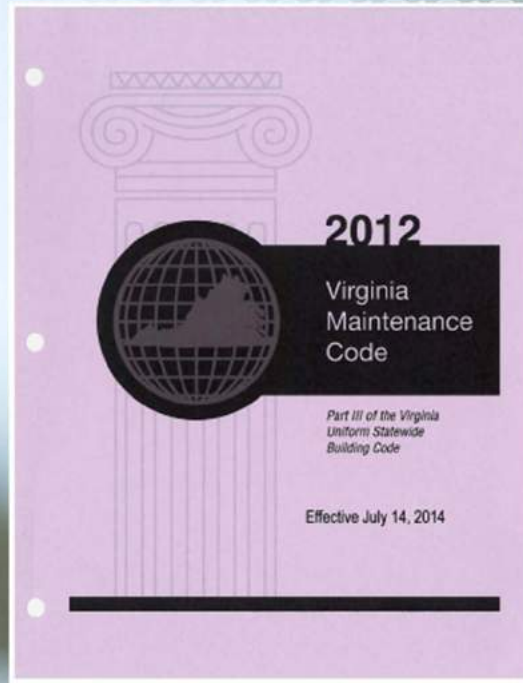


Welcome to the

2018 Annual Conference Educational Sessions

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Virginia Maintenance Code

Legislative Authority...



- Title 36 of VA Code: Housing
 - 36-97 Board of Housing to Promulgate Uniform Statewide Building Code (VUSBC)
 - 36-99 Purpose to construct and maintain so as to protect the Public H/S/W
 - 36-103 Board may incorporate regulations pertaining to maintenance of existing buildings
 - 36-105 Localities may adopt and inspect regulations for existing buildings

Governance...

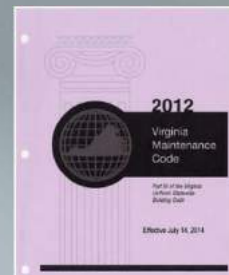
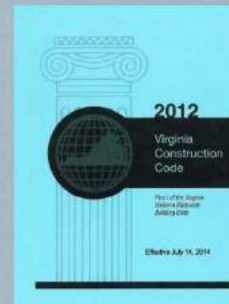
- Board of Housing and Community Development (BHCD)
 - A 14 member citizen Board
 - 11 congressional districts
 - Director of Regulatory Compliance VBCOA
 - Rep from VA Fire Services Board
 - Ex. Director VA Housing Dev. Authority
 - Promulgates Codes and Effective Dates
 - Provides guidance to Department of Housing & Community Development

Oversight...

- Department of Housing and Community Development (DHCD)
 - Facilitates code/regulations development
 - Provides administration and oversight
 - Provides mandatory training
 - Supports the BHCD
 - Supports the State Technical Review Board (appeals and interpretations)
 - Publishes the codes

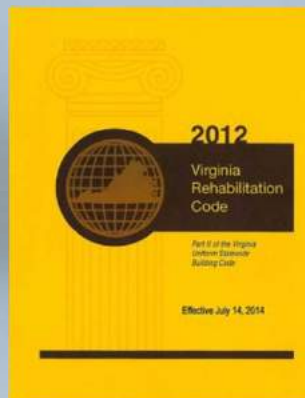
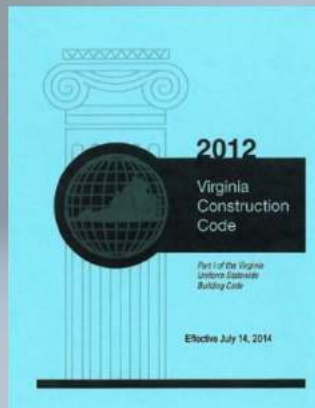
The VUSBC

- Virginia Uniform Statewide Building Code 3 parts
 - Virginia Construction Code
 - Virginia Rehabilitation Code / Existing Building Code
 - Virginia Maintenance Code



The VUSBC – Construction

- How we build:



- State mandate
- Code official identified and reported

The VUSBC – Construction

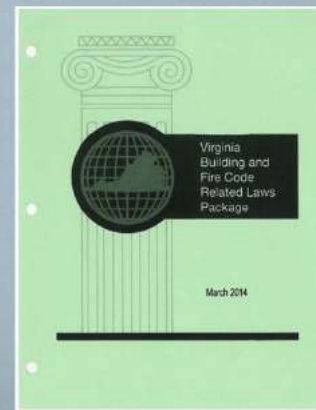
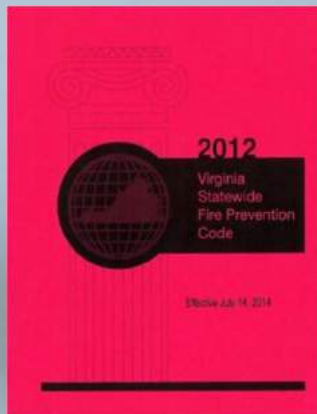
Code Relationships

(VCC) USBC Part I: The Virginia Construction Code”



The VUSBC – Maintenance

- How we maintain and use:

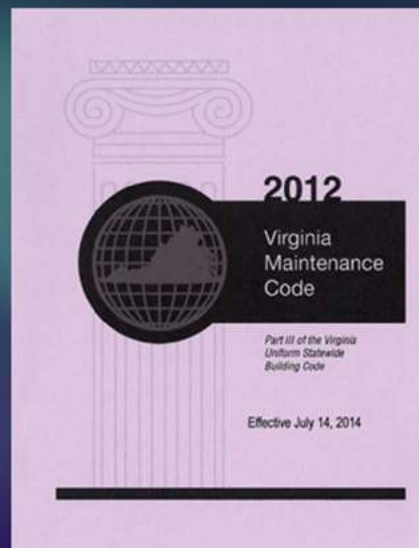


- VMC Optional for all localities
- Requires official adoption actions
- Code Officials identified and reported
- SFPC required for all localities

The VUSBC – Maintenance

Referenced Documents

(VMC) U.S.B.C. Part III: “The Virginia Maintenance Code”



VMC - Administration

- Virginia establishes Chapter 1 Administration based on VA Statutes and Enabling Authority
 - Incorporates by reference Chapters 2-8 of the International Property Maintenance Code and sets precedence
 - Chapter 1 Admin governs any conflict
 - State amendments govern IPMC 2-8
 - IMPC 2-8 govern any further references

Purpose and Scope

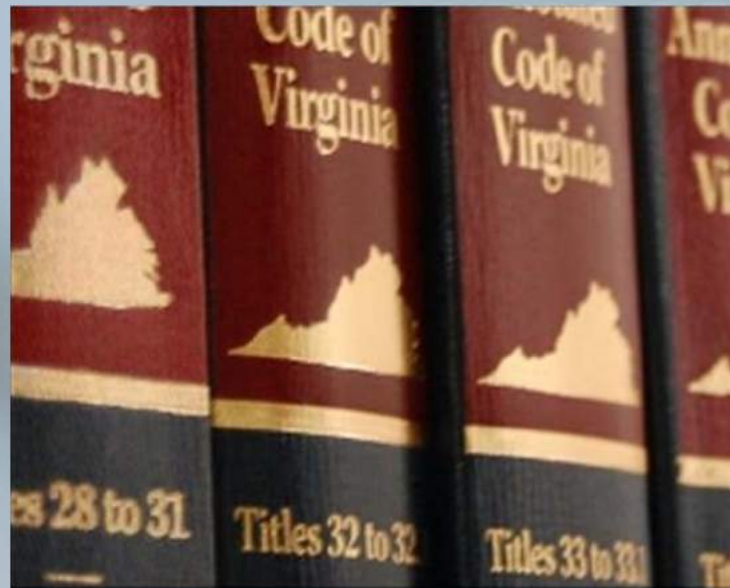
- Provides for the maintenance of existing buildings and structures
 - AT THE LEAST POSSIBLE COST
 - Includes overcrowding
 - Includes garbage accumulation
- Exemptions: everything exempt from Virginia Construction Code

Application of Code

- Limits the regulations to maintenance of “existing” buildings, structures, equipment
 - In accordance with the code under which constructed
 - Establishes responsibility for maintenance to “Owner”
- Allows for continued approval without retrofit

Rental Inspections

- In 2004, 36-105 was drastically changed to provide detailed requirements pertaining to Rental Inspections
- These provisions were incorporated into the VMC

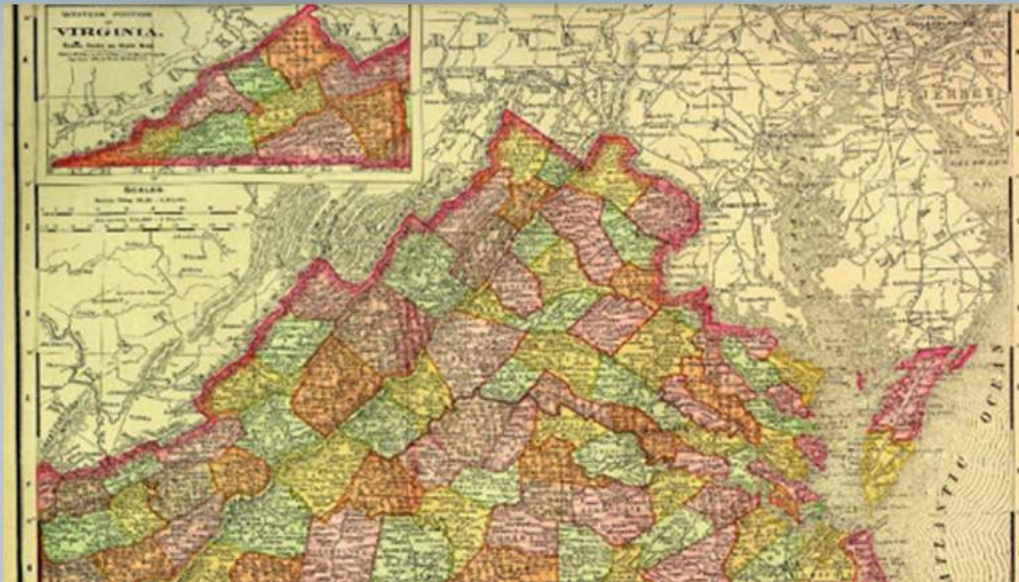


Rental Inspections - Outcomes

- Protects tenants and guests
- Ensures landlord accountability
- Prevents neighborhood deterioration and blight
- Encourages neighborhood stabilization and sustainability
- Supports locality-wide economic development

Rental Inspections - Ordinance

- The local governing body must adopt an ordinance to inspect residential rental dwelling units for compliance with the Rental Inspection Program requirements



Rental Inspections - Ordinance

- Prior to adoption, the locality shall hold a public hearing
- Notice of such hearing shall be published in a local newspaper for 2 weeks

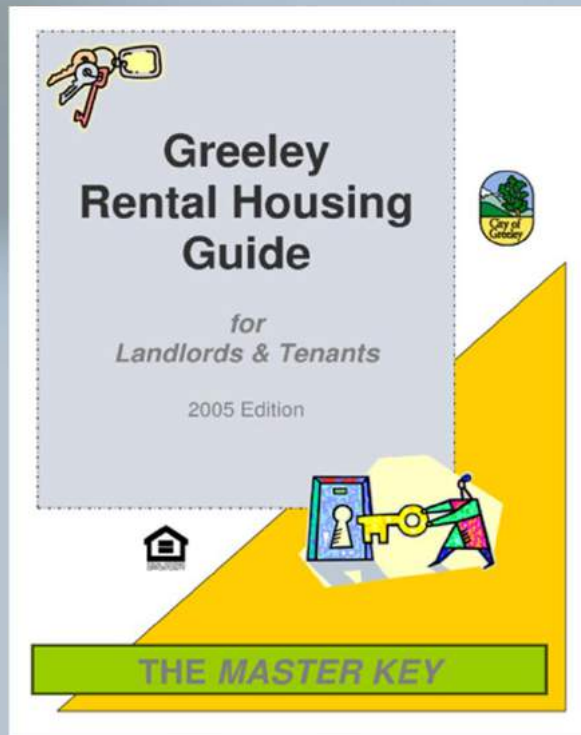


Rental Inspections - Notice



- The locality shall make reasonable efforts to notify Residential Rental Unit owners that an ordinance was adopted which requires action from them

Rental Inspections - Notice



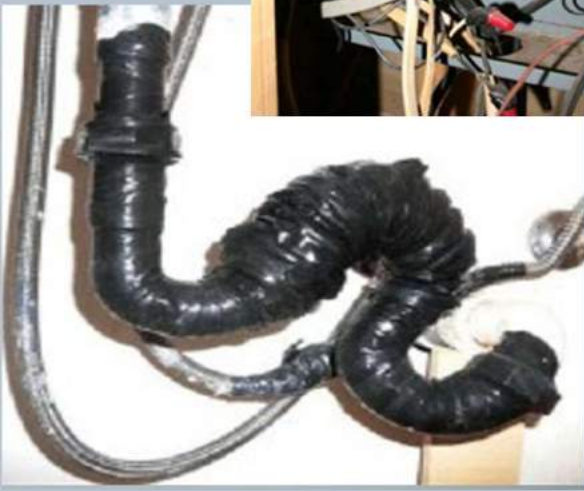
- The notification shall explain the new ordinance, provide all information about the program, and detail the required responsibilities of the owner, including penalties

Rental Inspections - Districts

- All res. rental dwelling units located within a rental inspection district are subject
- Rental Inspection Districts shall meet these criteria based on a FINDING by the locality:



Rental Inspections - Districts



1. There is a need to protect the public health, safety and welfare of occupants

Rental Inspections - Districts

2. The residential units are:
 - a. Deemed blighted or heavily deteriorated; or
 - b. Inspection required to prevent deterioration based on age and current conditions



Rental Inspections - Districts

3. Inspection is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents within the District



Rental Inspections - Individual Units



- Units outside of the designated rental inspection district can be made subject to the ordinance based upon a separate finding for each unit using the same criteria

Rental Inspections - Owners

- CANNOT require REGISTRATION for the program
- Can require the owner to notify the locality if a unit is defined as a Residential Rental Unit



Rental Inspections - Owners

- Minimum of 60 days for owner notification
- A fee is NOT authorized for this notification



Rental Inspections - Owners



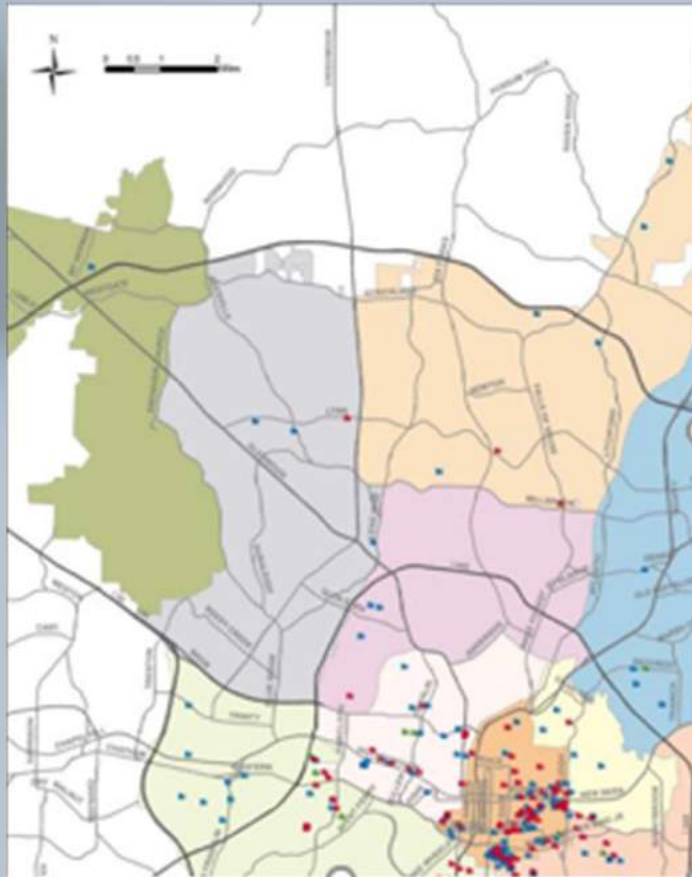
- A \$50 civil penalty can be awarded for failure to notify the locality of a Residential Rental Dwelling Unit

Rental Inspections - Owners

- Maintain property in accordance with the code in affect at the time of construction or occupancy
- Make unit available for inspections



Rental Inspections - Locality



- Locality performs initial inspection of all identified Residential Rental Dwelling Units within designated districts and individual units subject to the ordinance

Rental Inspections - Locality

- For multifamily developments, the locality shall only inspect between 2 - 10 % of the total number of units.



Rental Inspections - Violations



- Properties where no violations are found must be granted a minimum 4 year exemption from the ordinance

Rental Inspections - Violations

- Properties where violations are found are subject to enforcement provisions of the VMC and periodic inspections pursuant to the Rental Inspection Ordinance



Rental Inspections - Violations



- Penalties for violations of these provisions shall be the same as they are provided for in other sections of the VMC

Rental Inspections - Violations

- If violations are found in multifamily developments, the 10% unit threshold no longer applies; Any number of units may be inspected



Rental Inspections - Violations



- If violations are found in units which are under a 4 year exemption, the exemption can be revoked

Rental Inspections - Inspections

- Periodic inspections of Residential Rental Dwelling Units may occur not more than once per year up until exemption status is obtained



Rental Inspections - Inspections



- Upon the sale of a Residential Rental Dwelling Unit subject to the ordinance the locality may perform a periodic inspection even if exempted

Rental Inspections - Inspections

- For new units that become subject to the ordinance where a certificate of occupancy has been issued in the last 4 years, an exemption is automatically granted



Rental Inspections - Fees



- The locality may establish a fee schedule for defraying the costs of these provisions

Rental Inspections - Fees

- These include a per dwelling unit fee for:
 - Initial inspection
 - Follow-up inspection
 - Periodic inspection



Rental Inspections - Fees



- Fees for multifamily developments may not exceed a 10 unit fee unless violations are found, then a per unit fee is applicable

COMFORT BREAK



Enforcement - General

- Search Warrant authorized
- Continued Enforcement when transfer of ownership is less than 50%
 - Disclosure laws apply



Enforcement - Fees



- Locality authorized to adopt and establish a schedule of fees to defray the cost of enforcement and appeals

Enforcement - General

- State owned buildings are subject to this code
- Enforced by state personnel



Enforcement – Code Official

- Qualifications of code official:
 - 5 years experience as an industry professional or equivalent
 - General knowledge of engineering practices
 - Basic principles of
 - Fire protection
 - Means of egress
 - Installations of equipment
 - General health, safety and welfare

Enforcement - Certification

- Designated code officials have 1 year to become certified
- Technical Assistants have 18 months to become certified
 - Where multiple certifications are required, an additional 18 months are provided



Enforcement - Other

- Standards for conduct:
State and Local Gov.
Conflict of Interest act
- Records shall be
retained and destroyed
in accordance with the
Library of VA General
Schedule 6



enforcement – Powers and Duties

- Shall issue all necessary notices and orders to ensure compliance
- Can issue modifications when spirit and intent of code are met
 - In writing
 - Maintained in official record
 - Can request statements from industry professionals

Enforcement - Inspections



- Shall inspect building and structures for determination of compliance with code
 - Carry proper credentials
 - Can engage 3rd party expert opinion
 - Report violations of other laws

Enforcement – 3rd Party Agents

- Program and Policy
 - Establishes qualifications into the program
 - Establishes reliability requirements
 - Establishes report criteria and submission timeframe requirements



Enforcement – Man. Home Park

- Notices and orders affecting the entire park require notification to each affected tenant



Violations – Misdemeanor



- 36-106 Deemed unlawful for anyone to violate any provision of the code
 - All violations are considered criminal misdemeanors
 - Or the locality can adopt a civil schedule of penalties

Violations – Notices and Orders

- Notice shall be issued upon finding a violation
 - Correction notice
 - Violation notice
- Work done to correct violations is subject to the VCC and VFBC



Violations – Correction Notice


- The Correction Notice shall alert to defective conditions
 - In writing
 - State corrective actions
 - State timeframe for compliance

CORRECTION NOTICE		
Development Services Department		
Permit Number: 2015-033848-EP		
Permit Address: 8601 EMERALD HILL DR		
Inspection Type	Date	Deficiency
305 Final Electric	02/03/2016	vent/can trims missing master bath/upstairs baths
305 Final Electric	02/03/2016	smart panel outlet/ ground met panel
305 Final Electric	02/03/2016	need afci for refig.washer/ kiln need afci breakers
305 Final Electric	02/03/2016	covers missing

Violations – Violation Notice

- The Violation Notice shall serve as official legal notice of defective conditions

- In writing
- To responsible party
 - Registered Agent?
- Section number
- State corrective actions
- State timeframe for compliance
- Right of appeal

 **COUNTY OF PRINCE WILLIAM**
3 County Complex Ct, Prince William, VA 22190-5308
(703) 792-6993 Fax: (703) 792-4135 <http://www.pwgov.org/BCEO>

DEPARTMENT OF
DEVELOPMENT SERVICES
Division of
Building Development

Eric M. Mays, P.E.
Building Official


VIOLATION NOTICE

PREMISE IN VIOLATION: 9125 AUTUMN GLORY LN
CASE #: BCE2016-00124
REQ AGENT - UNITED STATES CORPORATION
RESPONSIBLE AGENTS, INC
VIOLATION DATE: October 27, 2015
PARTY:
1900 CAMPUS COMMONS DR 100
RESTON, VA 20191
NOTICE DATE: October 27, 2015
INSPECTOR: Sean Farrell
CONTACT #/EMAIL: 703-792-5908 /
SFarell@pwgov.org

An inspection of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC). You are directed to bring the violation(s) described below into compliance within the specified compliance deadline on this notice. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 58-108 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,600, per offense.

VUSBC Code Year	VUSBC Code Section	VIOLATION	CORRECTIVE ACTION NECESSARY	Compliance Date
2012	113.3 Reg Insp Not Obtained	Required Inspection Not Obtained - Failure to obtain required inspections	Obtain Final Approved Inspection on 8/23/2015-01673	11/30/15

You have the right of appeal in accordance with Chapter 1 section 118.6 of the VUSBC 2008 Edition. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC.


BUILDING CODE ENFORCEMENT INSPECTOR

Violations – Violation Notice

- Exception: the timeframe for compliance does not have to be specified on notices citing a failure to maintain property in accordance with Section 103.2 – Purpose and scope

Violations – Coordination

- The code official shall coordinate inspections and administrative orders with any other state and local agencies



Violations – Further Action

- When the responsible party has not complied with the notice, the code official may:
 - Request counsel to institute legal proceedings
 - Obtain summons
 - Terminate use
 - Removal of building or structure

Violations – Further Action

- If the responsible party has complied with the notice, but has been served with 3 or more notices for the same property within a 5 year timeframe, the code official may:
 - Request counsel to institute legal proceedings

Violations – Penalties

- 36-106 prescribes the penalties for successful prosecution of violations

- Unclassified misdemeanor \$1000
- Civil schedule of penalties as adopted by locality
- Court Ordered abatement



Unsafe / Unfit - General

- All conditions causing a structure to become unsafe or unfit for human occupancy shall be remedied or corrected
 - In lieu of correcting some conditions, the structure may be vacated and secured against entry or razed and removed
 - Locality can raze and remove with imminent danger

Unsafe / Unfit - Inspections


- Code official shall inspect any structure reported or discovered to be unsafe or unfit for human habitation
 - A report identifying the conditions found onsite and any restricted use of the structure shall be filed into the record
 - A copy will be sent to the owner

Unsafe / Unfit – Not Maintenance

- Conditions discovered in pre-USBC structures that are deemed a serious hazard for reasons other than failure to maintain (faulty design or equipment):
 - Can require minimum changes to resolve the unsafe condition
 - Does not have to fully comply with VCC or VEBC

Unsafe / Unfit – Notice

- The Unsafe/Unfit Notice shall be issued and served
 - In writing
 - To responsible party
 - Registered Agent?
 - Section number
 - State corrective actions
 - State timeframe for compliance/demolition
 - Right of appeal

 **COUNTY OF PRINCE WILLIAM**
5 County Center, Prince William, VA 22190-5300
(703) 793-6931 Fax: (703) 793-4155 <http://www.pwgov.org/BDD>

DEPARTMENT OF
DEVELOPMENT SERVICES
Division of
Building Development

Eric M. Mays, P.E.
Building Official

NOTICE OF UNSAFE STRUCTURE

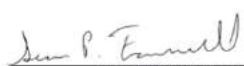
PREMISE IN VIOLATION: 7209 CENTREVILLE RD
OWNER: ANNETTE CURLEY
24 VALE AV
WAKEFIELD, MA 018802300
NOTICE DATE: March 26, 2015
INSPECTOR: Sean Farrell

CASE #: BCE2012-00555
VIOLATION DATE: March 16, 2015
CONTACT# / EMAIL: 703-793-5998 / SFarell@pwgov.org

An inspection of the premises above has revealed violation(s) of the Virginia Uniform Statewide Building Code (VUSBC) and these violations have created an UNSAFE CONDITION. The following violations must be corrected to eliminate this UNSAFE CONDITION. Failure to comply with the requirement of the VUSBC may result in criminal prosecution. Under the Code of Virginia Title 36-106 any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500, per offense.

VUSBC Code Year	VUSBC Code Section	VIOLATION	CORRECTIVE ACTION NECESSARY	Compliance Date
2009	105.3	Change of Occupancy Without a Permit - Residential use has been incorporated into the building without approval. A sign shop business, a sewing/tailoring business, a appliance repair business have all been established in the building without approval.	Cease All Occupancies Until a new Certificate of Occupancy is obtained	03/27/2015
2009	110.1	Unsafe Structure - Illegal and improper construction of partitions, Exit doors blocked/barricaded, Exit door hardware broken, Aisle widths insufficient, Emergency egress lighting inoperable, S-1 use in half the building - possible fire load hazard, Significant electrical hazards and improper use of unlisted equipment, Improper venting of printing equipment.	Immediately Cease All Construction, Occupancies and Uses until such time that plans are approved, permits have been issued and construction has been authorized. No occupancy of the building can occur until such time as a valid Certificate of Occupancy has been issued.	03/27/2015

You have the right of appeal in accordance with Chapter 1 section 119.5 of the VUSBC 2009 Edition. A written request for appeal shall be submitted to the Local Board of Building Code Appeals within 30 calendar days of receipt of this notice. Contact the inspector if you have any questions or require assistance in bringing this project into compliance with the VUSBC.


BUILDING CODE ENFORCEMENT INSPECTOR

Unsafe / Unfit – Vacating

- Unfit OR
Immediate and imminent danger present, the code official shall:
 - Post Notice
 - Placard Building
 - Secure if open
 - Close streets if needed
 - Make emergency repairs / demolish



Unsafe / Unfit – Revocation of CO



- If the Unsafe or Unfit Notice is not complied with, the code official may:
 - Revoke the certificate of occupancy

Appeals Board – Establishment

- 36-105 requires every locality to establish a Local Board of Building Code Appeals
 - Meet as necessary
 - Appoint officers
 - Receive training



Appeals Board – Membership

- Shall consist of 5 members appointed by locality who:
 - Render fair decisions
 - Serve staggered terms
 - Represent related occupations
 - 1 Builder
 - 1 RDP
 - 1 Property Manager
 - 2 others

Appeals Board – Filing

- Any person aggrieved by decision has right to appeal to LBBCA
 - In writing
 - Within 14 calendar days of decision
 - Name of appellant
 - Owner and address of the structure in question

Appeals Board – Meetings

- LBBCA shall meet within 30 days of appeal
 - 45 days if regular meetings are occurring
 - Extensions are permitted if agreed by all parties
 - Notice shall be sent of the date/time
 - Postponement may occur without quorum
 - Reschedule within 30 days

Appeals Board – Hearings

- Hearings are:
 - Open to public
 - Shall provide all parties the right to be heard
 - Facilitated/directed by Chairperson
 - Rule on evidence



Appeals Board – Decisions



- LBBCA can by majority vote:
 - Uphold
 - Reverse
 - Modify

Appeals Board – Decisions

- Decisions:
 - Be in Writing
 - Signed by Chairman
 - Retained in the record
 - Contain further appeal language to State Technical Review Board



Definitions – New Terms

- Applicable building code – code under which constructed
- Maintained – ties operational aspects of use to technical requirements
- Structure unfit for human occupancy – occupancy prohibited
- Unsafe structure – a condition which may or may not prohibit occupancy

Definitions – Deleted Terms

- Condemn
- Cost of Demo
- Inoperable Vehicles
- Labeled
- Neglect
- Openable Areas
- Pest Elimination
- Strict Liability offense
- Ultimate Deformation
- Workmanlike
- Unsafe

Technical Amendments

- VA amendments relate to narrowing the scope of the section to:
 - The code under which constructed
 - Definition of maintained
 - Only buildings and structures
 - State law and limited retrofitting
 - Operational parameters

Thank You For Attending

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