Floor, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Education intends to adopt regulations entitled: Regulations Governing the Approval of Correspondence Courses for Home Instruction. The proposed regulations outline the criteria, definition and procedures for approval of certain correspondence courses.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: *In accordance with § 22.1-16 of the Code of Virginia, the Board of Education intends to promulgate regulations for the approval of correspondence courses for use by parents who elect to teach their children at home as an alternative to compulsory attendance at a regular public or private school. Courses currently in use are approved in accordance with emergency regulations expiring June 30, 1985.*

The proposed regulations are necessary for the Board of Education to comply with the requirements of Option (iii) of § 22.1-254.1 of the Code of Virginia relating to home instruction.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until May 29, 1985.
Contact: Charles W. Finley, Associate Director, Proprietary Schools, Virginia Department of Education, P. O. Box 6-Q, Richmond, Va. 23216, telephone (804) 225-2081

STATE BOARD OF ELECTIONS

† **April 16, 1985 - 10 a.m. – Open Meeting**
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to hear oral presentations and view demonstrations of voting equipment not presently certified for use in the Commonwealth of Virginia.
Contact: M. Debra Mitterer, 101 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-6551

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

May 13, 1985 - 9 a.m. – Open Meeting
May 14, 1985 - 9 a.m. – Open Meeting
Radisson Hotel Charlottesville, 223 West Main Street, Charlottesville, Virginia

Examinations and Board meeting.
Contact: Mark L. Forberg, Executive Secretary, 517 W.

Grace St., P. O. Box 27708, Richmond, Va. 23261,
telephone (804) 786-0076

COMMISSION OF GAME AND INLAND FISHERIES

† May 3, 1985 - 9:30 a.m. - Public Hearing
Hyatt Richmond, 6624 West Broad Street, Richmond,
Virginia. (Location accessible to handicapped.)

The Commission will consider action on the PROPOSALS regarding changes in the hunting and trapping regulations, and certain boat regulations, which resulted from the Public Hearing held on March 15-16, 1985. The proposed changes pertain to hunting seasons and bag limits, permits, waterfowl blinds, falconry for the 1985-87 seasons; in addition to requirements relative to motorboat certificate of number.

Regulations adopted at the May 3, 1985, meeting will become effective July 1, 1985.

Contact: Norma G. Adams, 4010 W. Broad St., Richmond, Va. 23230, telephone (804) 257-1000

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Council

May 3, 1985 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove
Avenues, Main Conference Room, Richmond, Virginia

The Council will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed, and works of art to be accepted or acquired by the Commonwealth.

Contact: Dorothy E. Ivankoe, Department of General Services, 209 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-3311

Division of Consolidated Laboratory Services Advisory Board

May 10, 1985 - 9:30 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Advisory Board is comprised of representatives from state agencies served by the lab, as well as individuals in private practice. This Board lends guidance and support to programs and issues confronting the Division of Consolidated Laboratory Services.

Contact: Dr. A. W. Tiedemann, Jr., Director, Division of

Consolidated Laboratory Services, 1 N. 14th St.,
Richmond, Va. 23219, telephone (804) 786-7905

VIRGINIA COMMISSION OF HEALTH REGULATORY BOARDS

† April 16, 1985 - 12 p.m. - Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive,
Glen Allen, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting to consider matters relating to the regulation of health professions and occupations, including consideration of the Task Force on Regulatory Review to the Governor's Regulatory Reform Advisory Board.

Contact: Richard D. Morrison, Policy Analyst, Virginia Commission of Health Regulatory Boards, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

May 1, 1985 - 9 a.m. - Open Meeting
Virginia Military Institute, Lexington, Virginia

The Council will hold its monthly meeting.

Contact: State Council of Higher Education, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2137

HIGHWAY AND TRANSPORTATION COMMISSION

April 18, 1985 - 10 a.m. - Open Meeting
Virginia Department of Highways and Transportation, 1221 East Broad Street, Commission Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Monthly meeting of Highway and Transportation Commission to vote on proposals presented regarding bids, permits, additions and deletions to the highway system and any other matters requiring Commission approval.

† May 16, 1985 - 10 a.m. - Open Meeting
Virginia Department of Highways and Transportation Commission, 1221 East Broad Street, Commission Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the Highway and Transportation Commission to vote on proposals presented regarding bids, permits, additions and deletions to the highway system and any other matters requiring Commission approval.

Calendar of Events

Contact: J. T. Warren, Director of Administration, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

April 15, 1985 - 9 a.m. - Public Hearing
Culpeper District Highway Office Building, Culpeper, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)
April 15, 1985 - 1:30 p.m. - Public Hearing
Fairfax City Hall, Fairfax, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Department will conduct a public hearing to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

Contact: J. T. Warren, Director of Administration, Virginia Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

VIRGINIA HISTORIC LANDMARKS COMMISSION

April 16, 1985 - 2 p.m. - Open Meeting
221 Governor Street, Richmond, Virginia

A general business meeting.

Contact: Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† June 17, 1985 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: Virginia Industrialized Building and Mobile Home Safety Regulations/1981. The proposed amendments provide for safety to life and property from fire in manufactured buildings as defined in Chapter 4, (§ 36-70 et seq.) of the Code of Virginia.

STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of

the Virginia Industrialized Building and Mobile Home Safety Regulations which will amend and supersede the 1981 edition.

Issues: 1. Estimated impact with respect to number of persons affected: Producers of factory built industrialized buildings and mobile homes, approved independent inspection agencies, building officials in local jurisdictions, and all owners and users of industrialized buildings and mobile homes will be affected.

2. Projected costs for implementation and compliance: No increase in cost to the Department is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Industrialized Building and Mobile Home Safety Regulations. Similarly, no increase in cost to those affected is anticipated.

Basis: § 36-70 et seq. of the Code of Virginia.

Purpose: To update the regulations providing for the administration and enforcement of minimum, uniform, statewide health and safety standards for factory built industrialized buildings and mobile homes, wherever produced, in order to make good quality housing more affordable for the citizens of Virginia.

Statutory Authority: § 36-70 et seq. of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

† June 17, 1985 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: Virginia Liquefied Petroleum Gas Regulations. The proposed amendments establish minimum general standards covering design, installation and operation of LP gas equipment and the odorization thereof for the protection of health, welfare and safety of the people.

STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Liquefied Petroleum Gas Regulations which will amend and supersede the 1981 edition.

Issues: 1. The regulation potentially protects all citizens of Virginia from the hazards of liquefied petroleum gas use by third parties.

2. Projected Costs for Implementation and Compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Liquefied

Petroleum Gas Regulations. Similarly, no increase in cost to those affected is anticipated.

Basis: Liquefied Petroleum Gases Law, Chapter 7, Title 27, of the Code of Virginia.

Purpose: To amend the minimum, statewide standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases, and the installation of appliances and piping for use with liquefied petroleum gases, and requiring the odorization of said gases and the degree thereof, as reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials.

Statutory Authority: Chapter 7, Title 27, of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

† **June 17, 1985 - 10 a.m.** – Public Hearing
State Capitol Building, House Room 4, Richmond, Virginia.
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: Virginia Public Building Safety Regulations/1981. The proposed amendments provide for safety to life and property from fire in public buildings as defined in § 27-72 of the Code of Virginia.

STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Public Building Safety Regulations which will amend and supersede the 1981 edition.

Issues: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who enter or use public buildings will be affected.

2. Projected costs for implementation and compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Public Building Safety Regulations. Similarly, no increase in cost to those affected is anticipated.

Basis: § 27-72 of the Code of Virginia.

Purpose: To update minimum, statewide fire safety standards for the protection of life and property in public buildings. Public building generally means any building used by 10 or more persons, and also includes homes for

adults when subject to licensure under § 63-1.172 et seq. of the Code of Virginia.

Statutory Authority: Article 2, Chapter 6, Title 27, of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

† **June 17, 1985 - 10 a.m.** – Public Hearing
State Capitol, House Room 4, Richmond, Virginia.
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: Virginia Uniform Statewide Building Code - Volume I - New Construction Code/1984.

STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Uniform Statewide Building Construction Code/Volume I.

Issues: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected cost for implementation and compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Virginia Uniform Statewide Building Code. Similarly, no increase in cost to those affected is anticipated.

Basis: § 36-97 et seq. of the Code of Virginia.

Purpose: To update minimum statewide standards for the protection of life and property in the design, construction, use, repair and demolition of buildings, structures and equipment.

Statutory Authority: § 36-97 et seq. of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

† **June 17, 1985 - 10 a.m.** – Public Hearing
State Capitol, House Room 4, Richmond, Virginia.
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends adopt regulations entitled: Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code/1984.

Calendar of Events

STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Uniform Statewide Building Maintenance Code/Volume II.

Issues: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance: No material increase in cost to the building owner is anticipated because the regulation only requires that buildings be maintained in accordance with the building code in effect at the time of construction.

Basis: § 36-97 et seq. of the Code of Virginia.

Purpose: To provide one uniform building maintenance standard for the protection of life and property in the use and maintenance of buildings. Enforcement is optional by local government.

Statutory Authority: § 36-97 et seq. of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

† June 17, 1985 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Richmond, Virginia.
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to adopt regulations entitled: Virginia Uniform Statewide Building Code - Volume III - Fire Prevention Code/1984.

STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Virginia Uniform Statewide Fire Prevention Code/Volume III.

Issues: 1. Estimated impact with respect to number of persons affected: All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance: No material increase in cost to the agency is anticipated because the regulation only requires that fire safety standards be maintained in accordance with the fire safety requirements when the building was constructed.

Basis: § 36-97 et seq. of the Code of Virginia.

Purpose: To provide one uniform Fire Prevention Safety Standard for the protection of life and property in the use

and maintenance of buildings. Enforcement is optional by local government.

Statutory Authority: § 36-97 et seq. of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

† June 17, 1985 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Richmond, Virginia.
(Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Director, Department of Housing and Community Development intends to amend regulations entitled: Certification of Tradesmen Standards.

STATEMENT

Subject and Substance: Proposed adoption by the Board of Housing and Community Development of a 1984 edition of the Certification of Tradesmen Standards.

Issues: 1. Estimated impact with respect to number of persons affected: All electrical, plumbing and mechanical workers who reside in counties, cities and towns that require tradesmen be certified to work at their trade within their boundaries.

2. Projected costs for implementation and compliance: No material increase in cost to the agency is anticipated because the 1984 edition is merely an updating of the currently effective 1981 edition of the Certification of Tradesmen Standards. Similarly, no increase in cost to those affected is anticipated.

Basis: § 15.1-11:4 of the Code of Virginia.

Purpose: To update minimum, statewide standards for the Certification of Tradesmen to be used by local governments that choose to require tradesmen who work within their boundaries to be certified.

Statutory Authority: § 15.1-11:4 of the Code of Virginia.

Written comments may be submitted until June 17, 1985.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

VIRGINIA HOUSING DEVELOPMENT AUTHORITY Board of Commissioners

April 16, 1985 - 10 a.m. - Open Meeting
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board will review and, if appropriate, approve the minutes from the prior monthly meeting; consider for approval and ratification mortgage loan commitments under its various programs; review the Authority's operations for the prior month; and consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

VIRGINIA STATE LIBRARY BOARD

April 29, 1985 - 11 a.m. - Open Meeting
Virginia State Library, 11th Street at Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting of the Board to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

June 3, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Committee Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to adopt regulations entitled: **Standards for Plats**. The proposed regulations will provide minimum standards for size and quality of recording medium, size and quality of inscriptions, format and recordation inscriptions.

STATEMENT

Subject and Substance: Standards for Plats proposed for adoption by the Virginia State Library Board provides minimum standards for plats submitted for recordation to the circuit court clerks. The standards shall apply to all plats and maps submitted for recordation in the clerk's office of the circuit courts of the Commonwealth.

Issues: 1. Quality of Plats - The regulation will provide minimum standards for the size and quality of the recording medium, size and quality of inscriptions, format

and recordation inscriptions.

2. Exclusion - The standards do not apply to any plat drawings executed prior to the adoption of the standards.

Basis: §§ 17-68 and 42.1-82 of the Code of Virginia.

Purpose: To ensure that the plats when submitted for recordation are legible and recordable and when recorded on microfilm or otherwise they can be read and will produce legible copies.

Standards to become effective January 1, 1986.

Statutory Authority: §§ 17-68 and 42.1-82 of the Code of Virginia.

Written comments may be submitted until June 3, 1985.

Contact: Louis H. Manarin, State Archivist, Capitol Square, 11th St., Richmond, Va. 23219-3491, telephone (804) 786-5579

June 3, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Committee Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Library Board intends to adopt regulations entitled: **Standards for Recorded Instruments**. The proposed regulations will provide minimum standards for size and quality of recording medium, size and quality of inscriptions, format and recordation inscriptions.

STATEMENT

Subject and Substance: Standards for Recorded Instruments proposed for adoption by the Virginia State Library Board provides minimum standards for instruments submitted for recordation to the circuit court clerk. The standards shall apply to all writings required by law to be recorded and retained permanently in the clerk's office of the circuit courts of the Commonwealth.

Issues: 1. Quality of Instruments - The regulation will provide minimum standards for the size and quality of the recording medium, size and quality of inscriptions, format and recordation inscriptions.

2. Exclusions - The standards do not apply to wills, nonpermanent disposable forms, such as Uniform Commercial Code forms, and Juvenile and Domestic Relations District Court and General District Court judgments and warrants or any original instruments executed prior to the adoption of the standards.

Basis: §§ 17-60, 42.1-82 and 55-108 of the Code of Virginia.

Purpose: To ensure that the instruments when submitted for recordation are legible and recordable and when

Calendar of Events

recorded on microfilm or otherwise they can be read and will produce legible copies.

Standards to become effective January 1, 1986.

Statutory Authority: §§ 17-60, 42.1-82, and 55-108 of the Code of Virginia.

Written comments may be submitted until June 3, 1985.

Contact: Louis H. Manarin, State Archivist, Capitol Square, 11th St., Richmond, Va. 23219-3491, telephone (804) 786-5579

LONGWOOD COLLEGE BOARD OF VISITORS

Board of Visitors' Advance

† April 18, 1985 - 9 a.m. - Open Meeting

† April 19, 1985 - 9 a.m. - Open Meeting

Cavalier Hotel, 42nd and Oceanfront, Virginia Beach, Virginia

An educational seminar for the Board. (On the morning of April 18, 1985, there will be a special meeting of the Board to consider a personnel action.)

Contact: Dr. Janet D. Greenwood, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211

Board of Visitors

† May 16, 1985 - 9:30 a.m. - Open Meeting

† May 17, 1985 - 8:30 a.m. - Open Meeting

Longwood College, Farmville, Virginia. (Location accessible to handicapped.)

A quarterly meeting of the governing board of the college to conduct business pertaining to the institution.

Contact: Dr. Janet D. Greenwood, President, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211

STATE BOARD OF MEDICINE

April 18, 1985 - 8:30 a.m. - Open Meeting

April 19, 1985 - 8:30 a.m. - Open Meeting

April 20, 1985 - 8:30 a.m. - Open Meeting

Holiday Inn, Old Town Alexandria, 480 King Street, Alexandria, Virginia. (Location accessible to handicapped.)

The Board will meet to review reports, interview licensees and make decisions on discipline matters before the Board.

April 20, 1985 - 1:30 p.m. - Open Meeting

Holiday Inn, Old Town Alexandria, 480 King Street,

Alexandria, Virginia. (Location accessible to handicapped.)

The full Board will meet in open session to conduct general Board business.

Advisory Committee on Physical Therapy

April 19, 1985 - 1:30 p.m. - Open Meeting

Holiday Inn, Old Town Alexandria, 480 King Street, Alexandria, Virginia. (Location accessible to handicapped.)

The Advisory Committee will meet to conduct general Board business, set examination dates, and respond to correspondence.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23220, telephone (804) 786-0575

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

May 8, 1985 - 9 a.m. - Public Hearing

James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: Home and Community-Based Care Waiver for the Mentally Retarded and the Geriatric Mentally Ill. This waiver would allow the Medicaid Program to provide community-based services to a group of mentally retarded and geriatric mentally ill clients who are presently institutionalized in intermediate-care certified areas of state institutions.

STATEMENT

Legal Authority: The Social Security Act, § 1915(c) allows State Medicaid Programs to offer home and community-based care to individuals who are eligible for intermediate-care in certified areas of geriatric treatment centers, geriatric hospitals, and training centers for the mentally retarded. "Intermediate care" is defined to mean the provision primarily of services such as help with bathing, dressing or feeding; and other types of personal assistance which are usually provided by trained aides under the supervision of a registered nurse and/or habilitative services for the mentally retarded. Specific requirements are outlined in the Federal Register of October 1, 1981, and in the Code of Federal Regulations (42 CFR §§ 440.180, 441.300-305, 447.15).

Summary, Purpose, and Need: Within the Commonwealth of Virginia, there are currently hundreds of mentally retarded and mentally ill citizens living in state institutions who could be more appropriately served in their own communities. Their presence in the institution is

predicated on the lack of appropriate community-based services for them outside the institution, rather than on their inability to function in a community-based setting, and the lack of service dollars to fund the types of community-based services these clients need.

In response to the nationwide need for community services for mentally retarded and mentally ill persons, as well as for elderly and disabled persons, Congress responded with the enactment of § 2176 of P. L. 97-35 of the Social Security Act, entitled "The Omnibus Budget Reconciliation Act of 1981". Section 2176 allowed for waivers to be approved by the Secretary of the Department of Health and Human Services, in order to give states the opportunity for innovation in providing home and community-based services to eligible persons who would otherwise require care in a skilled nursing facility, an intermediate-care facility, or in an intermediate-care facility for the mentally retarded.

The Virginia Medicaid Program seeks to expand its existing Home and Community-Based Services Program by requesting a waiver to provide services to a group of mentally retarded and geriatric mentally ill clients who are presently institutionalized in intermediate-care certified areas of the geriatric treatment centers, geriatric hospitals, or the state training centers for the mentally retarded. The goal of the waiver is to serve clients in community-based settings at a cost equal to or less than the cost of their care in the institution.

In order to guarantee that adoption of new services under Medicaid does not result in greater expenditures of Medicaid funds than is currently being spent for care of individuals in intermediate-care facilities for the mentally retarded and geriatric mentally ill, certain administrative controls will be placed on these Home and Community-Based Care services. First, only individuals institutionalized in Central Virginia Training Center, Southside Virginia Training Center, Barrow Geriatric Treatment Center, and Piedmont Geriatric Hospital may receive these Home and Community-Based Care services. Second, no individual may receive these services without assessment of need and determination that he meets the Medicaid criteria for intermediate-care. Third, the individual's plan of care in the community must be certified by a physician and monitored at specific intervals for necessity and quality of care. In addition, this monitoring will also include an evaluation of the cost-effectiveness of the services. At the point that the cost of in-home services surpasses the cost of institutional care, the individual will no longer be eligible for the Home and Community-Based Care services.

Statutory Authority: 1983 Appropriations Act.

Written comments may be submitted until May 8, 1985.

Contact: Dr. Elizabeth Lloyd, Legislative Analyst, Department of Medical Assistance Services, 109 Governor St., 8th Floor, Richmond, Va. 23219, telephone (804) 786-7933

† June 14, 1985 - 9 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor

Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **Appeals Process for Hospital Providers**. This regulation provides an appropriate and meaningful appeals process to be utilized by hospital providers of Medicaid services.

STATEMENT

Basis and Authority: The regulations governing hospital reimbursement is based upon federal statutes and regulations which require the Medicaid Agency to provide hospitals which choose to challenge a rate determination an opportunity to submit additional evidence and request prompt administrative review of payment rates under § 32.1-325(A) of the Code of Virginia. The State Plan for the Department of Medical Assistance Services shall be consistent with Title XIX of the United States Social Security Act under the same section. The State Board of Medical Assistance Services has the authority to amend the State Plan for Medical Assistance Services.

Section 32.1-325A of the Code of Virginia.

Neither the statute nor the proposed regulations conflict with state or federal laws. The Office of the Attorney General has reviewed these regulations and has made no adverse comment.

Purpose: The purpose of the proposed regulation is to establish an appropriate and meaningful appeal process to be utilized by hospital provider of Medicaid services in accordance with The Final Judgement Order, Civil Action No. 83-0551-R entered on January 4, 1985, by Judge Robert Merhige, United States District Court for the Eastern District of Virginia.

Impact: No cost to the providers outside appropriate attorney fees should they decide counsel is needed if they appeal is anticipated. The cost to the Department of Medical Assistance services is approximately \$150,000 which includes the addition of new staff and increased related administrative functions. In addition, the appeals rules will result in making additional payments to those hospitals which successfully appeal their rate determination. The amount of this additional financial cost to the Department is unknown.

Evaluation: Ongoing informal assessments of the effectiveness of the appeals process will be conducted. At the end of the first year, a formal evaluation using data acquired over the first year period will be completed.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until June 14.

Contact: Dr. Elizabeth Lloyd, Legislative Analyst,

Calendar of Events

Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

† June 28, 1985 - 9 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: Guidelines for Public Participation in the Formation and Development of Regulations. This regulation provides guidelines for obtaining input from the public prior to and during the rule making process.

STATEMENT

Impact: Every person identified by these guidelines or who identifies himself as an interested party will be offered an opportunity to comment. Cost to the public should be minimal since comments may be offered in writing for only the cost of paper, an envelope, and postage. There should be no additional cost to local governments since their input can be provided in the same way.

The Department is currently compiling mailing lists of interested persons who have generated substantial comment in the past. The major expense associated with these guidelines will be the biennial advertisement in several newspapers across the State for persons interested in participating. Based on current data for this advertising, the cost should run no more than \$2,000. There will also be some increase in staff time for this activity, but this is expected to be minimal, on the order of ten hours per month.

Evaluation: The Department will evaluate increased input from the public in the regulatory process by comparing members and content of comments received under these guidelines with those received prior to the implementation of guidelines. This evaluation will be performed at least annually for those regulations modified during the year.

Statutory Authority: § 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until June 28, 1985.

Contact: Dr. Elizabeth Lloyd, Legislative Analyst,
Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

April 24, 1985 - 10 a.m. - Open Meeting
Hampton-Newport News CSB, Charter Colonial Institute,

17579 Warwick Blvd., Newport News, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be published April 17 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

May 14, 1985 - 9 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

NOTICE: Please refer to Notice of Comment Period listed under the Department of Social Services.

May 14, 1985 - 9 a.m. - Public Hearing
Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to amend regulations entitled: Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children. These standards are the minimum requirements for treatment programs for mentally ill, mentally retarded and substance abuse clients in residential facilities for children, except private psychiatric hospitals licensed by the department. This treatment module for treatment programs for mentally ill, mentally retarded and substance abuse clients in residential facilities for children will be reviewed along with the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children. These standards do not apply to private psychiatric hospitals licensed by the department.

STATEMENT

Purpose: The Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children (Mandatory Standards) are designed to work in conjunction with the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children (Core Standards). The State Departments of Corrections, Education, Mental Health and Mental Retardation, and Social Services are responsible under the Code of Virginia for the licensure, certification and/or

approval of public and private residential facilities for children. Residential facilities for children (because of whom they serve, the sources of funds or the types of services they provided) are subject to the authority of one and often more than one of the four departments. To better coordinate their efforts, the four departments have entered into an interdepartmental agreement that provides for the application of common standards for residential care that must be met by all residential facilities for children in order to qualify for licensure/certification by one or more of these four departments.

The Mandatory Standards, originally promulgated in February, 1981, are a treatment module that delineate the areas necessary for programs to become certified/licensed as providing treatment or training for the mentally ill, mentally retarded or substance abusing client in 24-hour residential care. The purpose of the proposed regulations is to establish minimum requirements for treatment programs in residential facilities for children (except those in private psychiatric hospitals licensed by the department) in the areas of the residential environment, an organized management structure, qualifications of personnel, admission and discharge procedures, an individual program of care and a system record keeping.

Basis: Chapter 8 of Title 37.1 (§§ 37.1-179 et seq.) and § 37.1-199.

Issues and Substance: Residential care facilities in Virginia provide services to children with a wide range of needs and problems including educational difficulties, mental retardation, emotional disturbance, dysfunctional families, behavior problems and chemical dependency. Residential facilities offer a wide variety of approaches for addressing these needs and problems. Children and their families who find no appropriate services available in the community may need the intensive and comprehensive programming that is often available only in a residential setting. As courts, families and schools encounter more and more children in the community with complex difficulties, out-of-home residential care will continue to be a resource for intensive service delivery.

Residential care is inherently a high risk situation for children. Institutionalized children are typically not in regular contact with their families or others who will act as their advocates or protectors. These children are usually more disabled or dysfunctional as a group than other children; and because of their greater disabilities, they are subject to more structured, more intensive and often riskier treatment and training methods in institutions. It is imperative, therefore, to have a regulatory oversight process that thoroughly and frequently monitors treatment programming to assure that it exists and is adequate and appropriate for the clients.

The current standards were evaluated in several ways to assure that each proposed regulation was the least burdensome available alternative. Each standard was (i) challenged on the grounds of clarity and ease to compliance determination; (ii) reviewed to assure that the requirement was the most effective way to achieve the protection of children in residential care; and (iii)

examined to ascertain whether a lack of observance of the standard would negatively affect the care of children.

The proposed effective date of the regulation is November 1, 1985.

Statutory Authority: §§ 37.1-179 through 37.1-189 and § 37.1-199 of the Code of Virginia.

Written comments may be submitted until May 14, 1985.

Contact: Dr. Joseph W. Avellar, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-0070

Mental Retardation Advisory Council

† April 19, 1985 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Board Room, 13th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly meeting to advise the State Board on matters pertaining to mental retardation services across the Commonwealth.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

† June 25, 1985 - 10:30 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Mezzanine Level (1st Floor) Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Mental Health and Mental Retardation intends to adopt regulations entitled: Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs. These standards are intended to establish the criteria for the establishment and operation of programs designed specifically to provide a substance education alternative for court clients. These Standards set minimum criteria for the establishment and operation of the above mentioned programs.

STATEMENT

Subject, Substance Issues, Basis and Purpose: The Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs are designed to establish minimum criteria for substance abuse diversion and education programs operated in the Commonwealth of Virginia. These programs offer an alternative disposition to courts for first offenders convicted on drug violations.

The standards delineate criteria for the application for certification, program, design, curriculum design, referral

Calendar of Events

agreement, drug toxicology screening, fee structure, staffing and reporting requirements.

The mandatory standards affect substance abuse diversion and education programs currently operating and any proposed program.

Statutory Authority: § 18.2-251 of the Code of Virginia.

Written comments may be submitted until June 25, 1985.

Contact: Frank Patterson, Assistant Director for Justice System Services, Virginia Department of Mental Health and Mental Retardation, Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

STATE MILK COMMISSION

† April 17, 1985 - 10 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets, Room 1015, Richmond, Virginia. (Location accessible to handicapped.)

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, 1015 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2013

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

April 19, 1985 - 10 a.m. - Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Motor Vehicles intends to adopt regulations entitled: **Rules and Regulations for the Motorcycle Rider Safety Training Center Program.**

STATEMENT

Subject and Substance: The proposed rules and regulations will be used by the Department of Motor Vehicles in administering the Motorcycle Rider Safety Training Program, including criteria for training center approval, curriculum, facilities and equipment approval, instructor qualification and certification, and administrative reporting requirements.

Issues: The Motorcycle Rider Safety Training Act authorizes the Department of Motor Vehicles to administer the operation of regional motorcycle rider safety training centers. The source of the funding for training center operation is the Motorcycle Rider Safety Training Program Fund. The Department of Motor Vehicles will approve and award contract funds to training centers that meet the requirements of the rules and regulations.

Basis: §§ 46.1-564 through 46.1-570 of the Code of Virginia.

Purpose: To promote the safe operation of motorcycles; to establish requirements for training center approval and basis for award of contract funds.

Statutory Authority: §§ 46.1-564 through 46.1-570 of the Code of Virginia.

Written comments may be submitted until April 18, 1985. All persons who intend to comment at the public hearing are requested to give notice of this intent to Susan R. Metcalf by April 12, 1985.

Contact: Susan R. Metcalf, Program Coordinator, or Dan W. Byers, Manager, Division of Motor Vehicles, Room 415, P. O. Box 27412, Richmond, Va., telephone (804) 257-0410

VIRGINIA STATE BOARD OF NURSING

† May 20-22, 1985 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

Meetings of the Virginia State Board of Nursing to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the Board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va., telephone (804) 786-0377

STATE BOARD OF OPTICIANS

May 24, 1985 - 9:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to (i) review applications for examination; (ii) review investigative reports of complaints and determine disposition; and (iii) address general correspondence pertinent to the operation of the Board.

Contact: Gale G. Moyer, Assistant Director, Virginia State Board of Opticians, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

STATE BOARD OF OPTOMETRY

May 1, 1985 - 9 a.m. - Public Hearing
Department of Health Regulatory Boards, 517 West Grace Street, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Optometry intends to adopt regulations entitled: **Public Participation Guidelines**. These regulations will establish guidelines for soliciting participation of interested parties in the revision and adoption of regulations.

STATEMENT

Subject and Substance: Proposed adoption by the Virginia Board of Optometry of Public Participation Guidelines to be used to solicit participation by interested parties in the formulation, development, and adoption of regulations that the Board may promulgate as required or authorized by state law.

Issues: 1. *Estimated Impact with Respect to Number of Persons Affected:* The guidelines will provide a means for all persons affected by regulations of the agency to participate in their development, formulation, and adoption. 2. *Projected Cost for Implementation and Compliance:* Since the Board of Optometry is part of an agency that generates operating funds from licensees, any additional costs would be borne by them. At present, a one-day Board meeting cost approximately \$1,000. If additional meetings would be required to fulfill the requirement of a biennial review of regulations' effectiveness and continued need, then this cost figure need be borne in mind. The cost of a public hearing and transcript should not exceed \$500. There is no enforcement cost.

Basis: §§ 9-6.14:7.1 and 54-376 of the Code of Virginia.

Purpose: To solicit participation of interested parties in the development of regulations prior to and during the entire drafting, formulation, promulgation, and final adoption process.

Statutory Authority: §§ 9-6.14:7.1 and 54-376 of the Code of Virginia.

Written comments may be submitted until May 1, 1985.

Contact: Lawrence H. Redford, Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

† **July 31, 1985 - 9 a.m.** – Open Meeting
Holiday Inn (Downtown), 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and a review of State Board Examination.

Contact: Lawrence H. Redford, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va 23261, telephone (804) 786-0131

VIRGINIA OUTDOORS FOUNDATION

April 18, 1985 - 10:30 a.m. – Open Meeting

Little River Inn, Aldie, Virginia. (Location accessible to handicapped.)

Open meeting to accept gifts and to administer the Foundation.

Contact: Tyson B. Van Auken, Director, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

April 17, 1985 - 11 a.m. – Open Meeting
3329 Shore Drive, Virginia Beach, Virginia

A meeting of the Commissioner to receive reports of any incidents; and to conduct general business.

Contact: William L. Taylor, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

RADFORD UNIVERSITY BOARD OF VISITORS

† **April 25, 1985 - 2:45 p.m.** – Open Meeting
† **April 26, 1985 - 9 a.m.** – Open Meeting
Radford University, Preston Hall, Board Room, Radford, Virginia. (Location accessible to handicapped.)

A quarterly meeting of the Board to hear reports on the university, and to take action where necessary.

Contact: Deborah L. Brown, Director of Public Information & Relations, Radford University, Box 5760, Radford, Va. 24142, telephone (703) 731-5324

VIRGINIA REAL ESTATE COMMISSION

† **April 17, 1985 - 10 a.m.** – Open Meeting
Ramada Inn, Route 260, U.S. 58, 421 West, Conference Room, Duffield, Virginia

The Commission will conduct a formal fact-finding hearing regarding the Virginia Real Estate Commission v. Jerry Deskins, Weber City, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8424

† **April 29, 1985 - 9 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will be considering investigative files; requests from licensees and the public; reports from administrators/staff; and various new business.

Contact: Steven L. Higgs, Assistant Director for Real Estate, 3600 W. Broad St., Richmond, Va. 23230

Calendar of Events

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

April 24, 1985 - 10 a.m. - Open Meeting

May 22, 1985 - 10 a.m. - Open Meeting

June 19, 1985 - 10 a.m. - Open Meeting

General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to hear and render a decision on all appeals of denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

April 16, 1985 - 9 a.m. - Open Meeting

State Capitol, House Room 2, Richmond, Virginia. (Location accessible to handicapped.)

The Authority will conduct a public hearing to consider Industrial Development Bond Applications received by the Authority and for which public notice has appeared in the appropriate newspapers of general circulation. Following the public hearing, the Authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

STATE BOARD OF SOCIAL SERVICES

April 17, 1985 - To be announced - Open Meeting

April 18, 1985 - To be announced - Open Meeting

Lynchburg Hilton, Lynchburg, Virginia

A work session and formal business meeting of the Board.

Contact: Phyllis Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9236

DEPARTMENT OF SOCIAL SERVICES

May 14, 1985 - 9 a.m. - Public Hearing

Division of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Boards of Corrections, Education, Mental Health and Mental Retardation, and Social Services, intend to adopt regulations entitled: **Core Standards for Interdepartmental Licensure and**

Certification of Residential Facilities for Children.
The proposed standards will provide children in residential facilities with at least a minimal level of care.

STATEMENT

Subject: Proposed revisions to the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

Substance: Under the current definitions and exceptions in the Code of Virginia, the Departments of Corrections, Education, Mental Health and Mental Retardation, Social Services are responsible for the licensure, certification and/or approval of public and private residential facilities for children. Such facilities are licensed, certified, or approved under the Core Standards for Interdepartmental Licensure and Certification of Children except (i) facilities which do not accept public funds, (ii) private psychiatric hospitals serving children, and (iii) residential facilities serving children which successfully meet the requirements of nationally recognized standards setting agencies.

Issues: The document is comprised of the following issues which have impact on residential facilities for children subject to licensure, certification, and/or approval: Organization and administration, personnel, residential environment, programs and services, and disaster or emergency plans.

Basis: Chapters 11 and 14 of Title 16.1, Chapters 13 and 16 of Title 22.1, Chapters 8 and 10 of Title 37.1, Chapters 3 and 10 of Title 63.1, and Chapter 14 of Title 53.1 of the Code of Virginia provide the statutory basis for promulgation of standards for licensure and certification of residential facilities for children. The State Boards of Corrections, Education, Mental Health and Mental Retardation, and Social Services have approved the proposed revisions for 60-day public comment period.

Purpose: The purpose of the proposed revisions is to establish the minimum requirements necessary to protect children in the care of residential facilities for children. The document has been revised with an emphasis on clarity and ease of comprehension.

Statutory Authority: §§ 16.1-286, 53.1-237 through 53.1-239, 16.1-310 through 16.1-314, 53.1-249, 22.1-319 through 22.1-335, 22.1-218, 37.1-179 through 37.1-189, 37.1-199, 63.1-195 through 63.1-219, and 63.1-56.1 of the Code of Virginia.

Written comments may be submitted until May 14, 1985.

Contact: Barry P. Craig, Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025, (toll-free number 1-800-552-7091)

Calendar of Events

VIRGINIA BOARD OF SOCIAL WORK

† **May 3, 1985 - 9:30 a.m.** – Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will conduct a general business meeting; review applications; and respond to correspondence.

Contact: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

SOLID WASTE COMMISSION

† **May 9, 1985 - 10:30 a.m.** – Open Meeting
State Capitol, House Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will hold a general business meeting, Low-Level Radioactive Waste Public Participation Program, and a Southeast Compact Commission Review.

Contact: Barbara M. Wrenn/Cheryl Cashman, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

June 1, 1985 - 10:30 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting of the Committee to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

VIRGINIA STATE ADVISORY COUNCIL ON VOCATIONAL EDUCATION

† **April 17, 1985 - 9 a.m.** – Open Meeting
† **April 17, 1985 - 2 p.m.** – Open Meeting
Best Western/Lee Jackson Motor Inn, Winchester, Virginia

The Advisory Council will visit vocational programs in the Winchester area. At 2 p.m. an open general session will be held.

† **April 18, 1985 - 8:30 a.m.** – Open Meeting

An open business session.

Contact: George S. Orr, Jr., Executive Director, Virginia State Advisory Council on Vocational Education, P. O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

VIRGINIA VOLUNTARY FORMULARY COUNCIL

† **April 23, 1985 - 10:30 a.m.** – Open Meeting
James Madison Building, 109 Governor Street, Room 516A, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to review product data for generic drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

April 25, 1985 - 5 p.m. – Open Meeting
April 26, 1985 - 8 a.m. – Open Meeting
April 27, 1985 - 8 a.m. – Open Meeting
Alumni House, 500 Richmond Road, Williamsburg, Virginia

A regularly scheduled meeting of the Board of Visitors of the College of William to approve the budgets and fees of the College and Richard Bland College; to receive reports from several committees of the Board; and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the Board meeting for those individuals and/or organizations who request it.

Contact: Office of University Communications, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE

COMMISSION ON DEINSTITUTIONALIZATION

† **May 13, 1985 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room

Calendar of Events

A, Richmond, Virginia. (Location accessible to handicapped.)

A presentation from the Department of Mental Health and Mental Retardation on deinstitutionalization issues. (SJR 42)

Contact: Susan C. Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST OPEN MEETINGS

April 15, 1985

Cosmetology, Virginia Board of

April 16

Conservation and Development of Public Beaches
Commission on the
Conservation and Historic Resources, Department of
Division of Historic Landmarks
Elections, State Board of
Health Regulatory Boards, Virginia Commission of
Historic Landmarks Commission, Virginia
Housing Development Authority, Virginia
Board of Commissioners
Small Business Financing Authority, Virginia

April 17

Architects, Professional Engineers, Land Surveyors and
Certified Landscape Architects, State Board of
Aviation Commission, Virginia
Dentistry, Board of
Milk Commission, State
Pilots, Board of Commissioners to Examine
Real Estate Commission, Virginia
Social Services, State Board of
Vocational Education, Virginia State Advisory
Council on

April 18

Accountancy, Virginia State Board of
Criminal Justice Services Board
Committee on Criminal Justice
Information Systems
Highway and Transportation Commission
Longwood College Board of Visitors' Advance
Medicine, State Board of
Outdoors Foundation, Virginia
Social Services, State Board of
Vocational Education, Virginia State Advisory
Council on

April 19

Accountancy, Virginia State Board of
Building Code Technical Review Board, State
Education, Board of
Longwood College Board of Visitors' Advance

Medicine, State Board of
Mental Health and Mental Retardation, Department of
Mental Retardation Advisory Council

April 20

Medicine, State Board of

April 22

Alcoholic Beverage Control Commission, Virginia

April 23

Voluntary Formulary Council, Virginia

April 24

Mental Health and Mental Retardation Board
State Sewage Handling and Disposal Appeals
Review Board

April 25

Radford University Board of Visitors
William and Mary, Board of Visitors

April 26

Commerce, Virginia Board of
Radford University Board of Visitors
William and Mary, Board of Visitors

April 27

William and Mary, Board of Visitors

April 29

Library Board, Virginia State
Real Estate Commission, Virginia

May 1

Higher Education for Virginia, State Council of

May 3

General Services, Department of
Art & Architectural Review Board
Social Work, Virginia Board of

May 6

Alcoholic Beverage Control Commission, Virginia

May 9

Solid Waste Commission

May 10

General Services, Department of
Division of Consolidated Laboratory Services
Advisory Board

May 13

Alcoholic Beverage Control Commission, Virginia
Deinstitutionalization, Commission on
Funeral Directors and Embalmers, Virginia Board of

May 14

Funeral Directors and Embalmers, Virginia Board of

Calendar of Events

- May 15**
Corrections, Board of
- May 16**
Highways and Transportation Commission
Virginia Department of
Longwood College Board of Visitors
- May 17**
Arts, Commission for the
Longwood College Board of Visitors
- May 18**
Arts, Commission for the
- May 20**
Alcoholic Beverage Control Commission, Virginia
Nursing, Virginia State Board of
- May 22**
State Sewage Handling and Disposal Appeals
Review Board
- May 24**
Opticians, State Board of
- June 1**
Visually Handicapped, Virginia Department for
Advisory Committee on Services
- June 3**
Alcoholic Beverage Control Commission, Virginia
- June 10**
Alcoholic Beverage Control Commission, Virginia
- June 17**
Alcoholic Beverage Control Commission, Virginia
- June 19**
State Sewage Handling and Disposal Appeals
Review Board
- July 31**
Optometry, Virginia Board of
- April 26**
Commerce, Board of
- May 1**
Optometry, State Board of
- May 3**
Game and Inland Fisheries, Commission of
- May 6**
Air Pollution Control Board, State
- May 8**
Medical Assistance Services, Department of
- May 14**
Accountancy, State Board of
Corrections, Board of
Education, Board of
Mental Health and Mental Retardation, Department of
Social Services, Department of
- May 15**
Accountancy, State Board of
- May 16**
Accountancy, State Board of
- June 3**
Library Board, Virginia State
- June 6**
Education, Board of
- June 14**
Medical Assistance Services, Department of
- June 17**
Housing and Community Development, Board of
Housing and Community Development, Department of
- June 25**
Mental Health and Mental Retardation, Department of
- June 28**
Medical Assistance Services, Department of

PUBLIC HEARINGS

- April 15, 1985**
Highways and Transportation, Department of
- April 19**
Education, Board of
Motor Vehicles, Virginia Department of
- April 22**
Education, Board of

Calendar of Events
