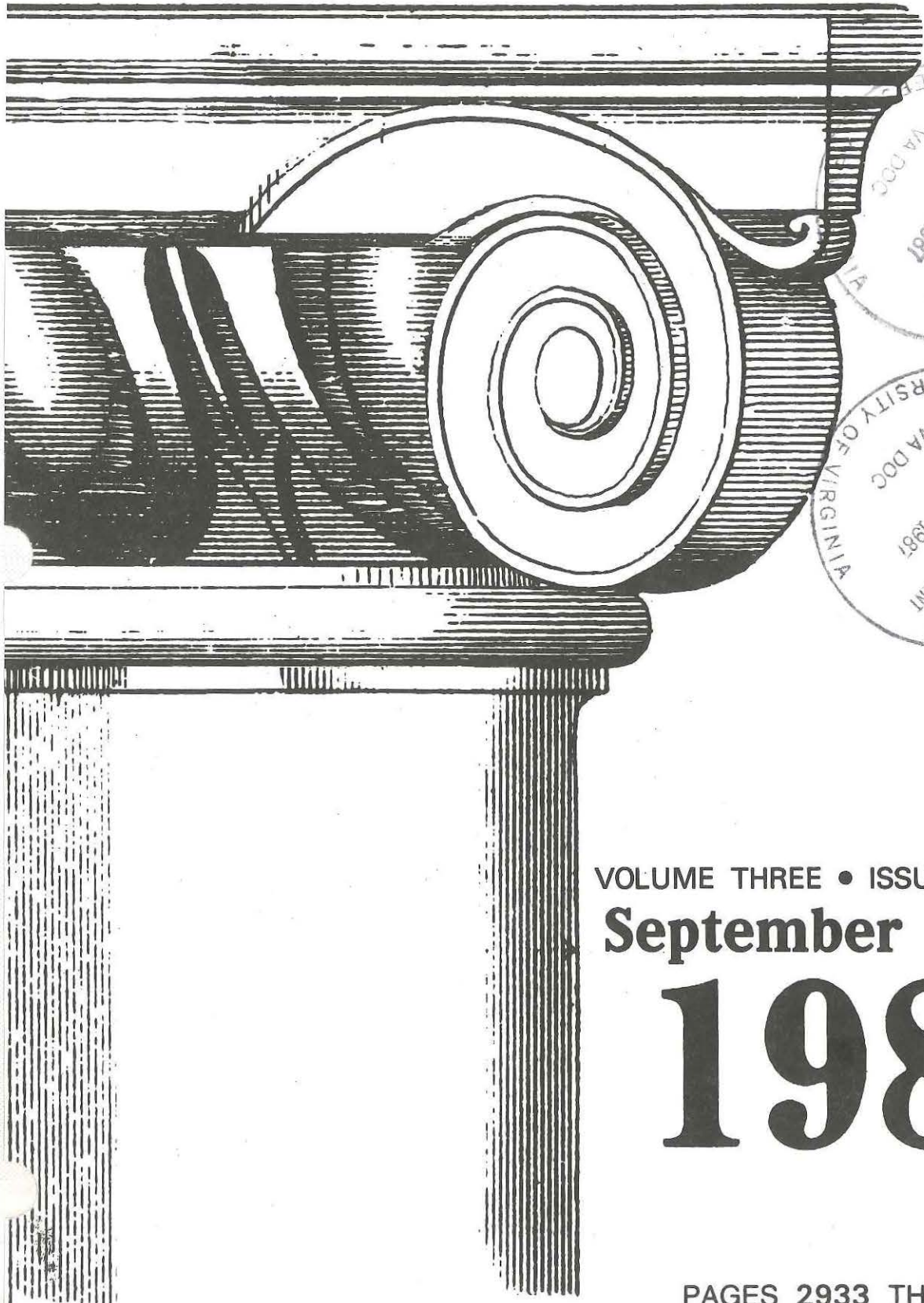


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VIRGINIA REGISTER

OF REGULATIONS



VOLUME THREE • ISSUE TWENTY-FIVE

September 14, 1987

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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

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VIRGINIA REGISTER OF REGULATIONS

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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.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-2. Certification of Tradesmen Standards/1987.

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

Public Hearing Date: November 16, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These regulations have been revised to incorporate changes based on comments proposed by interested parties. The following is a summary of those changes: (i) In § 1, definitions have been added to clarify job tasks of tradesmen and to delete unnecessary language; (ii) § 2 was revised to conform to the language of § 15.1-11.4 of the Code of Virginia, and to clarify the authority of the Department of Housing and Community Development; (iii) § 3 added a provision to exempt certain tradesmen within a trade and also included was direction to localities upon initial adoption of an ordinance; (iv) § 4 was revised to delete obsolescent provisions and to clarify experience requirements. All references to apprentices have been consolidated, certification as a journeyman is now required before a person may be certified as a master; (v) new § 5 and old § 7 include directions for certification in work areas within a trade and delete repetitive language referring to apprentices and the difficult to interpret, reciprocity provision; (vi) § 6 replaces old § 5 which deletes testing directions to agents, which have become obsolescent by contractual arrangements with a national testing organization; (vii) old § 6 was deleted because of ambiguity and became superfluous due to 1987 changes to master qualifications; (viii) new § 7 consolidates old §§ 8, 10 and 11 to detail information concerning certificates and to delete repetitive and unnecessary language. New provision has been added to comply with § 2.1-385 of the Code of Virginia, regarding social security numbers; (ix) new § 8 and old § 9 add language clarifying the conditions under which a certification may be revoked and by whom; (x) new § 9 provides due process by including an appeals board; and (xi) § 12, Severability, has been deleted.

VR 394-01-2. Certification of Tradesmen Standards/1987.

§ 1. Definitions.

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

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

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Voluntary Apprenticeship Act, § 40.1-120 of the Code of Virginia.

"Board" means 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" means a tradesman who does building-related mechanical work, including heating, air conditioning, and ventilation and gas piping.

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

"Division" means a subcategory within a trade as designated in the publication *"Tradesman Certification Program"* published by the Division of Building Regulatory Services.

"Electrical work" consists of, but is not limited to the following: Plan and layout of detail for installation or modifications of electrical apparatus and controls, preparation of sketches showing location of wiring and equipment. Measures, cuts, bends, threads, assemblies and installs electrical conduits. Performs maintenance on electrical systems and apparatus. Observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or replacement. Repairs faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work.

"Formal vocational training" means courses in the trade

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administered at an accredited educational facility; or formal training, approved by the department, conducted by trade associations, businesses, military, correspondence schools, or other similar training organizations.

"Helper or laborer" means a person who assists a tradesman certified according to these standards.

"Journeyman" means 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 shall 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" means 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) to 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 shall 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.

"National testing organization" means an independent testing organization whose main function is the development and administration of examinations on a national basis.

"Plumber" means a tradesman who does plumbing work.

"Plumbing work" means the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage facilities, the venting system and the public or private water-supply systems within or adjacent to any building or structure.

"Plumber-gas fitter" means a plumber who does gas piping work.

"Supervision" means 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.

"Supervisor" means the certified master tradesman who has the responsibility to determine that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.

"Trade" means any of the following: plumbing, plumbing-gas fitter, building-related mechanical or electrical work , and divisions within the trade .

"Tradesman" means a person who engages in or offers to engage in, for the general public or for compensation, any of the trades covered by these standards.

"Voluntary Apprenticeship Act" means an Act authorized in Chapter 6, Title 40.1 of the Code of Virginia that establishes an Apprenticeship Council to determine standards for apprentice agreements, approve local apprenticeship agreements, and appoint local joint apprenticeship committees; includes required information on apprentice agreements; and defines apprentice.

§ 2. Authority and application.

A. These standards are established in accordance with § 15.1-11.4 of the Code of Virginia for use by counties, cities, and towns to be used for the certification of plumbing, building-related mechanical and electrical workers as identified by local ordinance . These standards are not intended to affect licensing under other provisions of the Code of Virginia 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.

B. Localities shall forward a copy of their certification ordinance upon adoption or amendment to the Office of Professional Services.

C. The Department of Housing and Community Development shall be the administrative agency providing advisory interpretations concerning the application of these standards.

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

D. C. Any person that performs plumbing, plumbing-gas

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fitting, building-related mechanical, or electrical work on their own property rather than for the general public or for compensation shall be exempt from local certification.

D. Any person who installs television or telephone cables, or lightning arrestor systems shall be exempt from certification as an electrician. Installers of wood stove equipment, masonry or prefabricated chimneys, or duct systems shall be exempt from certification as a building-related mechanical worker.

E. Upon the adoption of a local ordinance pursuant to these standards, local governing bodies may exempt tradesmen, working in the trade, at the level of their expertise.

§ 4. Evidence of ability and proficiency.

§ 4.1. Journeyman.

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

A. Four years of practical experience in the trade, of which two years must include recognized formal vocational training in the trade; and 240 hours of formal vocational training in the trade; or

B. Successful completion prior to July 1, 1981, of a Registered Apprenticeship 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 of a Registered Apprenticeship Program established in accordance with the Virginia Voluntary Apprenticeship Act. Apprentices that have completed a program prior to July 1, 1981, are to make application for certification with a locality; apprentices completing programs after July 1, 1981 are to make application with the Department of Labor and Industry, Apprenticeship Division; or

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

D. C. A Bachelor's Degree in the study of engineering in a curriculum related to the trade for which certification is desired, and one year of practical experience in the trade for which certification is desired.

§ 4.2. Master.

Applicants desiring to obtain certification as a Master shall furnish evidence that they have met item A, below and one or more of experience or education standards of item B through E: one year of experience as a certified journeyman.

A. One year of supervising the installation or repair of the specific types of materials, or related apparatus utilized experience as a certified journeyman in the trade, or equivalent education for which certification is desired; or

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

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

D. A Bachelor's Degree in the study of engineering in a curriculum related to the trade for which certification is desired and one year of practical experience in the trade for which certification is desired.

§ 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 Board 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 Board of Housing and Community Development 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 Board of Housing and Community Development 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. For all trades for which the Board of Housing and Community Development 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:

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1. Administer 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 ensure 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 of 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.

G. An applicant must successfully answer 75% of the questions on the examination to be deemed qualified.

§ 5. Alternate qualification method.

A. Individuals who have successfully passed the Class A contractor's exam administered by the Virginia Board for Contractors in a certified trade shall be qualified as masters in that trade in accordance with these standards.

B. A tradesman who has been certified in one division of a trade, is eligible for examination in another division within the same trade and at the same level, journeyman or master, within one year of certification.

§ 6. Master certification inclusive.

Certification as a Master includes certification as a Journeyman for the trade for which the certificate is granted.

§ 6. Examination and testing for determination of qualifications.

A. An applicant shall successfully complete an examination to be issued a card and deemed certified.

B. The Department of Housing and Community Development may utilize national testing organizations that develop and administer examinations based on the current provisions of the Virginia Uniform Statewide Building Code, and related standards, for plumbing, building-related mechanical and electrical, and divisions within those trades.

C. The local agent or board shall:

1. Forward qualifying applications to the national testing organizations, designated by the department, which will administer the appropriate examination.

2. Receive and examine the test results from the organization.

3. Issue certificates, provided by the department, to applicants successfully completing the examination.

D. In case of failure of an examination, the applicant shall be eligible for reexamination at the next designated examination date. One who fails such reexamination, or subsequent reexaminations, will not be eligible for one year from the date of the last examination.

§ 7. Alternate qualification method.

A. Individuals who have successfully passed the Class A contractor's exam administered by the Virginia State Board for Contractors in a certified trade 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 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.

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 Board 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.

§ 7. 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. In lieu of the social security number, a number unique to the applicant and acceptable to the agent or board may be used.

§ 7.1. 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.

§ 7.2. Exemption card.

Section 36-99.1 of the Code of Virginia establishes that tradesmen who were certified or licensed prior to July 1, 1978, according to the certification or licensing provisions of the Commonwealth or any local government shall be exempt from any further local certification requirement for the same trade. The department will provide certificates to localities for individuals who are exempt in accordance with § 36-99.1 of the Code of Virginia or by action of local ordinance in accordance with § 3(E) of these standards.

§ 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:

1. The name and social security number of the certificate holder;
2. The locality where the certificate was issued;
3. The date of issue;
4. The trade for which it is applicable plumber, plumber-gas fitter, building-related mechanical worker, or electrician; and
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.

§ 8. Revocation of certification.

Certification may be revoked for misrepresentation or fraud upon application, or for incompetence as demonstrated by an egregious or repeated violations of the Virginia Uniform Statewide Building Code.

The Department of Housing and Community Development shall be notified by the local board or agent when a certification has been revoked in accordance with provisions of these standards.

§ 9. Revocation of certification.

The Board 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 or agent has been revoked in accordance with provisions of the local certification ordinance.

§ 9. Appeals.

Each local governing body shall establish a Board of Appeals. The local Board of Appeals shall consist of not less than five members appointed by the local government. Members shall be selected on the basis of their ability to render fair and competent decisions. Employees or officials of the local government appointing the Board of Appeals shall not serve as members. The agent shall designate an employee to serve as secretary to the Board of Appeals, who shall keep a detailed record of all proceedings. The Board of Appeals shall hear appeals concerning the application of these standards or from a decision of the local agent or certification board. Application for appeals shall be in writing and made within 90 days of receipt of the decision of the agent or certification board. The appeals board must meet within 20 working days of the filing of an appeal. All hearings shall be public and conducted in accordance with the applicable provisions of the Administrative Process Act, § 9-6.14 of the Code of Virginia. The agent or certification board shall take immediate action in accordance with the decision of the Board of Appeals. Appeals from the local Board of Appeals shall be made to the department within 15 days of receipt of the decision of the local appeals board. Appeals from a decision of the department shall be to the court of the original jurisdiction in accordance with the Administrative Process Act.

§ 10. Exemption card.

Section 36-00.1 of the Code of Virginia establishes that tradesmen who were certified or licensed prior to July 1, 1978, according to the certification or 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 § 36-00.1 of the Code of Virginia. Such card may contain the following information:

1. The name and social security number of the card holder;

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2. The locality which determined the card holder was exempt from certification in accordance with § 36-98.1 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 § 36-98.1 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.

§ 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.

§ 12. Severability clause.

Should any provision of these standards be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the standards as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

* * * * *

Title of Regulation: VR 394-01-04. Virginia Amusement Device Regulations/1987.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia

Public Hearing Date: November 16, 1987 - 10 a.m.
(See Calendar of Events section

for additional information)

Summary:

The 1987 Edition of the Virginia Amusement Device Regulations are new regulations proposed for adoption by the Board of Housing and Community Development pursuant to § 36-98.3 of the Code of Virginia and provides for the administration and enforcement of uniform, statewide standards for the construction, maintenance, operation and inspection of amusement devices, whether mobile or affixed to a site. These regulations supplement the provisions of the Uniform Statewide Building Code for the purpose of protecting the health, safety and welfare of amusement device users. The technical requirements of the Amusement Device Regulations are based on standards developed by the American Society for Testing and Materials (ASTM). Provisions are included in the regulations for the inspection of amusement devices, reports and investigation of accidents, certification of amusement device inspectors, qualifications and conduct of operators, and an administrative appeals system for the resolution of disagreements between building officials and amusement device owners or operators.

VR 394-01-04. Virginia Amusement Device Regulations/1987.

1987 EDITION.

VIRGINIA AMUSEMENT DEVICE REGULATIONS.
AMENDED MAY 7, 1987.

SECTION 100.0. GENERAL.

100.1. Title: These regulations shall be known as the Virginia Amusement Device Regulations ("VADR"). Except as otherwise indicated, VADR and regulations, as used herein, shall mean the Virginia Amusement Device Regulations.

100.2. Authority: The VADR is adopted under authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia. The VADR is intended to supplement the provisions of the Virginia Uniform Statewide Building Code (USBC).

100.3. Adoption: The VADR 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 1987 edition of the VADR shall become effective on The construction of any amusement device that was subject to a previous editor

of the USBC when constructed, shall remain subject to the edition of the USBC in effect at the time of construction. Subsequent reconstruction, reassembly, maintenance, operation and inspection of such devices shall be subject to the pertinent provisions of the VADR in effect at the time of such action.

100.5. Application: The VADR shall govern the construction, maintenance, operation and inspection of amusement devices, whether mobile or permanently fixed to a site. These regulations do not apply to any single passenger coin-operated ride, manually, mechanically, or electrically operated, which customarily is placed, singularly or in groups, in a public location and which does not normally require the supervision or service of an amusement ride operator, or to nonmechanized playground equipment, including swings, stationary spring-mounted animal features, rider propelled merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located. To the extent they are not superseded by the provisions of these regulations, all other state and local laws and regulations shall apply to amusement devices. The VADR does not supersede zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the construction, maintenance, operation and inspection of amusement devices.

SECTION 200.0. DEFINITIONS.

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

"Amusement attraction" means any building or structure around, over or through which people may move or walk, without the aid of any moving device integral to the building structure, that provides amusement, pleasure, thrills, or excitement.

"Amusement device" means a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion.

"Amusement park" means a tract or area used principally as a location for amusement devices permanently fixed to the site.

"ASTM" means American Society for Testing and Materials.

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

"Carnival" means an itinerant enterprise consisting principally of portable amusement devices temporarily situated at a site.

"Certificate of inspection" means a certificate issued by

the building official, pursuant to section 1500.0 of these regulations.

"Committee" means the Amusement Device Technical Advisory Committee.

"Construction" means the initial construction or manufacture of amusement devices. "Construction" does not include reassembly of existing devices.

"Director" means the Director of the Department of Housing and Community Development or his designee.

"Fair" means an enterprise principally devoted to the periodic and recurring exhibition of products of agriculture, industry, education, science, religion, or the arts that has one or more amusement devices, either portable or permanently fixed to the site, operated in conjunction with the exhibition.

"First aid" means the one time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, or a diagnostic procedure, including examination and X-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

"Inspector" means a person authorized by the building official to perform the inspections required herein.

"Kiddie ride" means an amusement ride designed primarily for use by children up to 12 years of age.

"Major modification" means any change in either the structural or operational characteristics of the ride or device which will alter its performance or structural integrity from that specified in the manufacturer's design criteria.

"Minor injury" means sprains, abrasions, bruises, and lacerations less than three inches.

"Operator" means any person or persons actually engaged in or directly controlling the operation of an amusement device.

"Owner" means a person who owns an amusement device, including the state or its political subdivision, or in the event the amusement device is leased, the lessee, or the agent of either.

"Permit" means written authorization given by the local building official to construct, reassemble or locate an amusement device so as to make ready for operation. Issuance of a permit does not give authority to operate without a certificate of inspection.

"Reassembly" means the act of placing the component parts of an existing device into a configuration which allows its use and operation.

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"Review board" means the State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

"Serious injury" means an injury that requires medical treatment by a physician other than minor injuries or first aid.

SECTION 300.0. TECHNICAL ADVISORY COMMITTEE.

300.1. Membership: In appointing an Amusement Device Technical Advisory Committee, the board shall include representatives from the following groups:

1. Ride manufacturers,
2. Owners or operators of carnivals, amusement parks and fairs,
3. Mechanical or structural engineers,
4. Insurance underwriters, and
5. Members of the general public.

300.2. Term of membership: The members of the Technical Advisory Committee established by § 36-98.3(C) of the Code of Virginia, shall each serve for initial staggered terms of two and three years. Thereafter, appointments shall be for three years, with a provision for reappointment at the pleasure of the board.

SECTION 400.0. REFERENCE STANDARDS.

The construction, maintenance, operation and inspection of amusement devices shall be done in accordance with the standards adopted by ASTM and which are set forth in Appendix A.

Where differences occur between provisions of the VADR and the referenced standards, the provisions of the VADR shall apply.

SECTION 500.0. ENFORCEMENT.

500.1. Responsibility of local governments: Enforcement of these regulations shall be the responsibility of the local building department in accordance with § 36-105 of the Code of Virginia. Inspections under these regulations shall be performed by:

1. The local building official or his representative when such official or representative has been certified by the board to inspect amusement devices pursuant to § 36-137(G) of the Code of Virginia; or, at the option of the owner or lessee or agent of either.
2. Persons from other departments of state government, local government, or private industry, when such personnel have been certified by the board to inspect amusement devices pursuant to § 36-137(G)

of the Code of Virginia; or

3. Employees of insurance companies providing coverage for claims arising out of the use of the amusement device being inspected, when such personnel have been certified by the board to inspect amusement devices pursuant to § 36-137(G) of the Code of Virginia.

500.2. Qualifications of inspectors:

1. Any person seeking to become qualified to perform amusement device inspections pursuant to section 500.1 of these regulations shall successfully complete certification requirements in accordance with the Board of Housing and Community Development's certification program for building officials and inspectors.

2. Notwithstanding any regulation to the contrary, no exemption shall be permitted from the requirements for certification for any person including local building officials and their representatives to inspect amusement devices.

500.3. Credentials: The building official, state personnel, or any certified inspector shall carry proper credentials of authorization provided by the Department of Housing and Community Development when enforcing any provision of these regulations.

SECTION 600.0. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

600.1. General: The building official shall enforce the provisions of the VADR as provided herein, and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

600.2. Applications and permits: The building official shall receive applications and issue permits for the construction, reassembly, operation and inspection of amusement devices.

600.3. Notices and orders: The building official shall issue necessary notices or orders to remove unsafe conditions, to require the necessary safeguards during construction or reassembly and to ensure compliance with all the VADR requirements for the health, safety and general welfare of the public.

600.4. Inspections: The building official shall make or cause the required inspections to be conducted in accordance with section 500.1 of these regulations, or shall accept reports of inspection by individuals certified to perform amusement device inspections when the owner or lessee of the amusement device has exercised the option of using private inspectors. Reports of such inspections shall be in writing and signed by the certified individual.

600.5. Delegation of duties and powers: The building

official may delegate 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 VADR.

600.6. Fees: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 36-105 of the Code of Virginia.

600.6.1. Fee schedule: A schedule of fees shall be established by the local government and shall be made available to the public upon request. The fees shall be based on the actual cost of administrative activities and inspections performed by local government personnel. The local government shall not establish a fee schedule resulting in fees that exceed the actual costs of the activities performed by local government personnel. The fee schedule shall have provisions for fee reduction if private inspectors are utilized by the owner or lessee. When an inspector not an employee of the local governing body is retained by an owner, the owner shall pay the inspector's fees directly. When an inspector not an employee of the local governing body is retained by the local building department, that department shall pay the inspector's fees.

SECTION 700.0. APPLICATION FOR PERMIT.

700.1. When permit is required: Written application shall be made to the building official when a permit is required. A permit shall be issued by the building official before any of the following actions subject to the VADR may be commenced:

1. Constructing and operating an amusement device permanently fixed to a site.
2. Reassembling and operating any portable amusement device.

700.2. Who may apply for a permit: Application for a permit shall be made by the owner or lessee of the amusement device or agent of either.

700.3. Information for application: The application for a permit shall be submitted on forms supplied by the building official. The forms shall require the following information:

1. Name of the owner, lessee, or agent of either.
2. Identification of the person(s) authorized to accept service of process on behalf of the owner or lessee.
3. A general description of the amusement devices, their location, and the work or operation proposed.
4. Proof of financial responsibility in a minimum amount of \$100,000 per person and \$300,000 per occurrence. Such proof may be demonstrated by a

bond or cash reserve, or certificate or policy of insurance providing coverage for liability arising out of the use or operation of the amusement device.

SECTION 800.0. MODIFICATION.

800.1. Modifications: If an owner or operator finds that compliance with the amusement device regulations or decision of the local building official presents a practical difficulty or undue hardship, the owner or operator may apply to the local building official for a modification of the regulation or decision. Such modification may be granted provided the spirit and intent of these regulations are observed, and public health, welfare and safety are assured.

800.2. Alternative design, materials, and equipment: Where there is an alternative design, material or equipment, the owner may apply to the local building official for a modification of the VADR relating to such design, material or equipment. Upon application of the owner, the building official may modify the provisions of the VADR relating to amusement device design or building materials, equipment, devices or assemblies provided the proposed alternatives are satisfactory and comply with the intent of the VADR and the standards incorporated therein, and are, for the purposes intended, at least the equivalent of that prescribed in the VADR for quality, strength, effectiveness, durability and safety.

800.3. Records: The application for modification and the final decision of the building official shall be in writing and shall be officially recorded with the copy of the certificate of inspection in the permanent records of the local building department.

SECTION 900.0. AMUSEMENT DEVICE PERMITS.

900.1. Action on application: The building official shall examine all applications for permits within five days after filing. If the application does not conform to the requirements of the VADR, the building official shall reject such application in writing, stating the reasons for rejection. If the building official is satisfied that the proposed work or operation conforms to the requirements of the VADR and all applicable laws and ordinances, a permit shall be issued as soon as practicable. For purposes of coordination, the local governing body may require reports to the building official by other departments as a condition for issuance of a permit and certificate of inspection. Such reports shall be based upon review of the application or inspection of the project as determined by the local governing body.

Note: Before issuing a permit, the building official should consider the effects of any applicable regulations of other governmental agencies so that proper coordination may be achieved before the work is commenced.

900.2. Signature on permit: The signature of the building

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official or his authorized representative shall be attached to every permit.

900.3. Annual permit: Instead of an individual permit for each reassembly of an already approved amusement device, the building official may issue an annual permit.

900.4. Revocation of permits: The building official may revoke a permit or approval issued under the provisions of the VADR in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based.

SECTION 1000.0. INSPECTIONS.

1000.1. Preliminary inspection: Before issuing a permit, the building official may examine all sites for which an application has been filed for a permit to construct, reassemble or operate an amusement device.

1000.2. Required inspections: After issuing a permit, the building official shall conduct inspections from time to time during construction or reassembly or shall accept inspection reports from private inspectors employed by the owner or lessee, and may conduct inspections of the operation of amusement devices or may require the owner or lessee to provide reports from private inspectors for inspections conducted during operation of the amusement device(s). A record of such inspections shall be maintained by the building official.

1000.2.1. Right of entry: The building official may inspect amusement devices for the purpose of enforcing the VADR in accordance with the authority granted by §§ 36-105 and 36-98.3(D) of the Code of Virginia.

1000.3. Minimum inspections: As part of their inspections, inspectors shall perform, but are not limited to the following actions:

1. Inspect all amusement devices permanently fixed to a site,
 - a. Prior to each seasonal operation; and
 - b. Prior to operation following any major modification; and
 - c. At least once during the operating season.
2. Inspect all portable amusement devices after each reassembly and prior to operation.
3. Verify that nondestructive testing has been conducted by a recognized testing agency as prescribed by the device manufacturer and in accordance with ASTM.
4. At the discretion of the inspector, verify that the operation and maintenance of amusement devices is in accordance with the requirements of these regulations

and the standards referenced therein;

5. Inspect any amusement device upon the request of the director or local building official following a report or other notification that the device or one of substantially similar design and construction has been involved in an accident resulting in a fatality or serious injury;

6. Investigate any report or other notification of a problem or a defect with respect to an amusement device and inspect the device at the request of the director or the building official to determine whether it poses a hazard or threat of injury to the public;

7. Upon completion of the amusement device, and before issuance of the certificate of inspection, a final inspection shall be made to ensure that the device conforms with the VADR.

1000.4. Notice of readiness for inspection: Every owner or operator of an amusement device shall notify the local building official when an amusement device or one that has undergone major modifications is scheduled to be ready and available for inspection.

In addition, every owner or operator of an amusement park shall notify the local building official when each amusement device located within the park is scheduled to be ready for inspection prior to its seasonal operation.

Every owner and operator of a carnival or fair shall notify the local building official of the date each amusement device is scheduled to be reassembled and ready for inspection on a site.

Note: Although no requirements are imposed on owners or operators with respect to time for giving notice of readiness for inspection, owners and operators are cautioned to refer to sections 900.1 and 1000.5 of these regulations which require the building official to perform certain duties within five days of application or notice. Owners and operators failing to give at least five days notice of readiness for inspection will only be inspected by the building official or his authorized representative at their pleasure or convenience.

1000.5. Inspections to be prompt: The inspector shall respond to inspection requests without unreasonable delay. When given at least five days notice of readiness for inspection, the inspector shall inspect on the date designated by the owner or operator. The inspector shall approve the device or give written notice of defects to the owner or operator. Such defects shall be corrected and the amusement device reinspected before operation or proceeding with any work that would conceal the defects.

SECTION 1100.0. ACCIDENTS.

1100.1. Owner/operator to suspend operation: An owner or

operator shall immediately suspend operation of any amusement device which is involved in an accident resulting in fatality or serious injury.

1100.2. Reports: Every owner or operator of an amusement device shall report to the director and the local building official, within 24 hours of learning of any accident involving the amusement device which results in a fatality or serious injury. Such report shall include but is not limited to the following information:

1. A description of the amusement device including the name of the manufacturer and the date the device was originally constructed, if available.
2. A description of the accident including the number of people involved, number and type of injuries, number of fatalities.
3. Cause of accident if determined.

1100.3. Owner's authority to resume operation: The owner, lessee or agent of either may resume operation of an amusement device following suspension of operation under this section if, after conducting an investigation, the owner, lessee, or agent determines that the incident was in no way the result of a failure or malfunction of the device or any of its operating or safety equipment. Any investigation conducted under this section shall include (i) examination of the accident scene, (ii) interviews with witnesses, if any, (iii) review of statements made by the injured person, if any, and (iv) trial operation and inspection of the amusement device. A written record of such investigation shall be made and submitted to the local building official or his designee.

The decision of the owner or operator not to resume operation of the amusement device shall not be construed as an admission that the incident was caused by the failure or malfunction of the device. Nothing in this section shall be construed to waive the requirements of notification of the occurrence set forth in section 600.2.

SECTION 1200.0. QUALIFICATION OF OPERATORS.

1200.1. Minimum age: No amusement device shall be operated by a person under 16 years of age, except that this provision shall not apply to a child under 16 years of age employed by his parents in an occupation not declared hazardous by the Commissioner of Labor and Industry.

1200.2. Requirements:

1. An operator may not operate more than one amusement device at a time unless the devices are within the sight of the operator and are operated by a common control panel or station, except that in the case of kiddie rides, two rides may be operated in unison under the continuous and common control of one operator provided that the farthest point of

operation of either device is no more than 35 feet and the control is equipped with a positive pressure switch.

2. An amusement device shall be attended by an operator at all times during operation.
3. No amusement device shall be operated by an operator while under the influence of alcohol.
4. No amusement device shall be operated by an operator while under the influence of drugs which may affect the operator's judgment or ability to assure patrons' safety.
5. The operator has the authority to prohibit use of amusement devices by individuals who may present a safety threat to others or to themselves.

1200.4. Training: The ride operator shall be trained in the proper use and operation of the ride as required by ASTM F770-82 and ASTM F853-83.

SECTION 1300.0. SUSPENSION OF OPERATION.

1300.1. When director or local building official may order: The director or local building official shall order, in writing, a temporary suspension of operation of an amusement device if the director or local building official has reason to believe that the device is hazardous or unsafe, or if the director or local building official receives a report or is otherwise notified that the amusement device has been involved in an accident resulting in fatality or serious injury.

The director or local building official may order, in writing, a temporary suspension of operation of an amusement device if (i) the director or local building official receives a report or is otherwise notified that an amusement device or one of substantially similar design has been involved in an accident resulting in a fatality or serious injury; and (ii) an inspection conducted in accordance with section 1000.0 of these regulations reveals that the ride is hazardous or poses a threat to the safety of the public.

1300.2. When operation to resume: When the operation of an amusement device has been suspended under this section, such operation shall not resume until any hazardous or unsafe condition has been corrected and a certificate of inspection has been issued with respect to such device.

SECTION 1400.0. VIOLATIONS.

1400.1. Code violations prohibited: No person, firm or corporation shall construct, reassemble, maintain, operate or inspect any amusement device regulated by the VADR, or cause same to be done in conflict with or in violation of any of the provisions of the VADR.

1400.2. Notice of violation: The building official shall serve

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a notice of violation on the person responsible for the construction, reassembly, maintenance, operation or inspection of any amusement device in violation of the provisions of the VADR, or in violation of plans and specifications approved thereunder, or in violation of a permit or certificate issued under the provisions of the VADR. Such order shall direct the discontinuance and abatement of the violation.

1400.3. Prosecution of violation: If the notice of violation is not complied with promptly, the building 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 any amusement device in violation of the provisions of the VADR.

1400.4. Violation penalties: Violations are a misdemeanor in accordance with § 36-106 of the Code of Virginia. Violators, upon conviction, may be punished by a fine of not more than \$1,000.

1400.5. Abatement of violation: Conviction of a violation of the VADR shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of the VADR relating to construction, reassembly, maintenance, operation or inspection of any amusement device.

SECTION 1500.0. CERTIFICATES OF INSPECTION.

1500.1. When certificate required: No amusement device shall be operated unless a certificate of inspection has been issued with respect to that device. A copy of the certificate shall be affixed to the entrance of the device in plain view of riders or patrons.

1500.2. Requirements: A certificate of inspection shall be issued to an owner or operator after an inspection conducted pursuant to section 1000.0 of these regulations indicates that the device is in satisfactory working order and poses no hazard or threat to the safety of the public.

1500.3. Term: A certificate of inspection will be valid:

1. Until the device is disassembled; or
2. Until any major modification or alteration is made to the device; or
3. Until the inspection required by section 1000.0 is conducted on fixed site devices; or
4. Until termination of the proof of financial responsibility required by section 1600.0.

1500.4. Contents of the certificate of inspection: When an amusement device is entitled thereto, the building official shall issue a certificate of inspection. When the certificate is issued, the device shall be deemed in compliance with the VADR. The certificate shall specify the use of the

amusement device, the type of construction, the occupancy load of the device, the date on which the certificate was issued, the term of the certificate, and any special stipulations and conditions. The certificate shall also include the name of the building official or his representative and a telephone number where they may be reached in case of an emergency or accident.

SECTION 1600.0. FINANCIAL RESPONSIBILITY.

1600.1. Proof of financial responsibility: The owner shall provide proof of financial responsibility in a minimum amount of \$100,000 per person and \$300,000 per occurrence. Such proof shall be demonstrated by a bond or cash reserve, or certificate of insurance providing coverage for liability arising out of the use or operation of the amusement device.

1600.2. Termination of financial responsibility: Each owner or operator of an amusement device shall report immediately to the director and to the local building official that the proof of financial responsibility required by this section will be terminated and shall include in the report the date of such termination.

SECTION 1700.0. APPEALS.

1700.1. Assistance from director: An owner of an amusement device aggrieved by a decision of the building official may request the director to assist the building official and the owner in resolving any questions arising from the interpretation and application of these regulations. The director may request advice or assistance from members of the Technical Advisory Committee in resolving any questions.

1700.2. Appeal to review board: When the questions cannot be resolved with the assistance of the director, the owner may appeal to the State Building Code Technical Review Board. Application for review shall be made to the review board within 15 days of the decision of the building official. The review board may request advice or assistance from members of the Technical Advisory Committee when rendering a decision.

1700.3. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the building official shall take immediate action in accordance with the decision.

1700.4. 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 court of the original jurisdiction in accordance with the provisions of the Administrative Process Act.

SECTION 1800.0. CONTINUATION OF COMPLIANCE.

1800.1. Continued compliance required: Amusement devices constructed or manufactured before the effective date of

the VADR shall be maintained, reassembled, operated and inspected in accordance with the provisions of the VADR. The construction and manufacture of such devices shall remain subject to the previous edition of the USBC in effect at the time the device was constructed or manufactured.

Title of Regulation: VR 394-01-6. Virginia Statewide Fire Prevention Code/1987.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Public Hearing Date: November 16, 1987 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The 1987 edition of the Virginia Statewide Fire Prevention Code is a new set of regulations proposed for adoption by the Board of Housing and Community Development pursuant to § 27-94 of the Code of Virginia. The code will be a mandatory, statewide, set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this code is optional. The State Fire Marshal shall have authority to enforce the Fire Prevention Code in those jurisdictions in which the local governments do not enforce the code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

VR 394-01-6. Virginia Statewide Fire Prevention Code/1987.

Article 1.
Administration and Enforcement.

SECTION F-100.0. GENERAL.

F-100.0. Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code. Except as otherwise indicated, Fire Prevention Code or code, shall mean the 1987 edition of the BOCA National Fire Prevention Code as herein amended.

F-100.2. Authority: The Virginia Statewide Fire Prevention Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Statewide Fire Prevention Code Act, Chapter 9 of Title 27 of the Code of Virginia.

F-100.3. Adoption: The Virginia Statewide Fire Prevention Code was adopted by order of the Board of Housing and Community Development on (to be inserted in final regulation). 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.

F-100.4. Effective date: The Virginia Statewide Fire Prevention Code shall become effective on (to be inserted in final regulation).

F-100.5. Effect on other codes: The Virginia Statewide Fire Prevention Code shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia. The Virginia Statewide Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local government or other political subdivisions. When any provision of this code is found to be in conflict with the Uniform Statewide Building Code, OSHA, Health or other applicable laws of the Commonwealth, that provision of the Fire Prevention Code shall become invalid. Wherever the words "building code" appear it shall mean the building code in effect at the time of construction.

SECTION F-101.0. REQUIREMENTS.

F-101.1. Adoption of model code: The following model code, as amended by sections F-101.2 and F-101.3, is hereby adopted and incorporated in the Virginia Statewide Fire Prevention Code.

- The BOCA Basic/National Fire Prevention Code/1987 Edition

Published by:

Building Officials and Code Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, IL 60477

F-101.2. Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the Virginia Statewide Fire Prevention Code.

F-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 National Fire Prevention Code/1987 Edition for use as part of this

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code.

F-101.4. Limitation of application of model code: No provision of the model code shall affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

F-101.5. Application of Uniform Statewide Building Code: The planning, design and construction of new buildings and structures to provide the necessary egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the Uniform Statewide Building Code; and any alterations, additions or changes in building required by the provisions of this code which are within the scope of the Uniform Statewide Building Code shall be made in accordance therewith. Upon completion of such structures or buildings, responsibility for fire safety protection shall pass to the local fire official or State Fire Marshal.

F-101.6. Existing buildings: The Virginia Statewide Fire Prevention Code shall not impose requirements that are more restrictive than the applicable building code under which said buildings or structures were constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the current edition of the Uniform Statewide Building Code. Existing buildings shall also be subject to the requirements of the Building Maintenance Code, Volume II - Uniform Statewide Building Code.

F-101.7. Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Fire Prevention Code.

SECTION F-102.0. ENFORCEMENT AUTHORITY.

F-102.1. Enforcement officer: Any local government may enforce the Statewide Fire Prevention Code. The local governing body may assign responsibility for enforcement of the Statewide Fire Prevention Code to a local agency or agencies of its choice. The State Fire Marshal shall have authority to enforce the Statewide Fire Prevention Code in jurisdictions in which the local governments do not enforce the code. The terms "enforcing agency" and "fire official" are intended to apply to the agency or agencies to which responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

F-102.2. Qualification of local enforcing agency personnel: The local government shall establish qualifications for the fire official and his assistants, adequate to insure proper enforcement of the Statewide Fire Prevention Code.

Note: It is recommended that the fire official have at least five years of related experience. Consideration should be given for selection and maintenance of enforcing agency personnel by using certification programs offered by the Department of Housing and Community

Development, Department of Fire Programs, and ETS/NFPA.

F-102.3. Inspections: The fire official may inspect all buildings, structures and premises except single family dwellings, dwelling units in two family and multi-family dwellings, and farm structures as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this code or any other ordinance affecting fire safety.

F-102.4. Right of entry: Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the fire official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the fire official may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire official by this code; provided that if such structure or premises be occupied, the fire official shall first present proper credentials and request entry. If such entry is refused, the fire official shall have recourse to every remedy provided by law to secure entry.

F-102.5. Coordinated inspections: Whenever in the enforcement of the Statewide Fire Prevention Code or another code or ordinance, the responsibility of more than one enforcement official may be involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code of the jurisdiction, not with the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction in order that such official may institute the necessary corrective measures.

Note: Attention should be directed to § 36-105 of the Code of Virginia which states in part, "The building official shall coordinate all reports with inspections for compliance of the building code, from fire and health officials DELEGATED such authority, prior to issuance of an occupancy permit." (Emphasis added)

F-102.6. Fire records: The fire official shall keep a record of all fires and all facts concerning the same, including investigation of findings and statistics and information as to the cause, origin and the extent of such fires and the damage caused thereby. The fire official shall also 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, (i) after retention for 20 years in the case of arson

fires, (ii) after retention for five years in nonarson fires, and (iii) after retention for three years in the case of all other reports, notices, and orders issued.

F-102.7. Administration liability: 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 an employee. The fire 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 Statewide Fire Prevention Code as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency as an employee, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed in the discharge of the Statewide Fire Prevention Code may be defended by the enforcing agency's legal representative.

F-102.8. Rules and regulations: Local governments may adopt fire prevention regulations that are more restrictive or more extensive in scope than the Statewide Fire Prevention Code provided such regulations are not more restrictive than the Uniform Statewide Building Code and do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

F-102.9. Procedures or requirements: The local governing body may establish such procedures or requirements as may be necessary for the enforcement of the Statewide Fire Prevention Code.

F-102.10. Control of conflict of interest: The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act.

SECTION F-103.0. DUTIES AND POWERS OF THE FIRE OFFICIAL.

F-103.1. General: The fire official shall enforce the provisions of the Statewide Fire Prevention Code as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

Note: Investigation of fires is governed by § 27-30 et seq. of the Code of Virginia.

F-103.2. Notices and orders: The fire official may issue all necessary notices or orders to ensure compliance with the requirements of the Statewide Fire Prevention Code of the protection of life and property from the hazards of fire or explosion.

F-103.3. Delegation of duties and powers: The fire official may delegate 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.

SECTION F-104.0. PERMITS.

F-104.1. General: It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or to maintain, store or handle materials; to conduct processes which produce conditions hazardous to life or property; or to establish a place of assembly without first notifying the local fire official. Permits may be required, by the local fire official, according to section F-104.2.

Note: The State Fire Marshal will not issue permits under the Statewide Fire Prevention Code.

F-104.2. Permits required: Permits shall be obtained, when required, from the local fire official. Inspection or permit fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 27-98 of the Code of Virginia. Permits shall be available to the fire official upon request.

F-104.3. Application for permit: Application for a permit required by this code shall be made to the local fire official in such form and detail as the local fire official shall prescribe.

F-104.4. Action on application: Before a permit is issued, the local fire official or the fire official's designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made complies with the provisions of this code.

F-104.5. Conditions of permit: A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

Note: For rules and regulations governing the disposal of hazardous materials contact the Department of Waste Management and the Environmental Protection Agency.

F-104.6. Approved plans: Plans approved by the building and fire officials are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

F-104.7. Revocation of permit: The local fire official may

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revoke a permit or approval issued under the provisions of this code if upon inspection any violation of the code exists, or if conditions of the permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

F-104.8. Suspension of permit: Any permit issued shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

F-104.9. Payment of fees: A permit shall not be issued until the designated fees have been paid, when required.

SECTION F-105.0. APPEAL TO BOARDS OF APPEALS.

F-105.1. Local appeals: Every locality electing to enforce this code shall establish a local board of appeals as required by § 27-98 of the Code of Virginia. Appeals to the local board may be made by the person cited for violation when aggrieved by any decision or interpretation of the local fire official made under the provisions of this code. The local board of appeals shall consist of at least five members who are qualified by experience and training to rule on matters pertaining to building construction and fire prevention. The local board of appeals shall be appointed by the local governing body and shall hold office in accordance with the terms of appointment. The local appeal board shall operate in accordance with the applicable provisions of the Administrative Processes Act, § 9-6.14 of the Code of Virginia. All local board hearings shall be open to the public. All resolutions or findings of the local board shall be in writing and made available for public viewing. The local board shall meet within 20 days upon receipt of application.

Appeal from the application of the code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board.

F-105.1.1. Grounds for appeal: The owner or occupant of a building may appeal a decision of the fire official to the local Building Code Board of Appeals when it is claimed that:

1. The fire official has refused to grant a 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.

F-105.2. Application: An application for appeal shall be

submitted, in writing, to the board of appeals within seven working days upon receipt of notice or order of the fire official.

F-105.3. Decision and notification: Every action of the board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant and the fire official.

F-105.4. Decision: The fire official shall take immediate action in accordance with the decision of the board.

F-105.5. Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the Local Board of 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.

F-105.6. 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.

F-105.7. 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 court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 of Title 9 of the Code of Virginia.

SECTION F-106.0. ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS.

F-106.1. General: Whenever the fire official or the fire official's designated representative shall find in any building, structure or upon any premises dangerous or hazardous conditions or materials as follows, the fire official shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this code:

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.
2. Conditions which would interfere with the efficiency and use of any fire protection equipment.
3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the fire department in case of fire.
4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.

5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.

6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.

7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.

8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.

F-106.2. Maintenance: The owner shall be responsible for the safe and proper maintenance of the building, structure, premises or lot at all times. In all new and existing buildings and structures, the fire protection equipment, means of egress, alarms, devices and safeguards required by the Uniform Statewide Building Code and other jurisdictional ordinances, shall be maintained in a safe and proper operating condition.

Note: Also see section F-502.6 and F-502.6.1 of this code for further information.

F-106.3. Occupant responsibility: If an occupant of a building creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant shall be held responsible for the abatement of said hazardous conditions.

F-106.4. Unsafe buildings: All buildings and structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe buildings shall be reported to the building or maintenance code official who shall take appropriate action deemed necessary under the provisions of the Uniform Statewide Building Code Volume I/New Construction Code or Volume II/Building Maintenance Code to secure abatement by repair and rehabilitation or by demolition.

F-106.5. Evacuation: When, in the opinion of the fire official, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire official may order the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter, or reenter, until authorized to do so by the fire official.

F-106.6. Unlawful continuance: It is deemed a Class 1 misdemeanor for any person to refuse to leave, interfere with the evacuation of the other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition.

F-106.7. Notice of violation: Whenever the fire official observes an apparent or actual violation of a provision of this code or ordinance under the fire official's jurisdiction, the fire official shall prepare a written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such persons by mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

F-106.8. Issuing summons for violation: In those localities where the fire official or his designated representative has been certified in accordance with § 27-34.2 of the Code of Virginia, a summons may be issued in lieu of the above mentioned notice of violation or the provisions of section F-106.9 may be invoked.

F-106.9. Failure to correct violations: If the notice of violation is not complied with in the time specified by the fire official, 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 removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The local law-enforcement agency of the jurisdiction shall be requested by the fire official to make arrests for any offense against this code or orders of the fire official affecting the immediate safety of the public when the fire official is not certified in accordance with § 27-34.2 of the Code of Virginia.

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F-106.10. Penalty for violation: Violations are a Class 1 misdemeanor in accordance with § 27-100 of the Code of Virginia. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense.

F-106.11. Correction of violation required: The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation; or to stop an illegal act, conduct of business or use of a building or structure in or about any premises.

ADDENDA.

ADDENDUM 1.

AMENDMENTS TO THE BOCA NATIONAL FIRE PREVENTION CODE 1987 EDITION.

As provided in section F-101.3 of the Virginia Statewide Fire Prevention Code, the amendments noted in this Addendum shall be made to the BOCA National Fire Prevention Code 1987 edition for use as part of the Virginia Statewide Fire Prevention Code.

ARTICLE 1.

ADMINISTRATION AND ENFORCEMENT.

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Virginia Statewide Fire Prevention Code.

ARTICLE 2. DEFINITIONS.

1. Change section F-200.3 to read:

F-200.3. Terms defined in the other codes: Where terms are not defined in this code and are defined in the Uniform Statewide Building Code, they shall have the meanings ascribed to them as in that code.

2. Change the following definitions in section F-201 General Definitions to read:

"Building code official": The officer or other designated authority charged with the administration and enforcement of the Uniform Statewide Building Code, Volume I - New Construction Code.

"Code official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Building Code, Volume II, Maintenance Code. (Note: When "code official" appears in the BOCA National Fire Prevention Code, it shall mean "fire official.")

"Occupancy classification": The various use groups as classified in the Uniform Statewide Building Code.

"Structure": An assembly of materials forming a construction for use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature. The word structure shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

3. Add these new definitions to section F-201.0 General Definitions:

"Building": A combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property; provided, however, that farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from provisions of this code. The word building shall be construed as though followed by the words "or part or parts thereof and fixed equipment" unless the context clearly requires a different meaning. The word building includes the word structure.

"Building code": The building code in effect at the time of construction.

"Certificate of use and occupancy": The certificate issued by the code official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. (See section 119.0 of the USBC.)

"Combustible material": A material which cannot be classified as noncombustible in accordance with that definition.

"Farm building": A structure located on a farm utilized for the storage, handling or production of agricultural, horticultural and floricultural products normally intended for sale to domestic or foreign markets and buildings used for maintenance, storage or use of animals or equipment related thereto.

"Fire official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Fire Prevention Code.

"Local government": Any city, county or town in this Commonwealth, or the governing body thereof.

"Night club": Means a place of assembly that provides exhibition, performance or other forms of entertainment; serves food or alcoholic beverages; and may or may not provide music and space for dancing.

ARTICLE 3.

GENERAL PRECAUTIONS AGAINST FIRE.

1. Change section F-301.1 to read:

F-301.1. General: Open burning shall be allowed in accordance with the laws and regulations set forth by the State Air Pollution Control Board, the Department of Forestry, and as regulated by the locality.

ARTICLE 4. HAZARD ABATEMENT IN EXISTING BUILDINGS.

1. Change section F-400.1 to read:

F-400.1. Continued maintenance: All service equipment, means of egress devices and safeguards which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order.

2. Delete the balance of ARTICLE 4 HAZARD ABATEMENT IN EXISTING BUILDINGS as it is covered by Volume I and Volume II of the Uniform Statewide Building Code.

ARTICLE 16. OIL AND GAS PRODUCTION.

1. Delete ARTICLE 16 OIL AND GAS PRODUCTION as it is covered by the VIRGINIA OIL AND GAS ACT, Title 45, Chapter 22 of the Code of Virginia.

ARTICLE 26. EXPLOSIVES, AMMUNITION AND BLASTING AGENTS.

1. Change section F-2605.5 to read:

F-2605.5. Personnel condition: A person shall not be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics. They shall also be familiar with all state and municipal traffic regulations and shall not be in violation of § 46.1-124 (Motor Vehicle Code; transportation of explosives) and § 40.1-25 (Department of Labor and Industry; storage, handling and use of explosives) of the Code of Virginia.

ARTICLE 27. FIREWORKS.

1. Change section 2700.1 to read:

F-2700.1. Scope: The manufacture, transportation, display, sale or discharge of fireworks shall comply with the requirements of Chapter 11, Title 59, of the Code of Virginia.

2. Change section F-2700.4 to read:

F-2700.4. Definition: Fireworks shall mean and include any item known as firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that

contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air. The term "fireworks" does not include auto flares, caps for pistols, pinwheels, sparklers, fountains or Pharoah's serpents provided, however, these permissible items may only be used, ignited or exploded on private property with the consent of the owner of such property.

3. Delete section F-2701.1 General.

4. Delete section F-2701.3 Exceptions.

ARTICLE 30. LIQUEFIED PETROLEUM GASES.

1. Change section F-3000.1 to read:

F-3000.1. Scope: The equipment, processes and operation for storage, handling, transporting by tank truck or tank trailer, and utilizing LP gases for fuel purposes, and for odorization of LP gases shall comply with the Virginia Liquefied Petroleum Gas Regulations in effect at the time of construction as provided for in Chapter 7, Title 27 of the Code of Virginia.

2. Delete section F-3000.3 Record of installation.

3. Delete section F-3000.4 Definitions.

4. Delete section F-3001.0 Tank container system.

5. Delete section F-3002.0 Container storage.

6. Delete section F-3003.0 Use inside buildings.

7. Delete section F-3004.0 Fire safety requirements.

8. Delete section F-3005.0 Abandonment of equipment.

Title of Regulation: VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1987.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Public Hearing Date: November 16, 1987 - 10 a.m. (See Calendar of Events section for additional information)

NOTICE: Due to its length the proposed 1987 Edition of the Virginia Uniform Statewide Building Code, Volume I - New Construction Code, filed by the Board 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

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at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Summary:

The 1987 Edition of the Virginia Uniform Statewide Building Code, Volume I - New Construction Code is a mandatory, statewide uniform regulation which must be complied with in all buildings or structures hereafter constructed, altered, enlarged, repaired, or converted to another use group. 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. Technical requirements of Volume I are based on the BOCA model codes.

The 1987 Edition of Volume I has been reformatted in the administrative and enforcement section for easier use in the updated, 1987 editions of the model codes which have been adopted. Specific exemptions were added to clarify policy and to reflect interpretations from the Technical Review Board. The accessibility provisions have been revised to reflect requirements in the model codes and comments received from the public input process. New regulations have been included for underground storage tanks as required by new state law. A new requirement for two-hour fire separation walls between multiple single family dwelling units has been included. Adoption of the 1986 CABO One and Two Family Dwelling Code with the 1987 supplement has incorporated townhouse type construction and revised plumbing provisions in accordance with nationally recognized standards.

Title of Regulation: VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1987.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

**Public Hearing Date: November 16, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)**

Summary:

The Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code 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. Enforcement procedures are provided that must be used when the Building Maintenance Code is enforced by local agencies.

The major change in this edition was to adopt the

1987 BOCA National Existing Structures Code to update the reference standard. Language was added to section 107.0 to further clarify the requirement and time limits for appeals. A new section ES-704.2.1 was added to require visual smoke alarms for the hard of hearing in accordance with the law of the Commonwealth. Other minor changes were made to clarify requirements for workmanship, conflict of interests, unsafe buildings and authority to vacate buildings as a result of opinions from the Office of the Attorney General and other information submitted during the public input process.

VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1987.

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 1987 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 1987 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 November 18, 1986 (insert date). 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 April 1, 1986 (insert date).

100.5. Effect on other codes: The Building Maintenance Code shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6, Title 36, of the Code of Virginia. The Building Maintenance Code supersedes all building maintenance codes and regulations of the counties, municipalities political subdivisions and state agencies that may have been or may be enacted or adopted, except as modified

by section 100.5.1, below.

Note: This will not prevent adoption in accordance with Chapter 1, Title 15 of the Code of Virginia or other special or general legislation, of other requirements by local governments which do not affect the manner of construction or materials to be used in the erection, alteration, repair, maintenance or use of a building or structure.

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 Virginia Public Building Safety Regulation/ 1984 1987 Edition.

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.

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 use and continued compliance with minimum *standards* of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility *standards*.

100.9. *Workmanship: All repairs, maintenance work, alterations or installations which are required for compliance with this code shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this code.*

SECTION 101.0. REQUIREMENTS.

101.1. 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.

° THE BOCA BASIC/ NATIONAL EXISTING STRUCTURES CODE/ 1984 1987 EDITION

Published by:

Building Officials and Code Administrators International, Inc.
4051 West Flossmoor Road
County Club Hills, Illinois 60477 -5795

101.2. Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein 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 1987 edition for use as part of this Code.

101.4. Limitation of application of model code: No provision of the model code may be used to require alterations to the design or equipment of any portion of a building that was subject to the USBC when constructed, altered or converted as to use group, and which is occupied in accordance with the certificate of occupancy issued under the applicable edition of the USBC. ~~No provision of the model code that exceeds the requirements of the 1984 edition of the USBC may be applied to any portion of a building that was not subject to the USBC when constructed, altered or converted. In the application of the model code to other buildings, no requirement of the current edition of the USBC shall be exceeded.~~

Note: Efforts have been made to remove conflicts between Volume I - New Construction Code and Volume II - Building Maintenance Code. However, although the two codes are compatible, they may not always be comparable. The purpose of this section is to resolve any unforeseen conflicts with Volume I.

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 the a local agency or agencies of its choice. The terms "enforcing agency" and "code official" are intended to apply to the agency or agencies to which responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

102.1.1. Right of inspection: The local governing body may inspect existing buildings to enforce the Building Maintenance Code, as authorized by § 36-105 of the Code

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of Virginia.

102.2. Interagency coordination: Where enforcement of any portion of the Building Maintenance Code 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 constructions shall be subject to the building permit and certificate of use and occupancy provisions of the Uniform Statewide Building Code, Volume I, New Construction Code.

102.3. Code official: Each local enforcing agency shall have an executive official in charge, hereinafter referred to as the code official.

102.4. Appointment: The code official shall be appointed by the local government.

102.5. Qualification of local enforcing agency personnel: The local government shall establish qualifications for the code official and his assistants adequate to ensure 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 certification examinations approved by the Department of Housing and Community Development* and of the Fire Inspection Certification Program of the state Department of Fire Programs in the selection and *maintenance training* of enforcing agency personnel.

102.6. 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 *enforcing agency department* as employees. The code 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 enforcing agency 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 Building Maintenance Code may be defined by the

enforcing agency's legal representative.

102.7. 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. *The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act.*

102.8. Assistance by state: Upon notification of appointment of a code official, the Office of Uniform State 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 and as interpreted by the State Building Code Technical Review Board in accordance with § 38-118 of the Code of Virginia.

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. 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.~~

~~103.2.1.~~ 103.2. Notices and orders: The code official shall issue all 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 State~~ Building Code for use in studies to improve the Virginia Uniform Statewide Building Code system.

103.7. Enforcing agency records: The code 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, (i) after retention for one year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, and (ii) after retention for three years in the case of all other buildings.

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 involves alterations or construction for which a building permit would be required. 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 \$1,000.

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 *within 20 days after the day the notice was served* when it is claimed that:

1. The code official has refused to grant a modification of the provisions of the Code;
2. The true intent of this Code has been incorrectly interpreted;

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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. Notice of meeting: The board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The board shall meet within 20 working days of the filing of an appeal.

107.4. Hearing open to public: All hearings shall be public. The appellant, the appellant's representative, the code official of the jurisdiction and any other person whose interest may be affected by the matter on appeal, shall be given an opportunity to be heard.

107.5. Postponement of hearing: A quorum shall be more than 50% of the board. When a quorum of the board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the building official or their representatives may, prior to the start of the hearing, request a single postponement of the hearing of up to 10 working days. A vote equivalent to a majority of the quorum of the board is required to reverse or modify the decision of the building official.

~~107.3.~~ 107.6. 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.~~ 107.7. 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.

~~100.1.~~ 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 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.

109.1. General: This section shall apply to buildings and their equipment that fail to comply with the Building Maintenance Code through damage, deterioration, infestation, improper maintenance, or for other reasons, and thereby become unsafe, unsanitary, or deficient in adequate exit facilities, and which constitute a hazard, or are otherwise dangerous to human life, health or safety, or the public welfare. All such buildings shall be declared by the code official to be a public nuisance and unfit for human habitation and shall be made safe through compliance with this code or shall be vacated, and either secured against public entry, or taken down and removed as directed by the code official. 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.

100.5. 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.

100.6. 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 IS 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: (i) to make the required repairs; (ii) to take the building down and remove it; or (iii) to make inspections.

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 certificate of occupancy. In the case of a vacant building, including one vacated through revocation of the certificate of occupancy, the code official may cause the building to be closed through any available means.

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; or when a building is declared a public nuisance, and unfit for human habitation, 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 IS UNSAFE OR UNFIT FOR HABITATION 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: (i) to make the required repairs; (ii) to take the building down and remove it; or (iii) 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 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.

SECTION 111.0. VALIDITY.

111.1. Partial invalidity: In the event any part or provision of the USBC is held to be illegal or void, such holdings shall not have the effect of making void or illegal any of the other parts of provisions thereof. It shall be presumed that the USBC would have been adopted without such illegal or invalid part or provision if the determination of invalidity had been shown at the time of adoption.

ADDENDA.

ADDENDUM 1.

AMENDMENTS TO THE BOCA BASIC NATIONAL EXISTING STRUCTURES CODE/ 1984 1987 EDITION.

As provided in section 101.3 of Volume II - Building Maintenance Code of the 1984 1987 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 1987 edition for use as part of the Building Maintenance Code.

Note: The following sections of the BOCA Existing Structures Code have been deleted because the agency's Attorney General representative advises that they cannot be interpreted as building regulations under the current language of § 36-07 (7) of the Code of Virginia: ES-301.1, ES-301.1.1, ES-301.3, ES-301.4, ES-301.6, ES-301.7, ES-301.10, ES-301.10.1, ES-301.10.2, ES-301.11, ES-301.2, and ES-301.3.

ARTICLE 1.

ADMINISTRATION AND ENFORCEMENT.

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Building Maintenance Code.

ARTICLE 3.

ENVIRONMENTAL REQUIREMENTS.

1. Delete Section ES-301.1
2. Delete Section ES-301.1.1

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3. Delete Section ES-301.3.
4. Delete Section ES-301.4.
5. Delete Section ES-301.6.
6. Delete Section ES-301.7.

Note: The above sections of this code have been deleted because the agency's Attorney General representative advises that they cannot be interpreted as building regulations under the current language of § 36-99(7) of the Code of Virginia.

7. Delete Section ES-301.10.
8. Delete Section ES-301.10.1.
9. Delete Section ES-301.10.2.
10. Delete Section ES-301.11.

ARTICLE 4.

LIGHT, VENTILATION AND SPACE REQUIREMENTS.

Change Section ES-401.2 to read:

ES-401.2. Habitable spaces: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 4.0% of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window of any other room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

ARTICLE 5.

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.

Change section ES-503.5 to read:

ES-503.5. Water conservation: Plumbing fixtures which are replaced shall be of water saving construction and use as required by the energy and plumbing codes listed in the Virginia Uniform Statewide Building Code, Volume I - New Construction.

ARTICLE 6.

1. Delete section ES-601.5 Boiler inspections:

Note: See § 36-97(13) of the Code of Virginia for

equipment definition.

ARTICLE 7.

Add new section ES-704.2.1:

ES-704.2.1. Visual and audible alarms: Visual and audible alarms shall be provided for the deaf and hard of hearing in occupancies housing the hard of hearing as required by § 36-99.5 of the Code of Virginia. Visual and audible alarm devices shall be of approved type, shall provide a distinctive tone, shall meet the requirements of ANSI/UL Standard 1638, shall provide an effective intensity of not less than 100 candela in accordance with ANSI/NFPA Standard 72G, section 3-2.4.3, and shall not be used for any purpose other than that of a fire alarm.

ARTICLE 8.

1. Delete Section ES-801.2
2. Delete Section ES-801.3

ARTICLE 9.

Delete Article 9.

APPENDIX A.

Delete Appendix A.

Change Appendix A as follows:

1. Delete standard reference number NECC-87 National Energy Conservation Code.
2. Delete standard reference number NFPC-87 National Fire Prevention Code and substitute the Uniform Statewide Fire Prevention Code as adopted by the Virginia Department of Housing and Community Development.

APPENDIX B.

Delete Appendix B.

APPENDIX C.

Delete Appendix C.

* * * * *

Title of Regulation: VR 394-01-31. Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations/1987.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Public Hearing Date: November 16, 1987 - 10 a.m.
(See Calendar of Events section)

for additional information.)

Summary:

The Virginia Industrialized Building and Manufactured Home Safety Regulations provide for the administration and enforcement of uniform, statewide, health and safety standards for industrialized buildings and manufactured homes. For clarity and ease of enforcement, the regulations are divided into two parts.

PART ONE continues the existing state regulations for industrialized buildings, providing precertification of concealed portions of such buildings which cannot be readily inspected at the point of use. The certification system includes: (i) state accreditation and monitoring of independent compliance assurance agencies in reviewing the design and inspecting the construction of industrialized buildings; (ii) assignment of responsibility of site inspections to local building departments and (iii) a state program to secure correction of defects discovered on site. Several definitions have been changed in PART ONE and the appeals process was expanded and modified to recognize the State Building Code Technical Review Board as a result of legislative changes to the enabling law, Title 36, Chapter 4 of the Code of Virginia. The 1987 Editions of the model codes also replace the 1984 Editions to update the standards consistent with those in the Uniform Statewide Building Code.

PART TWO of the regulations applies exclusively to manufactured homes that are subject to federal regulations. Virginia participants in the enforcement of the Federal Regulations under a plan approved by HUD. Legislative changes modifying Chapter 4 and adding Chapter 4.1 in Title 36 of the Code of Virginia required several changes to be made in these regulations. The term "mobile home" has been replaced throughout the regulations by the term "manufactured homes" due to state and federal laws. A new Article 14, Violations, was added to address the new provisions in Chapter 4.1. The section on consumer complaints was added to explain the process for processing and resolving consumer complaints on manufactured homes. Several definitions were also modified or added to reflect legislative changes.

VR 394-01-31. Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations/1987.

PART ONE.

INDUSTRIALIZED BUILDINGS AND MOBILE HOMES NOT SUBJECT TO FEDERAL REGULATIONS .

ARTICLE 1. ADMINISTRATION.

SECTION 100.0. GENERAL.

100.1. Title: Articles 1 through 5 of these regulations shall be known as the Virginia Industrialized Building and Mobile Manufactured 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 Manufactured 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 of the Code of Virginia.

100.3. Adoption: The Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations were adopted by order of the Board of Housing and Community Development on November 18, 1985 . 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. Application: Part One shall apply to industrialized buildings and mobile homes , as defined in Section 200.0 , that are not subject to federal regulations .

100.5. Effective date: The effective date of Part One of these regulations is (to be inserted).

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 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.

100.5.2. Local regulations: Nothing in these regulations shall prevent the local adoption of requirements for industrialized 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 these 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 .

100.8. Partial invalidity: In the event any part or provision of these regulations is held to be illegal or void, such holdings shall not have the effect of making void or illegal any of the other parts or provisions thereof. It shall be presumed that these regulations would have been adopted

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without such illegal or invalid part of provision if the determination of invalidity had been known at the time of adoption.

SECTION 101.0. ENFORCEMENT GENERALLY.

101.1. General: These regulations shall be enforced as authorized by Chapter 4 of Title 36 of the Code of Virginia. (Note: See Addendum 3, "Virginia Industrialized Building Unit and Mobile Home Safety Law.")

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

Note: The Office of the State Building Code shall act as the Building Official for registered industrialized buildings.

101.2.1. Factory inspections: The board's administrator's representative shall, during reasonable hours, make such inspections of factories producing industrialized buildings or mobile homes as may be necessary to determine whether the approved testing facility compliance assurance agency having jurisdiction is performing its evaluation and compliance assurance functions in a satisfactory manner.

101.2.2. Field inspections: The board's administrator's representative may, during reasonable hours, make inspections to determine whether industrialized buildings or mobile homes, not at the time occupied as dwellings, are in compliance with these regulations. Such inspections may include but are not limited to: industrialized buildings and mobile homes on dealer lots, or industrialized buildings and mobile homes that are otherwise offered for sale to the public. Industrialized buildings or mobile homes that are occupied as 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.

101.2.3. Notice of violation: Where such representative the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.

101.2.4. Placarding units in violation: Wherever the board's representative administrator finds any violations of the regulations, placards may be required on the noncomplying unit. Such placards shall not be removed except upon permission of the board's representative administrator. 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 10 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.

~~101.2.~~ 101.2.5. Referral to local building officials: If the nature of the violation is such that it may be remedied under Section 102.0 of these regulations, the board's representative administrator may refer the matter to the local building official for enforcement.

101.3. Appeals: Local building officials, compliance assurance agencies or manufacturers of industrialized buildings may appeal the department's application of these regulations or notice of violation to the State Building Code Technical Review Board established by § 36-108 of the Code of Virginia. Such appeals shall be according to the procedures and time limits established in the Uniform Statewide Building Code, Volume I - New Construction, Section 119.0.

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

101.3.2. 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 court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4, § 9-6.14:1 of Title 9 of the Code of Virginia.

101.4. Limitation of manufacturer's liability: The manufacturer of the unit building 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 registered industrialized building.

101.5. Penalty for violation: Any person, firm or corporation violating any provisions of these regulations shall be considered guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not more than ~~\$500.00~~ \$1,000 (§ 36-83 of the Code of Virginia).

SECTION 102.0. ENFORCEMENT IN LOCALITIES.

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 that does not comply with these regulations.

102.2. Labeled Registered industrialized buildings and mobile homes: Industrialized buildings and mobile homes that are both registered and labeled shall be accepted in all localities as meeting the requirements of this law ; and

shall be accepted as meeting the requirements of safety to life, health and property imposed by any ordinance of any local governing body of this Commonwealth without further investigation, testing or inspection. Notwithstanding this provision, local building officials are authorized to carry out the following functions that apply to registered, labeled industrialized buildings and mobile homes provided such functions do not involve disassembly of units or parts of units, the registered building or change of design, or result in the imposition of more stringent conditions than those required by the approved testing agency compliance assurance agency or by these regulations.

1. They may, after installation of the unit, shall 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. They may shall verify that supplemental components required by the label or by these regulations are properly provided.

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

4. They may shall verify that any special conditions or limitations of use that are stipulated by the label in accordance with the standards of Article 3 of these regulations are observed.

5. They may shall 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. They may require such architectural and engineering services as may be specifically authorized by the standards of 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 designed in accordance with these regulations.

6. They may shall enforce applicable requirements of these regulations and the USBC - Volume I for alterations and additions to the units or to the buildings for which they are component parts, and for their maintenance. As an aid, 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 Article 3, they may establish local rules that require design for special wind, snow, earthquake and other local conditions whose existence is verified by authoritative records. Such rules shall not become effective until filed with and approved by the board.

8. 7. They may shall 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 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 registered building.

9. 8. They may shall verify that the unit building displays the required state registration seal and the proper label of the approved testing facility compliance assurance agency.

102.3. Unlabeled Unregistered industrialized buildings and mobile homes: No unlabeled industrialized building 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. The building official shall require the units to be in compliance with these regulations, and may also require the units to comply with all applicable local regulations. The building official shall determine whether any unregistered industrialized building complies with these regulations and shall require any noncomplying unregistered building to be brought into compliance with these regulations. The building official shall enforce all applicable requirements of these regulations including those relating to the sale, rental and disposition of noncomplying units buildings. 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. Concealed parts of the unit building 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 has not been appointed may exercise the powers of enforcement for unlabeled unregistered industrialized buildings that are granted to the local building official, except for inspection.

102.3.1. Unlabeled Unregistered industrialized buildings and mobile homes offered for sale: Unlabeled Unregistered industrialized buildings or mobile homes offered for sale by dealers in this Commonwealth shall be marked by a warning sign to prospective purchasers that the unit building is not labeled registered 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 administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door.

102.4. Disposition of noncomplying units building: When a unit building is found to be in violation of these regulations, the local building official may require the violations to be corrected before occupancy of the unit building is permitted and may require the unit building to be conspicuously placarded to indicate that it may not be used in this Commonwealth until the corrections have been

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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. Report to the Office of Industrialized State Building Code: If the unit *building* is moved from the jurisdiction before the violations have been corrected, the local building official shall make a prompt report of the circumstances to the Office of Industrialized State 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 *building*, the manufacturer and the approved testing facility compliance assurance agency.
3. The number of the Virginia registration seal.
4. The new destination of the unit *building*, if known.
5. The party responsible for moving the unit *building*.
6. Whether the unit *building* was placarded for violation.

SECTION 103.0. MODIFICATION OF THE REGULATIONS.

103.1. When modification may be granted: The board administrator shall have the power upon appeal request in specific cases to authorize modification of the regulations so as to permit certain specified alternatives where the objectives of this law can still be fulfilled. Such appeals request shall be in writing and shall be accompanied by the plans, specifications and other information necessary for an adequate evaluation of the modification requested.

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

ARTICLE 2. DEFINITIONS.

SECTION 200.0. DEFINITIONS.

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

“Administrator” means the Director of the Department of Housing and Community Development or his designee.

“Approved” means as applied to a material, device, method of construction, labeled unit registered building or

as otherwise used in these regulations means approved by the Board of Housing and Community Development administrator, 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 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 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.

“Compliance assurance agency” means an architect or professional engineer registered in Virginia, or an organization, determined by the department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to those promulgated by the board; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance on each manufactured section or module.

“Department” means the Department of Housing and Community Development.

“Federal regulations” means the Manufactured Home Construction and Safety Standards and the procedural and Enforcement Regulations enacted by the U.S. Department of Housing and Urban Development 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” means a combination of one or more sections or modules, subject to state regulations and 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, to comprise a finished building. Manufactured homes defined in § 36-85.3 and certified under the provisions of the

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National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this law.

"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. 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 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; the unit has been provided with appropriate evidence of such compliance by an approved, permanently affixed label, seal or similar device; 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 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 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, means a structure not subject to federal regulation which is transportable in one or more sections; is eight 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 or mobile home. Production units *buildings* 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 State 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 Manufactured Home Safety Regulations.

"Registered" means a labeled an industrialized building or mobile home subject to Part One that displays a registration seal issued by the Department of Housing and Community Development in accordance with Article 5 of these regulations.

"Regulations" means regulations as defined by Section 100.1.

"State building official" means the Office of State Building Code.

"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 through 13).

"The law" or "this law" means the Virginia Industrialized Building Unit and Mobile Home Safety Law as embraced in Chapter 4 (§ 36-70 et seq.) of the Code of Virginia.

ARTICLE 3. SAFETY STANDARDS FOR INDUSTRIALIZED BUILDINGS OTHER THAN MOBILE HOMES .

SECTION 300.0. REQUIREMENTS.

300.1. Hazards prohibited and standards specified: Industrialized buildings ; other than mobile homes, produced after the effective date of these regulations shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards 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, 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.

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/ NATIONAL BUILDING CODE

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

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-5795

1. 1981 Edition - until (to be inserted)

2. 1. 1984 Edition - no time limit until (insert date)

2. 1987 Edition - no time limit

BOCA BASIC NATIONAL PLUMBING CODE

1. 1981 Edition - until (to be inserted)

2. 1. 1984 Edition - no time limit until (insert date)

2. 1987 Edition - no time limit

BOCA BASIC NATIONAL MECHANICAL CODE

1. 1981 Edition - until (to be inserted)

2. 1. 1984 Edition - no time limit until (insert date)

2. 1987 Edition - no time limit

NATIONAL ELECTRICAL CODE - NFPA NO. 70

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

1. 1981 Edition - until (to be inserted)

2. 1. 1984 Edition - no time limit until (insert date)

2. 1987 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 in Section 301.1.

ONE AND TWO FAMILY DWELLING CODE

Jointly published by: BOCA; Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213; International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601

1. 1979 Edition and 1980 Supplement until (to be inserted)

2. 1. 1983 Edition and 1984 Supplement - no time limit until (insert date)

2. 1986 Edition and 1987 Supplement - 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.

301.4. Soldered joints: Solder or flux containing greater than 0.2% lead shall not be used in potable water service or potable water distribution piping.

301.5. Insect screens: Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch.

ARTICLE 4.

APPROVED TESTING FACILITIES COMPLIANCE ASSURANCE AGENCIES .

SECTION 400.0. PROCEDURES FOR APPROVAL.

400.1. Application to department administrator : Application may be made to the department administrator for acceptance as an approved testing facility a compliance assurance agency as defined in Article 2. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the department administrator to determine whether the applicant is specially qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate, test and evaluate industrialized 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 a compliance assurance agency may be obtained from the Office of Industrialized State Building Code.

400.2. Freedom from conflict of interest: An approved testing facility a compliance assurance agency 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 a compliance assurance agency is judged to be free of such affiliation, influence, and control if it complies with all of the following conditions:

1. 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 through stock ownership and the like, of any producer, supplier or vendor of the product involved.

3. Its directors and other management personnel, in such capacities, receive no stock option, or other financial benefit from any producer, supplier, or vendor of the product involved.

4. It has sufficient 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 determining factor in its financial well-being.

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

400.3. Information required by department the administrator : The following information and criteria will be considered by the department administrator in designating approved testing facilities compliance assurance agencies :

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 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 buildings , and specific information to be furnished on or with labels.
6. Procedures to deal with any defective units buildings 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 registered industrialized building and mobile home shall be

marked with a label, seal, or similar evidence of compliance supplied by the approved testing facility compliance assurance agency that includes the following information directly or by reference:

1. Name and address of approved testing facility compliance assurance agency .

2. Type of unit (mobile home or other type of industrialized building); and list of codes and standards for which the unit has been evaluated, inspected and found in compliance by the approved testing facility.

2. List of codes and standards for which the building has been evaluated, inspected and found in compliance by the compliance assurance agency and the type of construction classification, the use group classification and occupancy under those codes and standards.

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 building .

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

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 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 . When a building is comprised of more than one section or module, the required label may be furnished as a single label for the entire building, provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner that is listed with 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 compliance assurance agency shall approve the form, completeness and location of the data plate to include the information listed below:

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1. Manufacturer's name and address.
2. Serial number of the label of the approved testing facility compliance assurance agency .
3. Serial number of the unit building .
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.
6. Serial number of the registration seal.
7. Seismic design zone number.
8. Design Loads: Live load, Dead load, Snow load, and Wind load.

500.4. Label control: The labels shall be under direct control of the approved testing facility compliance assurance agency until applied by the manufacturer to units buildings that comply fully with these regulations. The manufacturer shall place its order for labels with the approved testing facility compliance assurance agency . The manufacturer is not permitted to acquire labels from any other source. Each approved testing facility compliance assurance agency 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 administrator 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 buildings other than mobile homes: Each labeled unit, or combination 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 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.

501.1 Industrialized buildings eligible for registration: Any industrialized building must meet the following requirements to be registered and eligible for a Virginia Registration Seal:

1. The design of the building has been found by a compliance assurance agency to be in full compliance with these regulations; and
2. The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts; and
3. The compliance assurance agency has provided the required inspections and other quality assurance follow-up services at the point of manufacture to assure the building complies with these regulations; and
4. The building has been provided with appropriate evidence of such compliance with a label, seal or similar device permanently affixed by the compliance assurance agency.

501.2. Registration seal for industrialized buildings: Registered industrialized buildings shall be marked with an approved registration seal issued by the department. The seal shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacturer.

501.2.1. Number of seals required: Registered industrialized buildings shall bear a registration seal for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building of a single occupancy and use group.

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 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 installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the approved testing facility compliance assurance agency .

PART TWO. MOBILE MANUFACTURED HOMES SUBJECT TO FEDERAL REGULATIONS.

ARTICLE 11. ADMINISTRATION.

SECTION 1100.0. GENERAL.

1100.1. Title: Articles 11 through ~~13~~ 14 shall be known as the Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations - Part Two. Part Two shall mean the Virginia Industrialized Building and Mobile Manufactured Home Safety Regulations - Part Two.

1100.2. Authority: These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Manufactured Housing Construction and Safety Standards Law, Chapter 4.1, Title 36 of the Code of Virginia.

~~1100.2.~~ 1100.3. Application: Part Two shall apply to manufactured homes as defined in Section 1200.0.

~~1100.3.~~ 1100.4. Effective date: The effective date of Part two of these regulations is April 1, 1986 (insert date).

SECTION 1101.0. ENFORCEMENT GENERALLY.

1101.1. Federal regulation: Enforcement of Part two shall be in accordance with the Federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, 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.)

1101.2. Delegation of authority: ~~By the authority of the board,~~ The Department of Housing and Community Development is delegated all lawful authority for the enforcement of the federal standards pertaining to manufactured homes ~~by the administrator according to § 36-85.5 of the Code of Virginia.~~ 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 shall act as an agent of HUD. ~~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. ENFORCEMENT IN LOCALITIES.

1102.1. Responsibility of local building officials: All local building officials are authorized by § 36-85.11 of the Law Code of Virginia to enforce the provisions of Part Two within the limits of 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 manufactured home that does not comply with Part Two within their respective jurisdictions containing a serious defect or imminent safety hazard within their jurisdiction.

1102.2. Effect of label: Manufactured homes displaying the HUD label shall be 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 Commonwealth without further investigation, testing, or inspection which supersede the building codes of the counties, municipalities and state agencies. Notwithstanding this provision, local building officials are authorized to carry out the following functions with respect to manufactured homes displaying the HUD label, provided such functions do not involve disassembly of the units or parts of the units, change of design, or result in the imposition of more stringent conditions than those required by the federal regulations:

1. After installation of the unit, They may shall verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, tests may be made for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.
2. They may shall verify that supplemental components required by the label or Part Two are properly provided.
3. They may shall verify that installation or erection instructions are observed.
4. They may shall verify that any special conditions or limitations of use stipulated by the label in accordance with the standards or Part Two are observed.
5. They may shall enforce applicable requirements of Part Two and the USBC - Volume I for alterations and additions to manufactured homes, and shall enforce the USBC - Volume II for maintenance of the homes.
6. They may shall 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, except those governing the design and construction of the labeled units.
7. They may shall verify that a manufactured home displays the required HUD label.
8. They may shall verify that nonconforming items have been corrected.

1102.3. Action upon noncompliance: Whenever any local building official finds that a 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.

1102.4. Report to the division department: Whenever any manufactured home is moved from a local jurisdiction before a noted violation has been corrected, the building

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official shall make a prompt report of the circumstances to the Division of Building Regulatory Services administrator. The report shall include a list of uncorrected violations, all information pertinent to identification and manufacture of the home contained on the label and the data plate, the destination of the home if known, and the name of the party responsible for moving it.

SECTION 1103.0. RESTRICTIONS ON DISTRIBUTORS AND DEALERS.

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 those alterations approved by the Division of Building Regulatory Services administrator.

1103.1.1. Assistance from local building officials: In handling and approving dealer requests for alterations, the division administrator may be assisted by local building officials. The building officials shall report violations of this section and failures to conform to the terms of their approval to the division administrator.

1103.2. Installations: Distributors or dealers installing or setting up a manufactured home shall perform such installation in accordance with the manufacturer's installation instructions or other support and anchoring system approved by the building official in accordance with section 621.0 of the USBC - Addendum I.

1103.3. Prohibited resale: No distributor or dealer shall offer for resale any manufactured home possessing a serious defect or imminent safety hazard.

SECTION 1104.0. CONTINUING ENFORCEMENT.

1104.1. Inspections: At any time when a 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 contained in these regulations shall limit the authority granted local building officials to inspect occupied manufactured homes.

1104.1. Inspections: At any time during regular business hours when a manufactured home is located on a dealer's or distributor's lot and offered for sale, the administrator shall have authority to inspect such home for transit damages, seal tampering, violations of the federal standards and the dealer's or distributor's compliance with applicable state and federal laws and regulations.

The administrator shall give written notice to the dealer or distributor when any home inspected does not comply with the federal standards.

SECTION 1105.0. CONSUMER COMPLAINTS.

1105.1. Reports: The administrator shall receive all consumer complaints on manufactured homes reported to the department by owners, dealers, distributors, code officials, and other state or federal agencies. The administrator may request such reports to be submitted by letter or on a report form supplied by the department.

1105.2. Inspections: The administrator may conduct, or cause to be conducted, an on-site inspection of a manufactured home at the request of the owner reporting a complaint with the home or under the following conditions with the permission of the owner of the home.

1. The dealer, distributor or manufacturer requests an on-site inspection; or
2. The reported complaint indicates extensive and serious noncompliances; or
3. Consumer complaints lead the SAA to suspect that classes of homes may be similarly affected; or
4. Review of manufacturer's records, corrective action, and consumer complaint records leads the administrator to suspect secondary or associated noncompliances may also exist in a class of homes.

1105.2.1. Coordination of inspections: When conducting an on-site inspection of a home involving a consumer complaint, the administrator may request the dealer, distributor, and manufacturer of the home to have a representative present to coordinate the inspection and investigation of the consumer complaint.

1105.3. Determination: After reviewing the complaint report or the on-site inspection of the home involved, the administrator shall, where possible, indicate the cause of any nonconformance and, where possible, indicate the responsibility of the manufacturer, dealer, distributor or owner for the noncompliance and any corrective action necessary.

1105.4. Referral: The administrator shall refer to the manufacturer of the home, in writing, any consumer complaint concerning that home reported to the administrator. The administrator may refer any such reported complaint to HUD, to the SAA in the Commonwealth where the manufacturer is located and to the inspection agency involved with certifying the home.

1105.4.1. Referral to the Virginia Department of Motor Vehicles: When a review of the reported complaint or the on-site investigation of the complaint indicates a dealer or distributor is in violation of or has violated these regulations, the administrator shall refer the complaint to the DMV and shall provide such assistance and reports as requested by DMV in their handling of the complaint.

1105.5. Follow-up: The administrator shall assist the owner, dealer, distributor and manufacturer in resolving consumer complaints. The administrator shall monitor the

manufacturer's performance to assure compliance with Subpart I of the federal regulations for consumer complaint handling and shall take such actions as are necessary to assure compliance of all involved parties with applicable state and federal regulations.

ARTICLE 12. DEFINITIONS.

SECTION 1200.0. DEFINITIONS.

1200.1. Definitions from Part One: Terms defined in Part One (Article 2) shall have the same meaning 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 the same meanings in these regulations.

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 amended as noted above. For this reason, the term mobile home in the federal standards has been replaced by the term manufactured home.

"Administrator" means the person designated by the board to enforce Part Two Director of the Department of Housing and Community Development or his designee.

"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.

"Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders that manufactured home or any part of the home unfit for the ordinary use of which it was intended, but does not result in an imminent risk to death or severe personal injury to occupants of the affected home.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"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 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 manufactured home manufactured for sale to a purchaser in the United States.

"Manufactured home" means a structure subject to federal regulation which is transportable in one or more sections; is eight bodyfeet 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 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.

Note: The term Manufactured Home, as noted earlier, replaces the term Mobile Home in the federal regulations and in Part Two.

"Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"Noncompliance" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

"Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

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

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

"Standards" or "federal standards" means the Federal Manufactured Home Construction and Safety Standards adopted by HUD, in accordance with authority in the Act.

Proposed Regulations

Said standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" or "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 the Department of Housing and Community Development which is responsible for the administration and enforcement of this law throughout Virginia and of the plan authorized by § 36-85.5 of the Code of Virginia .

ARTICLE 13. SAFETY STANDARDS.

SECTION 1300.0. FEDERAL STANDARDS.

1300.1. Compliance required: Manufactured homes produced on or after June 15, 1976, shall conform to all the requirements of the federal standards, as amended.

SECTION 1301.0. MOUNTING AND ANCHORING.

1301.1. Reference to Uniform Statewide Building Code: Mounting and anchoring of manufactured homes shall be in accordance with the applicable requirements of the 1984 1987 Edition of the Virginia Uniform Statewide Building Code. The manufacturer's printed instructions shall supersede the requirements of the 1984 Edition of the Uniform Statewide Building Code where there are differences.

ARTICLE 14. VIOLATIONS.

SECTION 1400.0. VIOLATIONS.

1401.0. Notice of violation: Where the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.

1402.0. Appeals to notice of violation: Parties aggrieved by the findings of the notice of violation may appeal to the State Building Code Technical Review Board, which shall act on the appeal in accordance with the provisions of the USBC - Volume I. The aggrieved party shall file the appeal within 10 days of the receipt of the notice of violation. Unless, the notice of violation is revoked by the review board, the aggrieved party shall comply with the stipulations of the notice of violation.

1403.0. Penalty: Any person, firm or corporation violating any provisions of these regulations shall, upon conviction, be considered guilty of a misdemeanor in accordance with § 36-85.12 of the Code of Virginia.

1984 1987 EDITION.

VIRGINIA INDUSTRIALIZED BUILDING AND MOBILE MANUFACTURED HOME SAFETY REGULATIONS. ADDENDA.

ADDENDUM 1. REQUIREMENTS FOR MOUNTING AND ANCHORING MOBILE UNITS AND MANUFACTURED HOMES.

The following requirements are from the 1984 1987 Edition of the Virginia Uniform Statewide Building Code:

SECTION 613.0. MOBILE HOMES.

613.1. Anchorage and tie-down: 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 (tie-downs, 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.

613.2. Required Anchorage:

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.

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, Greenville, Isle of Wight, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Northampton, New Kent, Prince George, Richmond, Surry, Sussex, Southampton, Westmoreland, York.

3. Mobile homes equipped by the manufacturer with a system of tie-downs 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. Mobile homes not equipped by the manufacturer with a system of tie-downs shall be anchored in a manner deemed adequate by the local building official to resist wind overturning and sliding.

613.3. Placement of ground anchors: Unless the entire tie-down 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 wall of the mobile home. Not more than six feet open-end spacing shall be provided at the rear line of the mobile home unless additional tiedowns are installed.

2. Nonhurricane zones: Not more than 24 feet on centers beginning from the front wall of the mobile home. Not more than six feet open-end spacing shall be provided at the rear wall of the mobile home 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% 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.

SECTION 621.0. MOBILE UNITS AND MANUFACTURED HOMES.

621.1. General: Mobile units, as defined in section 201.0 shall be designed and constructed to be transported from one location to another and not mounted on a permanent foundation. Manufactured homes shall be designed and constructed to comply with the Federal Manufactured Housing Construction and Safety Standards and used with or without a permanent foundation.

621.2. Support and anchorage of mobile units: The manufacturer of each mobile unit shall provide with each unit specifications for the support and anchorage of the mobile unit. The manufacturer shall not be required to provide the support and anchoring equipment with the unit. Mobile units shall be supported and anchored according to the manufacturer's specifications. The anchorage shall be adequate to withstand wind forces and uplift as required in Article 11 for buildings and structures, based upon the size and weight of the mobile unit.

621.3. Support and anchorage of manufactured homes: The manufacturer of the home shall provide with each manufactured home printed instructions specifying the location, required capacity and other details of the stabilizing devices to be used with or without a permanent foundation (i.e., tiedowns, piers, blocking, footings, etc.) based upon the design of the manufactured homes. Manufactured homes shall be supported and anchored according to the manufacturer's printed instructions or supported and anchored by a system conforming to accepted engineering practices designed and engineered specifically for the manufactured home. Footings or foundations on which piers or other stabilizing devices are

mounted shall be carried down to the established frost lines. The anchorage system shall be adequate to resist wind forces, sliding and uplift as imposed by the design loads.

621.3.1. Hurricane zone: Manufactured homes installed or relocated in the hurricane zone shall be of hurricane and windstorm resistive design in accordance with Federal Manufactured Housing Construction and Safety Standards and shall be anchored according to the manufacturer's specifications for the hurricane zone.

The hurricane zone includes the following counties and all cities located therein, contiguous thereto, or to the east thereof:

Accomack	King William	Richmond
Charles City	Lancaster	Surry
Essex	Mathews	Sussex
Gloucester	Middlesex	Southampton
Greensville	Northumberland	Westmoreland
Isle of Wight	Northampton	York
James City	New Kent	
King & Queen	Prince George	

621.4. Anchorage of used mobile units and manufactured homes: When used mobile units or used manufactured homes are being installed or relocated and the manufacturer's original installation instructions are not available, the anchoring system, including ground anchors, shall be designed by a professional engineer or architect or shall be as follows:

1. Hurricane zone: Tiedowns shall be not more than eight feet on center and not more than two feet from the end of the unit.

2. Nonhurricane zone: Tiedowns shall be not more than 12 feet on center and not more than two feet from the end of the unit.

3. Ground anchor load capacity: Each ground anchor shall be capable of resisting without failure an allowable working load equal to or exceeding 3,150 pounds plus a 50% overload factor.

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.

* * * * *

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

Statutory Authority: § 27-72 of the Code of Virginia.

Proposed Regulations

Public Hearing Date: November 16, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)

NOTICE: Due to its length the proposed 1987 Edition of the Virginia Public Building Safety Regulations, filed by the Board 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 1987 edition of the Virginia Public Building Safety Regulations (VPBSR) replaces the 1984 edition. The Board of Housing and Community Development has made changes to improve clarity and to update certain obsolescent requirements. Other changes have been made 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 the date of construction.

A definition for ambulatory was added in Part A, Article A-2 Definition, section A-200.0. This was done to make the VPBSR compatible with the Uniform Statewide Building Code and the Code of Virginia and Part D, Article D-4 Fire Safety Features of Construction, section D-404.0 Fire Retardant Ceilings D-404.1 Construction, was amended to prohibit the use of asbestos in plaster.

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

* * * * *

Title of Regulation: VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/ 1984 1987 .

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

Public Hearing Date: November 16, 1987 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

The Virginia Liquefied Petroleum Gas Regulations, 1987 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.

The 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations has been updated to reference the 1986 Edition of the Standard for Storage and Handling of Liquefied Petroleum Gases - NFPA 58.

VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/ 1984 1987 .

SECTION 100.0. GENERAL.

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 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations.

100.2. Authority: These regulations are adopted according to authority granted the Board of Housing and Community Development by the Liquefied Petroleum Gases Law, Chapter 7, Title 27, of the Code of Virginia.

100.3. Adoption: These regulations were adopted by order of the Board of Housing and Community Development on November 18, 1985, 1987 . 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 1984 1987 Edition of the Virginia Liquefied Petroleum Gas Regulations shall become effective on April 1, 1986, 1988 .

100.5. Minimum standards for equipment: The design, construction, location, installation and operation of equipment for the storage, handling, odorization, transportation and use of liquefied petroleum gases shall conform to the minimum standards established by the these regulations.

100.6. Model Codes: The following model codes, and all portions of other model codes and standards that are

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referenced therein, are adopted and incorporated in these regulations:

A. Standard for Storage and Handling of Liquefied Petroleum Gases - NFPA 58 (1983 1986 Edition)

B. National Fuel Gas Code - NFPA 54 (1984 Edition) (ANSI Z223.1 1984)

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

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulations: VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

Section 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. In the administration of the Aid to Dependent Children (ADC) program, the board may develop rules which do not conflict with federal regulations found in Title 45 of the Code of Federal Regulations.

On April 3, 1987, an emergency regulation was enacted relative to the amount of real property which is to be disregarded as the home in the determination of eligibility for assistance in the Aid to Dependent Children (ADC) and General Relief (GR) programs. The emergency regulation was needed in order to bring the Aid to Dependent Children (ADC) program into compliance with federal regulations at 45 CFR § 233.20(a)(3)(B)(1). The emergency regulation was expanded to include the General Relief (GR) program to ensure uniformity and consistency, to the greatest extent possible, in the determination of eligibility for the various public assistance programs administered by the department throughout the Commonwealth.

VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

PART I. DEFINITIONS.

§ 1.1. The following words and terms, when used in these guidelines, shall have the following meaning unless the

context clearly indicates otherwise:

"Allowable reserves" means all nonexempt real and personal property, including cash and other assets owned by an applicant/recipient, the combined value of which does not exceed \$1,000.

"Contiguous" means land which adjoins the home, not separated by land owned by others. Streams and public rights-of-way which run through the adjoining property and separate it from the home will not affect the property's contiguity.

"Home" means the house and lot used as the principal residence and contiguous property. This exemption will also apply to any buildings, in addition to the house, which are situated on the property. If income is received from the use of this property or the buildings on it, however, the income shall be considered available to the applicant/recipient.

PART II. RESOURCE EVALUATION.

§ 2.1. In determining financial eligibility for assistance in the Aid to Dependent Children (ADC) Program, real and personal property owned by the applicant/recipient, excluding the home in which the applicant/recipient lives, one motor vehicle with equity value of \$1,500 or less, income producing farm and business equipment, one burial plot per assistance unit member and burial funds or funeral arrangements with equity value of \$1,500 or less, is an available resource and must be considered in relation to the allowable reserves.

§ 2.2. In determining financial eligibility for assistance in the General Relief Program, real and personal property of an applicant/recipient excluding the home in which the applicant/recipient lives; furnishings and equipment used in operation of the home; personal effects; one motor vehicle; the cash surrender value of life insurance owned by any assistance unit member under 21, or over 21 if the policy's face value is less than \$1,500 or less; income producing farm and business equipment; income producing real property; burial plots; funeral arrangements valued at \$900 or less per assistance unit member; life interests in real property; payments from the Uniform Relocation Assistance and Real Property Acquisition Act of 1970; and payments from §§ 25-239, 25-240, and 25-241 of the Code of Virginia for relocation assistance; is an available resource and must be considered in relation to the allowable reserves.

Title of Regulation: VR 615-32-02. Regulation for Criminal Record Checks.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Public Hearing Date: N/A

Proposed Regulations

(See Calendar of Events section for additional information)

Summary:

The statutory changes to §§ 19.2-389 and 63.1-198.1 of the Code of Virginia, effective January 1, 1988, require that all hired employees and volunteers, as well as applicants, of child-placing agencies, independent foster homes, family day care homes, family day care systems, and foster or adoptive parents approved by child-placing agencies, subject to licensure by the Virginia Department of Social Services, secure a criminal history clearance and submit a sworn disclosure statement in order to be issued a certificate from the Commissioner of the Department of Social Services.

These regulations establish procedures, instructions, and guidelines applicable to the implementation of HB 1171, HB 1188, HB 1189 and HB 1190, which expand the scope of child care worker screening procedures.

These changes also include an expanded list of barrier crimes. The department has recognized that several terms and conditions within the statute required further definition when used in conjunction with the criminal record checks. This regulation also addresses these terms and definitions.

and caretakers approved by family day care systems, from assuming such a role. These crimes, as specified by § 63.1-198.1 of the Code of Virginia, are as follows: murder; abduction for immoral purposes; sexual assault; failing to secure medical attention for an injured child; pandering; crimes against nature involving children; taking indecent liberties with children; neglect of children; and obscenity offenses.

“Central criminal records exchange” means the information system containing conviction data of those crimes committed in Virginia, maintained by the Department of State Police through which the criminal history record request form is processed.

“Certificate” means the clearance document issued by the Commissioner of the Department of Social Services verifying that (i) a criminal history record search has been conducted for a particular individual through the Department of State Police, (ii) no convictions have been found of any offense pursuant to those referenced in § 63.1-198.1 of the Code of Virginia and, if indicated, (iii) a sworn disclosure statement has been completed and submitted as required in § 63.1-198.1 of the Code of Virginia.

“Criminal history record request” means the Department of Social Services form to be submitted to the Department of State Police identifying the individual for whom clearance needs to be established. This form also includes the requirement for a sworn disclosure statement and shall be completed and signed by the same individual for whom clearance is being requested.

“Duplicate certificate” means that an additional certificate is required for an individual. This may be necessary when an employee or volunteer is involved concurrently at more than one facility. An example would be when an individual is working intermittently at different facilities as a substitute or part-time employee or, when someone contracts his services at more than one facility, such as a music or dance specialist. Another need for a duplicate certificate occurs when a certificate is lost or misplaced.

“Employee” means all personnel hired at a facility regardless of role, service, age, function or duration of employment at the facility. Employees also include those individuals hired through a contract to provide services for the facility.

“Facility” means a child-caring institution, independent foster home, child-placing agency, family day care system or family day care home as defined in § 63.1-195 of the Code of Virginia and subject to licensure by the Department of Social Services.

“Officer of the board” means anyone holding an office on the board of the facility and responsible for its operation in any manner.

VR 615-32-02. Regulation for Criminal Record Checks.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms when used in conjunction with this regulation shall have the following meaning:

“Affirmation of sworn disclosure statement” means that portion of the certificate obtained from the Department of Social Services affirming that the individual has met the requirement of completing, signing and submitting such a statement.

“Applicants for licensure” means all agents of a child-caring institution, child-placing agency, independent foster home, family day care system and family day care home, including owners, partners or officers of the governing board of a corporation or association, who have applied for licensure.

“Barrier crimes” means certain crimes which automatically act as barriers to employment at child-placing agencies, independent foster homes, child-caring institutions, family day care systems and family day care homes. It also prevents persons screened as adoptive or foster parents by child-placing agencies,

"Parent volunteer" means someone supervising, without pay, a group of children which includes the parent-volunteer's own child in a program of care which operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section of § 63.1-198.2 of the Code of Virginia.

"Sworn disclosure statement" means that portion of the criminal history record request form to be completed, signed, notarized and submitted by the individual for whom clearance is being requested. This portion indicates that the individual has neither a conviction nor pending charges in, or outside, the Commonwealth of Virginia of those crimes which act as barriers to employment at the indicated facilities. This is required as specified in § 63.1-198.1 of the Code of Virginia.

"Volunteer" means anyone who either is counted as staff for purposes of maintaining staff/child ratio or who at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member. This pertains to all activities occurring at the facility location or sponsored by the licensed facility.

Article 2. Individuals Required to Obtain Certificates.

§ 1.2. Sections 63.1-198 and 63.1-198.1 of the Code of Virginia require all employees, volunteers and applicants for licensure of a licensed child-caring institution, independent foster home, child-placing agency, family day care system and family day care home to obtain a certificate of clearance and affirmation of sworn disclosure statement (one document) from the Department of Social Services. This includes caretakers approved by family day care systems, and those individuals approved by child-placing agencies as foster or adoptive parents.

Exception: (As set forth in § 63.1-198.1 of the Code of Virginia) "The provisions of this section shall not be applied to a parent-volunteer of a child attending such licensed facility whether or not such parent-volunteer will be alone with any child in the performance of his duties."

Article 3. Routing of Certificates.

§ 1.3. In order to obtain a certificate, each applicant for licensure, and employee, volunteer or applicant for employment/volunteer work, shall submit a Department of Social Services form, obtainable from facility staff or licensing staff, to the Department of State Police with the appropriate fee.

§ 1.4. The State Police will collect the fee, run a clearance check through the Central Criminal Records Exchange and forward the same form to the Department of Social Services, Division of Licensing Programs. It will be marked either "no conviction data" or a conviction

record will be attached if one of the barrier crimes is recorded as a result of the State Police check.

§ 1.5. A Certificate of Criminal Record Check and Affirmation of Sworn Disclosure Statement will be sent directly from the Department of Social Services, Division of Licensing Programs, to the individual for whom the check was run.

In the event that a certificate cannot be issued, a notification will be sent directly to the individual, along with a copy of the conviction information received from the State Police. This is required pursuant to § 63.1-198.1 of the Code of Virginia, effective July 1, 1987.

§ 1.6. This certificate, on Department of Social Services stationery with blue letterhead, shall be taken to, and maintained at, the facility.

PART II. VALIDITY OF CERTIFICATES.

§ 2.1. Facility staff shall accept only the original certificate on Department of Social Services stationery with blue letterhead. Photocopies will not be acceptable.

§ 2.2. Obtaining certificates.

A. The certificate shall be obtained on or prior to the 15th day of work for individuals participating in the operation of a facility.

B. A certificate issued by the department shall not be accepted by facility staff if the certificate is dated more than 90 days prior to the date of employment or volunteer service at the facility.

§ 2.3. Each certificate shall be verified by the operator of the facility by matching the name, social security number and date of birth to establish that all information cleared through the Central Criminal Record Exchange is exactly the same as another form of identification such as a driver's license. If any of the information does not match, the certificate shall be returned to the Division of Licensing Programs with a note of explanation.

§ 2.4. A certificate remains valid as long as the employee or volunteer remains in continuous service at the same facility.

§ 2.5. When an individual terminates employment or ceases volunteer work at one facility and begins work at a facility owned and operated by another entity, the certificate secured for the prior facility shall not be valid for the new facility. A new certificate shall be required.

Exceptions:

A. When an employee transfers to a facility owned and operated by the same entity, with a lapse in service of not more than 30 days, a new certificate shall not be

Proposed Regulations

required. The file at the previous facility shall contain a statement in the record of the former employee indicating that the certificate has been transferred, or forwarded to the new location.

B. A certificate for an individual who takes a leave of absence shall remain valid as long as the period of separation does not exceed six consecutive months. Once a period of six consecutive months has expired, a new certificate is required.

PART III. DUPLICATE CERTIFICATES.

§ 3.1. There is a model form available from the Department of Social Services to request duplicate certificates.

All requests for duplicate certificates shall be sent by the individual or licensee directly to the Department of Social Services, Division of Licensing Programs, Richmond, Virginia.

§ 3.2. Requests for duplicate certificates.

A. A duplicate certificate shall be required when an individual is employed or volunteering concurrently at more than one facility such as a substitute or part-time employee or, when a certificate is lost or misplaced.

B. The request shall include: (i) the name, social security number, and signature of the individual for whom the clearance was completed; and (ii) the name and mailing address of the facility for which the duplicate certificate will be used.

C. If the duplicate certificate is to be used for an individual involved with more than one facility, the name of all facilities at which the individual is involved is required.

D. Duplicate certificates shall be sent directly to the facilities.

E. All duplicate certificates shall be verified by the licensee or facility operator in accordance with § 2.3 of this regulation.

F. Duplicate certificates may be requested with the original Criminal History Record Request Form by attaching either a model form provided by the Department of Social Services, or an attached letter with the information required by this section.

§ 3.3. When agents or officers of the board are involved as licensees in the operation of more than one facility, duplicate certificates shall not be required. It shall be made known to the commissioner's representative that an original certificate is being maintained at a designated facility location.

PART IV. MAINTENANCE AND RESPONSIBILITY OF CERTIFICATES BY FACILITIES.

§ 4.1. Prior to the issuance of an initial license, the certificate(s) of criminal record check for the applicant(s) for licensure shall be made available to the commissioner's representative.

§ 4.2. Certificates conforming to the requirements for all employed staff or utilized volunteers shall be maintained in the files of the facility during the time the individual is employed or volunteering and for one year after termination of work. Certificates shall be made available by the facility to the commissioner's representative.

Exception: See § 2.5 subsection A.

§ 4.3. When an individual becomes an officer of the board which serves as the licensee of a facility, a certificate shall be obtained by the facility within 15 days after the board member assumes the position.

When a board officer changes position within a board, a new certificate is not required.

Officers of advisory boards are not required to obtain certificates.

INSTRUCTIONS

Please read the following before completing this form

1. Complete the upper portion of this form which contains identifying information. Please include your maiden name, if applicable, and all names by which you have previously been known.
2. Complete the middle portion of this form under Sworn Disclosure Statement. Please "X" the appropriate two spaces and sign and date this portion of the form.
3. The individual for whom this check is being run must have his/her signature and this form notarized.
4. Include a \$5.00 certified check, organization check or money order (no personal checks will be accepted) and mail the completed form to:

Virginia State Police
 Division of Records and Statistics
 Post Office Box 27472
 Richmond, Virginia 23261-7472

5. This request will be processed by the Department of State Police and forwarded to Carolynne H. Stevens, Director, Division of Licensing Programs. A response will be sent directly to you. This original certificate, on blue letterhead from the Department of Social Services, must be taken to, and maintained at the licensed facility/home in order to indicate that the criminal record check and sworn disclosure statement have been completed. This is required in Subsections 63.1-198 and 63.1-198.1, Code of Virginia.

NOTE: When an individual is working or volunteering concurrently at more than one facility, please request additional certificates and sworn disclosure statements directly from the Department of Social Services, Division of Licensing Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699 or request one from your licensing specialist. There is a model form available for this purpose.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF SOCIAL SERVICES
CRIMINAL HISTORY RECORD REQUEST

A certified check, organization check or money order made payable to "Virginia State Police" for \$5.00 must accompany this request before a file search will be initiated.

(STATE POLICE, MAIL REPLY TO:)

CAROLYNNE H. STEVENS, DIRECTOR
 DIVISION OF LICENSING PROGRAMS
 DEPARTMENT OF SOCIAL SERVICES
 8007 DISCOVERY DRIVE
 RICHMOND, VIRGINIA 23229-8699
 (Signature of Authorized Agent)

MAIL REQUEST TO:
 VIRGINIA STATE POLICE
 DIVISION OF RECORDS AND STATISTICS
 P.O. BOX 27472
 RICHMOND, VIRGINIA 23261-7472

LAST NAME	FIRST	MIDDLE/MAIDEN	SEX	RACE	DATE OF BIRTH MO DAY YEAR		
PLACE OF BIRTH COUNTY/CITY		PLACE OF BIRTH	STATE/COUNTRY		SOCIAL SECURITY NUMBER - -		
CURRENT MAILING ADDRESS [Street, Number and/or P.O. Box]		CITY	STATE		ZIP CODE		
FACILITY NAME/ADDRESS							

SWORN DISCLOSURE STATEMENT

INDIVIDUAL (PLEASE "X" ONE OF THE FOLLOWING) HAS _____ HAS NOT _____ EVER BEEN CONVICTED OF OR IS _____ IS NOT _____ THE SUBJECT OF PENDING CHARGES FOR THE FOLLOWING OFFENSES: MURDER; ABDUCTION OF CHILDREN FOR IMMORAL PURPOSES; SEXUAL ASSAULT; FAILING TO SECURE MEDICAL ATTENTION FOR AN INJURED CHILD; PANDERING; CRIMES AGAINST NATURE INVOLVING CHILDREN; TAKING INDECENT LIBERTIES WITH CHILDREN; NEGLIGENCE OF CHILDREN; OR OBSCENITY OFFENSES. WITHIN THE COMMONWEALTH OR OF ANY EQUIVALENT OFFENSE OUTSIDE THE COMMONWEALTH. ANY PERSON MAKING A MATERIALLY FALSE STATEMENT REGARDING ANY SUCH OFFENSE SHALL BE GUILTY OF A CLASS I MISDEMEANOR.

DATE _____ SIGNATURE _____

AFFIDAVIT FOR RELEASE OF INFORMATION AND SWORN DISCLOSURE STATEMENT

_____, PERSONALLY APPEARED BEFORE ME AND UNDER OATH AUTHORIZED [Type or print name of individual named in record] THE VIRGINIA STATE POLICE TO SEARCH FOR ANY CRIMINAL HISTORY RECORD, PURSUANT TO SUBSECTION 63.1-198.1, CODE OF VIRGINIA, PERTAINING TO CRIMINAL RECORD CHECKS FOR AGENTS/STAFF OR VOLUNTEERS OF CHILD CARING FACILITIES LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES AND REPORT THE RESULTS OF SUCH SEARCH TO THE DEPARTMENT OF SOCIAL SERVICES.

[Signature of individual named in record]

STATE OF _____ COUNTY/CITY OF _____
 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 19 _____

(NOTARY PUBLIC)

MY COMMISSION EXPIRES _____, 19 _____

(SEE INSTRUCTIONS ON BACK)

Proposed Regulations

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-03. Upper James River Basin Water Quality Management Plan.

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

Public Hearing Date: November 18, 1987 - 7 p.m.
(See Calendar of Events section for additional information)

Background:

Water Quality Management Plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biochemical Oxygen Demand (BOD/5) in identified stream segments.

Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basinwide water quality control and management.

Summary:

The proposed amendment would revise the allowable carbonaceous BOD/5 loading upward from 1,110 LBS/day to 1,876.5 LBS/day for the Moores Creek Advanced Wastewater Treatment (AWT) Plant in Charlottesville and require seasonal nitrification of the plant effluent.

The National Municipal Policy requires the Rivanna Water and Sewer Authority (RWSA) to obtain compliance with the final effluent requirements contained in the NPDES Permit authorizing the discharge from the Moores Creek AWT Plant by July 1, 1988. The RWSA, in conjunction with this requirement, contracted with a consulting firm to perform additional modeling on the stream.

Prior to the analysis, final effluent filtration appeared to be the solution to obtaining compliance. However, the recent analysis revealed the proposed treatment scheme would result in contravention of Water Quality Standards. The analysis predicted with 90% confidence that seasonal nitrification coupled with the current interim carbonaceous limit (15 mg/l) was needed to maintain standards.

VR 680-16-03. Upper James River Basin Water Quality Management Plan.

Upper James Water Quality Management Plan
State Water Control Board
Text of Regulation

Reference for the Rivanna River, river mile 38.1-23.5, and footnote four on Table 7 in Part 1 and Table 76 in Part 2 of Volume V-A of the Upper James River Basin Water Quality Management Plan would be amended as follows:

Stream	Segment Number	Segment Classification ¹	Mile to Mile	Significant Dischargers	Total Assimilative Capacity of Stream BOD ₅ Lbs/Day	Waste Load Allocation ₂ BOD ₅ Lbs/Day	Reserve BOD ₅ Lbs/Day ⁵
Rivanna River	2-11	W.Q.	38.1 - 23.5	RWSA - Moore's Creek AWT	1,110.0	1,040.0	70.0 (6%) ⁴
<u>Rivanna River</u>	<u>2-11</u>	<u>W.Q.</u>	<u>38.1 - 23.5</u>	<u>RWSA - Moore's Creek AWT</u>	<u>1,876.5</u> ⁴	<u>1,876.5</u>	<u>None</u>

~~4. 6 percent reserve: Determined by SWCB Valley Regional Office.~~

4. This assimilative capacity is based upon an ammonia loading no greater than 125.1 Lbs/Day.

None of the other portions of Volume V-A or the Plan Summary are affected by this amendment.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

MARINE RESOURCES COMMISSION

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0034. Pertaining to the Taking of Striped Bass.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: August 4, 1987

Preamble:

This regulation establishes a closed season, minimum size limits, creel limits, and gear restrictions for the taking or possession of striped bass in Virginia. The purpose of this regulation is to provide sufficient protection for the Chesapeake Bay stocks of striped bass to ensure that 95% of the females of the 1982 and subsequent year classes have an opportunity to reproduce at least once. These changes comply with the recommendations of the Interstate Fishery Management Plan for Striped Bass.

Section 7 of this regulation authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the terms and conditions required for their culture.

VR 450-01-0034. Pertaining to the Taking of Striped Bass.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-50 of the Code of Virginia.

B. This regulation repeals regulation VR 450-01-0029, Pertaining to the Taking of Striped Bass, and regulation VR 450-01-0032, Pertaining to the Potomac River Tributaries and amends previous regulation VR 450-01-0034, which was promulgated and made effective on ~~June 1,~~ August 4, 1987.

C. The effective date of this regulation is ~~June 1,~~ August 4, 1987.

§ 2. Purpose.

The purpose of this regulation is to provide for the immediate protection of Virginia's striped bass stocks and to reduce harvest pressure on the 1982 year class and

subsequent year classes of striped bass.

The provisions pertaining to aquaculture serve to prevent escapement of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions in this regulation.

§ 3. Definitions.

A. Striped bass - any fish of the species *Morone saxatilis* including any hybrid striped bass.

B. Spawning rivers - the James, Pamunkey, Mattaponi and Rappahannock Rivers including all their tributaries.

C. Spawning reaches - sections within the spawning rivers as follows:

1. James River: From a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point;

2. Pamunkey River: From the Route 33 bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore;

3. Mattaponi River: From the Route 33 bridge at West Point upstream to the Route 360 bridge at Aylett;

4. Rappahannock River: From the Route 360 bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

§ 4. Closed areas, seasons, and gear limitations.

A. During the period December 1 to May 31, inclusive, a person may not take, catch, possess, transport, process, sell or offer for sale any striped bass.

B. During the period April 1 to May 31, inclusive, a person may not set or fish any anchored or staked gill net within the spawning reaches. Drift (float) gill nets may be set or fished within the spawning reaches during the closed season, but the fisherman must remain with such net while that net is in the fishing position.

§ 5. Minimum size limits.

A. During the open season, June 1 to November 30, inclusive, it shall be unlawful for any person to take, catch, or have in possession any striped bass less than 24 inches in length, except as provided in paragraph B, below.

B. During the open season, June 1 to November 30, inclusive, it shall be unlawful for any person to take, catch, or retain possession of any striped bass from the Territorial Sea that is less than 33 inches in length.

C. Length is measured in a straight line from tip of nose to tip of tail.

§ 6. Creel limit.

A possession limit of five striped bass per person per day is imposed on all hook-and-line fishermen taking striped bass from the tidal waters of Virginia during the open season, June 1 to November 30, inclusive.

§ 7. Aquaculture of striped bass and hybrid striped bass.

A. Permit required.

It shall be unlawful for any person, firm, or corporation to operate an aquaculture facility without first obtaining a permit from the Marine Resources Commission. Such permit shall authorize the purchase, possession, sale, and transportation of striped bass or hybrid striped bass in accordance with the other rules contained in this section.

B. Application for and term of permit.

The application for a striped bass aquaculture facility shall state the name and address of the applicant, the type and location of the facility, type of water supply, location of nearest tidal waters or tributaries to tidal water, and an estimate of production capacity. All aquaculture permits shall expire on December 31 of the year of issue and are not transferable. Permits shall be automatically renewed by the Marine Resources Commission provided no structural changes in the facility have been made, the facility has been adequately maintained, and the permittee has complied with all of the provisions of this regulation.

C. Display of permit.

1. The original of each permit shall be maintained and prominently displayed at the aquaculture facility described therein.

2. A copy of such permit may be used as evidence of authorization to transport striped bass or hybrid striped bass to sell the fish away from the permitted facility under the conditions imposed in paragraph G in this section.

D. Water supply.

An aquaculture facility may consist of one or more ponds or artificial impoundments or a combination of both. No pond or impoundment may be constructed or situated on a natural watercourse that originates beyond the boundaries of private land upon which the pond or impoundment is located. Any outfall from the propagation system shall be screened so as to prevent entry of fish

into and escape from the facility and shall be passed through a dry ground water percolation system or through a chlorination process and retention pond for dechlorination. Under no circumstance, shall there be a direct discharge from the facility to any natural watercourse.

E. Acquisition of fish, fingerlings, fry, and eggs.

Striped bass or hybrid striped bass fingerlings, fry, or eggs, may be obtained only from state permitted fish dealers and must be certified by the seller as striped bass or hybrid striped bass having a disease free status. Each purchase or acquisition, of striped bass or hybrid striped bass must be accompanied by a receipt or other written evidence showing the date, source, species, quantity of the acquisition and its destination. Such receipt must be in the possession of the permittee prior to transportation of such fish, fingerlings, fry, or eggs to the permitted facility. All such receipts shall be retained as part of the permittee's records. The harvesting of striped bass from the tidal waters of Virginia for the purpose of artificially spawning in a permitted aquaculture facility shall comply with all of the provisions of this regulation and state law including minimum size limits, maximum size limits, and closed harvesting seasons and areas.

F. Inspection of facilities.

1. Inspection. Agents of the Marine Resources Commission and the Department of Game and Inland Fisheries are authorized to make periodic inspection of the facilities and the stock of each operation permitted under this section. Every person engaged in the business of striped bass aquaculture shall permit such inspection at any reasonable time.

2. Diseased fish. No person permitted under this section shall maintain in the permitted facility any fish which shows evidence of any contagious disease listed in the then current list by the United States Fish and Wildlife Services as "certifiable diseases" except for the period required for application of standard treatment procedures or for approved disposition.

3. Disposition. No person permitted under this section shall sell or otherwise transfer possession of any striped bass or hybrid striped bass which shows evidence of a "certifiable disease" to any person, except that such transfer may be made to a fish pathologist for examination and diagnosis.

G. Sale of fish.

All striped bass or hybrid striped bass except fingerlings, fry, and eggs, which are the product of an aquaculture facility permitted under this section shall be packaged with a printed label bearing the name, address, and permit number of the aquaculture facility. When so packaged and labelled such fish may be transported and

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sold at retail or at wholesale for commercial distribution through normal channels of trade until reaching the ultimate consumer. Every such sale must be accompanied by a receipt showing the date of sale, the name, address and permit number of the aquaculture facility, the numbers and species of fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, the date sold, the permit number of the aquaculture facility and, if the sale is to other than the ultimate consumer, the name and address of the purchaser. The purchaser in possession of such fish must exhibit the receipt on demand of any law-enforcement officer. A duplicate copy of each such receipt must be retained for one year by the seller as part of the records of each transaction.

H. Records.

Each permitted aquaculture facility operator shall maintain a chronological file of the receipts or copies thereof showing the dates and sources of acquisitions of striped bass or hybrid striped bass and quantities thereof, and a chronological file of copies of the receipts of his sales required under paragraph G of this section. Such records shall be segregated as to each permit year, shall be made available for inspection by any authorized agent of the Marine Resources Commission or Department of Game and Inland Fisheries, and shall be retained for at least one year following the close of the permit year to which they pertain.

I. Revocation and nonrenewal of permit.

In addition to the penalties prescribed by law, any violation of § 7 shall be grounds for revocation or suspension of the permit for the aquaculture facility for the balance of the permit year. No person whose permit has been revoked shall be eligible to apply for an aquaculture facility permit for a period of two years after the date of such revocation.

J. Importation of striped bass for the consumer market.

Striped bass or hybrid striped bass which are the product of an approved and state permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labelled in accordance with the provisions contained in paragraph G of this section. Any sale of such fish also shall be accompanied by receipts as described in paragraph G of this section.

K. Release of live fish.

Under no circumstance shall striped bass or hybrid striped bass which are the product of a commercial

aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commission and having received written permission from the commissioner.

§ 7. § 8. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt, Commissioner
August 13, 1987

* * * * *

Title of Regulation: VR 450-01-8708. Extension of Public Relaying Season.

Statutory Authority: §§ 28.1-23 and 28.1-179(4c) of the Code of Virginia.

Effective Date: August 16, 1987 through October 30, 1987.

Preamble:

The following Order of the Virginia Marine Resources Commission extends the season for relaying shellfish from public grounds in the vicinity of tunnel construction for Interstate 664 in Hampton Roads. The season for all other public condemned grounds shall close pursuant to Code on August 15, 1987.

VR 450-01-8708. Extension of Public Relaying Season.

§ 1. Authority and effective date.

A. This Order is promulgated pursuant to authority contained in § 28.1-179(4c) of the Code of Virginia.

B. The effective date of this Order is August 16, 1987.

§ 2. Purpose.

Dredging for the I-664 tunnel project will destroy clams unless they are removed. The extension of the season in the area will provide an opportunity to avoid the loss of clams to construction.

§ 3. Season extension.

The season for relaying of shellfish from condemned public grounds shall be extended to October 30, 1987 for the area described in § 4 of this Order. Relaying from all other condemned public grounds will not be allowed after August 15, 1987.

§ 4. Area description. (Map attached.)

Boundary on West Side of Tunnel—A line beginning at

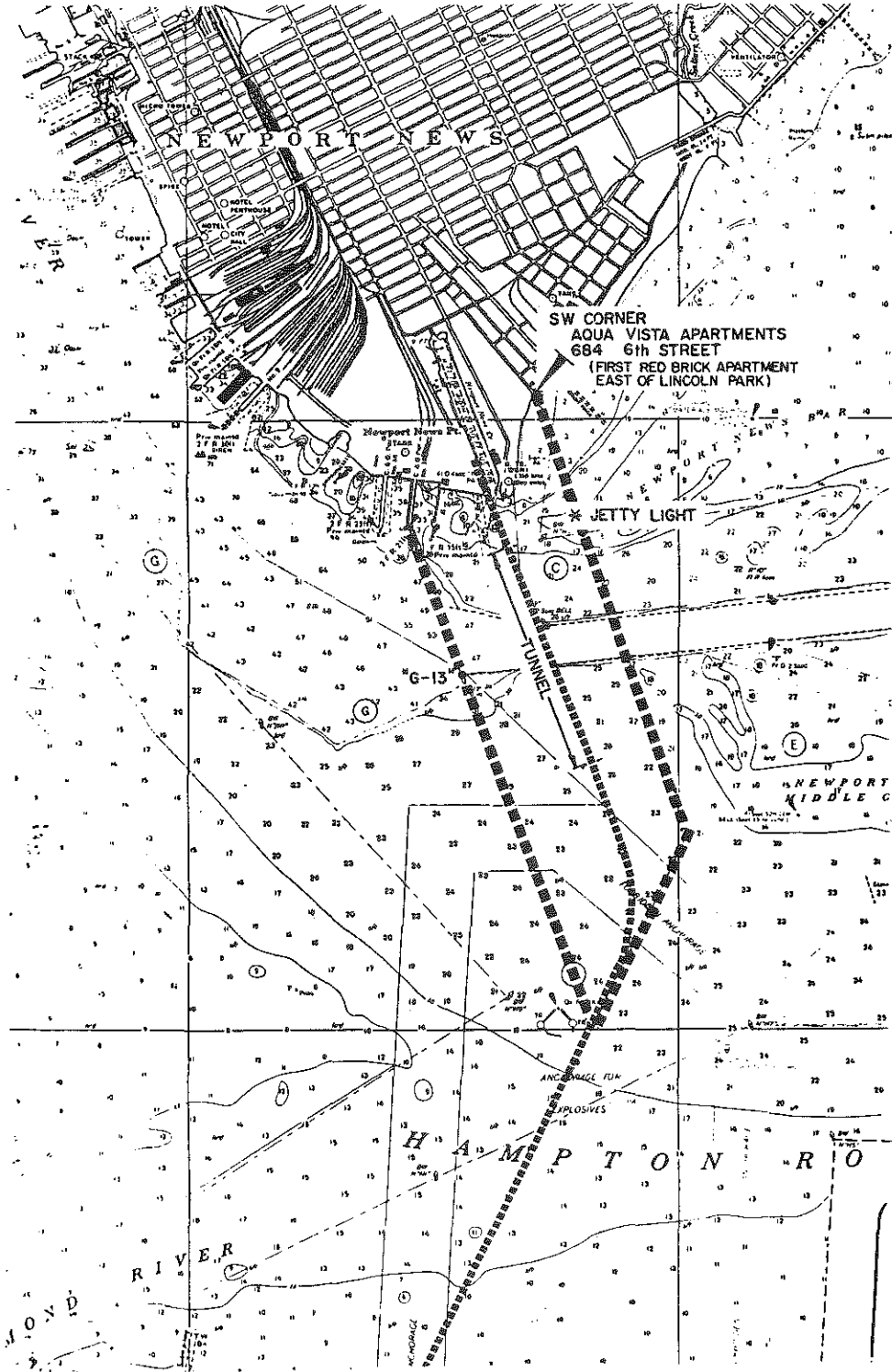
the south end C & O Pier 15 running through Channel Light G-13 south to the new bridge trestle.

Boundary on East Side of Tunnel—A line projected from the southwest corner of the Aqua Vista Apartments, 654-6th Street, Newport News, Virginia (the first red brick apartment east of Lincoln Park), through the jetty light on the new jetty east of the entrance to the small boat harbour, south to a line extended northeast from the new bridge trestle.

§ 5. Expiration date.

This order shall terminate October 30, 1987.

*/s/ William A. Pruitt, Commissioner
August 13, 1987*



* * * * *

Title of Regulation: VR 450-01-8709. Extension of Public Relaying Season.

Statutory Authority: §§ 28.1-23 and 28.1-179(4c) of the Code of Virginia.

Effective Date: August 20, 1987 through October 30, 1987.

Preamble:

The following Order of the Virginia Marine Resources Commission extends the season for relaying shellfish from additional public grounds in the vicinity of the Newport News Channel in Hampton Roads.

VR 450-01-8709. Extension of Public Relaying Season.

§ 1. Authority and effective date.

A. This Order is promulgated pursuant to authority contained in § 28.1-179(4c) of the Code of Virginia.

B. The effective date of this Order is August 20, 1987.

§ 2. Purpose.

Dredging for the Newport News Channel project will destroy clams unless they are removed. The extension of the season in the area will provide an opportunity to avoid the loss of clams to construction. The area described in § 4 of Order 450-01-8708 and in § 4 of this Order shall remain open to relaying pursuant to commission action on August 4, 1987.

§ 3. Season extension.

The season for relaying of shellfish from condemned public grounds shall be extended to October 30, 1987 for the area described in § 4 of this order.

§ 4. Area description. (Map attached.)

The boundaries of the area involved are: 100 feet on each side of the existing Newport News Channel from Buoy G "3," located NW of Sewells Point to the center line of the proposed channel.

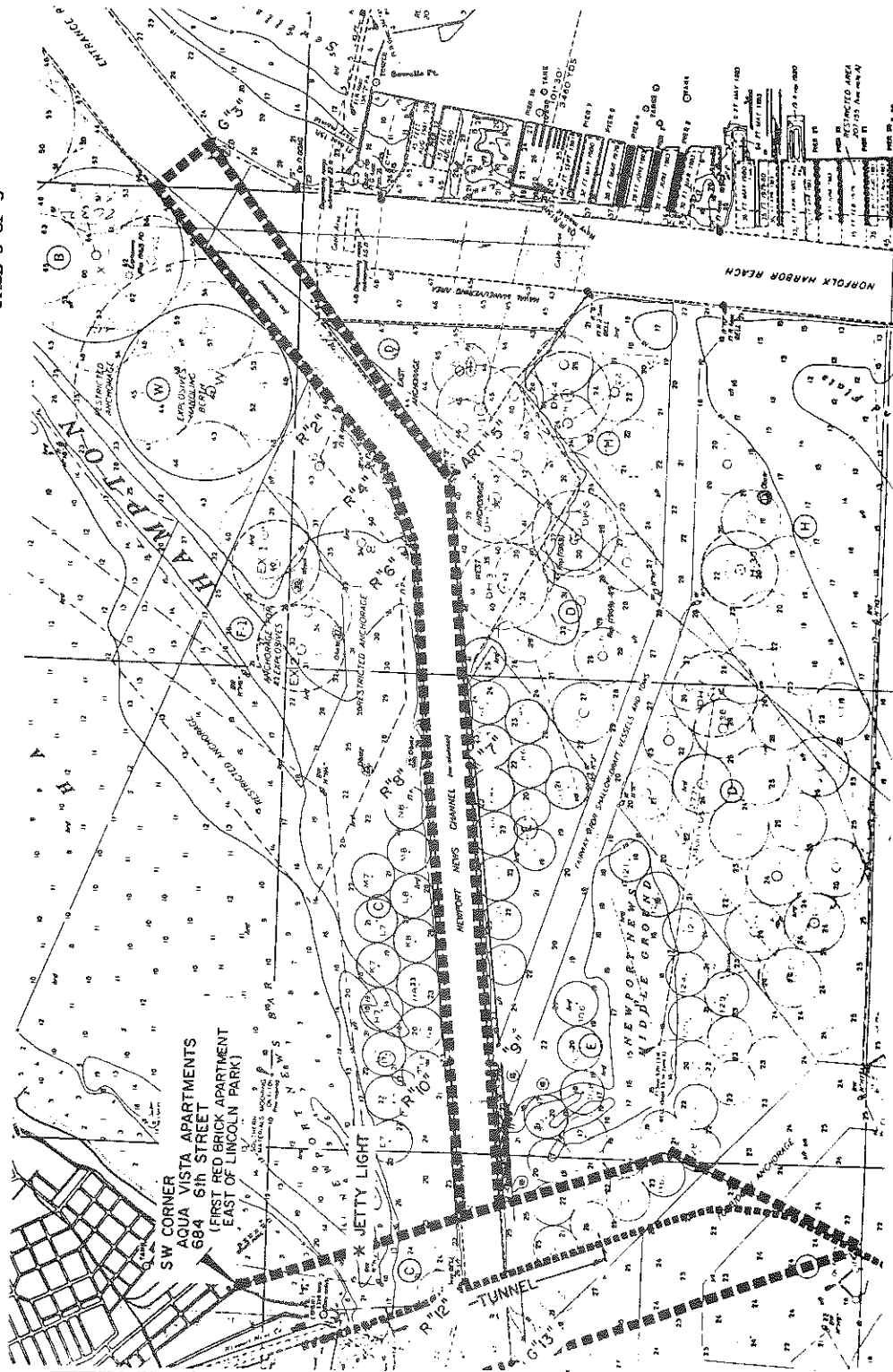
§ 5. Expiration date.

This order shall terminate October 30, 1987.

/s/ William A. Pruitt, Commissioner
August 19, 1987

VMRC ORDER NUMBER 450-01-8709 (Attachment)

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VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14.4:1 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0012. Virginia Housing Fund Procedures, Instructions and Guidelines.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: August 18, 1987

Summary:

These regulations establish procedures, instructions and guidelines applicable to loans or loan programs made or financed, or proposed to be made or financed, by the authority from the Virginia Housing Fund (the "fund").

Pursuant to a resolution of the authority's board of commissioners adopted on May 19, 1987, the fund was established to create new housing opportunities for lower income Virginians through operation of the fund as a special purpose revolving loan fund. The regulations set forth the purposes and principles of the fund and the procedures and requirements for processing of applications.

VR 400-02-0012. Virginia Housing Fund Procedures, Instructions and Guidelines.

PART I.

PURPOSE AND APPLICABILITY.

§ 1.1. Definitions.

"Act" means the Virginia Housing Development Authority Act as set forth in Chapter 1.2 (§ 36-55.24 et seq.) of the Code of Virginia.

"Applicant" means an individual, corporation, partnership, limited partnership, joint venture, trust, firm, association, public body or other legal entity or any combination thereof, making an application or proposal under these procedures, instructions and guidelines.

"Application" or "proposal" means a written request to the authority by a prospective borrower for a loan or a written request to the authority by an applicant requesting the establishment of a loan program or other assistance under the procedures, instructions and guidelines.

"Authority" means the Virginia Housing Development Authority.

"Board of commissioners" means the board of commissioners of the authority.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on his behalf or on behalf of the authority pursuant to a resolution of the board of commissioners of the authority.

"Fund" means the housing fund created by the authority from moneys in its general fund for the purposes set forth herein.

"Loan" means any extension of credit which is made or financed or is to be made or financed pursuant to these procedures, instructions and guidelines.

"Loan program" means any program requested to be developed or implemented by the authority for the purpose of providing loans pursuant to these procedures, instructions and guidelines.

"U.S. government or agency security" means direct general obligations of the United States of America; obligations the payments of the principal of and interest on which, in the opinion of the Attorney General of the United States in office at the time such obligations were issued, are unconditionally guaranteed by the United States of America; or bonds, debentures, participation certificates or notes issued by any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

§ 1.2. Applicability and purpose.

The procedures, instructions and guidelines that follow will be applicable to loans or programs for loans which are made or financed or are proposed to be made or financed by the authority to borrowers who have presented proposals or applications for loans or loan programs from the fund.

The purpose of the fund is to create new housing opportunities for lower income Virginians through its operation as a special purpose revolving loan fund. The highest priority is placed upon serving the elderly, disabled, and homeless as well as families in need of affordable housing. The fund will also seek to provide support for comprehensive programs of neighborhood revitalization.

There will be special emphasis placed upon using the fund to attract and leverage other housing aid of all kinds including, but not limited to, financial, in kind, tax incentives and subsidies. The fund shall be used to encourage partnerships with both public and private interests including state agencies, localities and nonprofit organizations. The goal is to maximize the participation in, and resources devoted to, solving housing problems of lower income Virginians.

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There will be an emphasis on creative uses of the fund which will result in the most effective use of its resources and advancement of the state of the art in providing decent housing at an affordable cost to lower income Virginians.

Notwithstanding anything to the contrary herein, the executive director is authorized to waive or modify any provision herein, where deemed appropriate by him, for good cause, to the extent not inconsistent with the Act and the authority's rules and regulations.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the borrower, any contractors or any other parties under any agreements or documents relating to the loan.

These procedures, instructions and guidelines are intended to provide a general description of the authority's processing requirements for loans or loan programs under the fund and are not intended to include all actions involved or required in the processing and administration of such loans or loan programs. Because the fund is an experimental venture, in order to refine and improve its implementation, it is the intention of the authority to be flexible in its interpretation of the principles set forth herein for loans or loan programs of special merit. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by additional policies, procedures, instructions and guidelines adopted by the authority from time to time. The authority reserves the right to change the size of the fund or its uses as circumstances may reasonably dictate.

PART II. PRINCIPLES GOVERNING THE FUND.

§ 2.1. General principles.

A. The fund is a revolving loan fund. It is the authority's intent that repaid principal plus interest, less any loss of interest or principal in the event of default sustained by the fund, will be recycled and loaned to additional projects up to the full amount of the fund as approved by the board of commissioners.

B. Project and program proposals will be given preference in the selection process to the extent they address the following:

1. Needs of the user group, which shall be primary;
2. Partnerships which maximize leveraging of fund loans;

3. Extent to which the project is either innovative or demonstrates a possible "breakthrough" idea for serving lower income households or both;

4. Potential for the project to be replicable (i.e., demonstration);

5. Financial soundness and experience of the sponsor.

C. Proposals should seek to maximize the number of persons or projects which are served. Projects which highly leverage fund moneys by attracting external subsidies and capital are encouraged.

D. The authority will seek an equitable geographic distribution of loans made from the fund.

E. All loans to be made from the fund shall comply with all applicable laws and regulations to which the authority is subject and with any procedures, instructions and guidelines applicable or to be applicable thereto and such other underwriting criteria as the executive director deems necessary to protect the interests of the authority as lender.

PART III. TERMS OF LOANS AND INTEREST RATES.

§ 3.1. Terms of loans.

Ten years shall be the maximum loan term, although longer amortization schedules may be utilized.

§ 3.2. Interest rates.

The interest rate on loans shall generally not be lower than the rate on a U.S. government or agency security for an equivalent term. Such policy should provide interest rates significantly lower to borrowers from the fund than those which would be available from other sources and, at the same time, will provide continuing support for the authority's currently outstanding and future bond issues. The authority realizes that loans will have significantly higher risks than alternative investments and will have little or no liquidity. If deemed necessary, all or a portion of the interest payments on loans may be deferred by the authority.

PART IV. PROPOSALS AND LOAN APPLICATIONS.

§ 4.1. Solicitation of applications and proposals.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit proposals or applications for the fund. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive

director may impose requirements, limitations and conditions with respect to the submission and selection of applications and proposals as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available moneys in the fund are to be allocated and such other matters as he shall deem appropriate relating to the selection of applications and proposals or the establishment of programs. The authority may also consider and approve applications and proposals submitted from time to time to the authority without any solicitation therefor on the part of the authority.

§ 4.2. Authority programs under the fund.

Programs may be designed and operated by the authority if they are innovative, cannot currently be conventionally funded, or may serve as models for future state or bond funding.

§ 4.3. Application and selection for processing.

Application for a loan or loan program shall be commenced by filing with the authority an application or proposal on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority.

Based on the applications, proposals, documents and any additional information submitted by applicants or obtained from other sources by the authority, a subcommittee of the board of commissioners shall select for processing those applications and proposals which it determines may best satisfy the purposes and principles of the fund set forth in §§ 1.2 and 2.1 hereof.

Nothing contained herein shall require the authority to select any application or proposal which, in the judgment of the subcommittee of the board of commissioners, does not adequately satisfy the purposes and principles of the fund set forth in §§ 1.2 and 2.1 hereof.

The selection by the subcommittee of the board of commissioners shall be based only on the documents and information received or obtained by it at that time and shall be subject to modification or reversal upon receipt and further analysis of additional documents or information at a later time.

After selection of an application or proposal for a loan has been made by the subcommittee of the board of commissioners, such application will then be processed by the authority in accordance with the authority's applicable procedures, instructions and guidelines or, if no such procedures, instructions and guidelines are applicable, in accordance with such written agreement or agreements with the applicant as the executive director may require to effect the purposes and principles hereof and to protect the authority's interest as lender.

After selection of an application or proposal for a loan program has been made by the subcommittee of the board of commissioners, the authority may implement such program by (i) applying any then existing procedures, instructions and guidelines of the authority, (ii) promulgating new procedures, instructions and guidelines therefor, or (iii) entering into such written agreement or agreements with the applicant or proposed borrowers or both as the executive director may require consistent with the purposes and principles hereof and the authority's interest as lender.

These procedures, instructions and guidelines shall be effective as of August 18, 1987.

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Title of Regulation: VR 595-02-1. Provision of Independent Living Rehabilitation Services.

Statutory Authority: § 51.01-5 of the Code of Virginia.

Effective Date: November 1, 1987

Summary:

These regulations set forth the basis for the provision of independent living rehabilitation services to those eligible to receive them. They define the criteria for eligibility, order of selection, the kinds and duration of services, referral of applicants, financial participation of clients, appeal procedures for department clients and clients of Independent Living Centers, and review of extended services.

As a result of written and oral comments from the public hearing and during the public comment period which ended June 1, 1987, two substantial changes were incorporated in the final regulations. First, the order of selection, which is required by federal regulations when the department cannot serve all eligible persons with disabilities, was believed by many persons to be too narrowly defined. Therefore, the board combined Priorities II and III which then became Priority II.

The second area of substantial change was in the administration of the financial needs test. The Governor, in his comments on the proposed independent living regulations, expressed concern over individuals who may have been denied services due to consideration of financial need. Public comment was overwhelmingly in favor of eliminating the income of family in considering the extent of financial participation by clients. The board agrees that adults over the age of 18 should not be required to include income of other family members in considering the extent of financial participation in the cost of the

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client's rehabilitation program, and made the change. The impact of this may create a significant additional cost to administer the program since many more severely disabled adults may become eligible for these services.

VR 595-02-1. Provision of Independent Living Rehabilitation Services.

§ 1. Definitions: Independent living.

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

"Center for independent living (CIL)" means a community based, nonprofit, usually nonresidential program which is controlled by [~~the disabled consumer #~~ serves persons with disabilities], provides directly or coordinates indirectly through referral those services which assist severely disabled individuals to increase personal self-determination and to minimize [~~unnecessary~~] dependency upon others.

"Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy [, hearing impairment] or another neurological condition of an individual, which disability originates before such individual attains age 18, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"Habilitation" is the term used to refer to the education, training and care required by developmentally disabled individuals to reach their maximum potential.

"Independent living" means control over one's life based on the choice of acceptable options that minimize reliance on others in making decisions and performing every day activities. This includes managing one's affairs, participating in day to day life in community, fulfilling range of social roles, making decisions that lead to self-determination, and the minimalization of physical and psychological dependency on others.

"Individualized independent living plan (IILP)" means a written rehabilitation plan developed jointly by the department or CIL and the [~~severely disabled individual~~ individual with a severe disability], and signed by both parties. The IILP indicates the goals established, the services to be provided, and the anticipated duration of the service program and each component service. The IILP is reviewed as often as necessary, but at least on an annual basis, to determine whether services should be continued, modified, discontinued, or whether the individual should be referred to a program of vocational rehabilitation services.

[~~"Severely disabled individual"~~ "Individual with a severe disability"] means an individual whose ability to function independently in family or community, or whose ability to

engage or continue in employment is so limited by the severity of his physical or mental disability that independent living rehabilitation services are required in order to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment. Independent living rehabilitation services needed by [~~a severely disabled individual~~ an individual with a severe disability] generally are appreciably more costly and of appreciably greater duration than vocational rehabilitation services that might be provided under 34 CFR Part 361.

§ 2. Eligibility for independent living services.

A. Eligibility requirements shall be applied without regard to sex, race, creed, color, [~~or~~] national origin [or religion]. No group or individuals shall be excluded or found ineligible solely on the basis of the type of disability. No upper or lower age limit shall be applied which shall in and of itself result in a determination of ineligibility. No residence requirement shall be imposed which excludes from services any individual who is presently in the Commonwealth.

B. An evaluation by the Department of Rehabilitative Services (DRS) or its designee is required of each severely disabled person who applies for independent living services. The evaluation is limited to that information necessary to determine whether the individual is eligible to be provided independent living services, and to determine which independent living services are needed.

C. All applicants for independent living services shall be apprised of the services of the Client Assistance Program within the Department for the Rights of the Disabled.

§ 3. Basic eligibility criteria.

The following set forth criteria for basic eligibility:

1. The presence of a severe physical or mental disability;
2. The presence of a severe limitation in ability to function independently in family or community, or to engage or continue in employment; and
3. A reasonable expectation that independent living rehabilitation services will significantly assist the individual to improve his ability to function independently in family or community, or to engage or continue in employment.

§ 4. Certification of eligibility.

A. Before or at the same time as acceptance of [~~a severely disabled individual~~ an individual with a severe disability] for independent living rehabilitation services, there shall be a certification that the individual has met the basic requirements specified in § 2 of these

regulations.

B. The certification is approved, dated and signed by [a department an appropriate] staff [person member of the department].

§ 5. Ineligibility.

A. Certification of ineligibility.

When it is determined that independent living services cannot be expected to assist an individual to engage or continue in employment, or to function more independently in family or community, a certification of ineligibility shall be signed and dated by [the department's designee an appropriate staff member of the department]. A copy shall be promptly provided to the individual.

Such determination shall be made only after full consultation with the individual or as appropriate, his parents, guardian or other representative, or after giving a clear opportunity for this consultation. The department shall ensure notification in writing of the action taken and inform the individual of his rights and the means by which he may express and seek remedy for any dissatisfaction, with such notification including the procedures for administrative reviews and fair hearings. The individual shall be provided a detailed explanation of the availability of the resources within the Client Assistant Program, Department for the Rights of the Disabled, and when appropriate referral shall be made to other agencies and facilities, including when appropriate, the vocational rehabilitation program.

B. Review of ineligibility determination.

When the department has certified the ineligibility of an applicant for independent living services because of a determination that these services cannot be expected to assist the individual to engage or continue employment or to function more independently in family or community, the individual's current status will be reviewed within 12 months. [When the individual has received CIL services, the review may be conducted jointly by department and CIL staff.] This review need not be conducted in situations where the individual has refused it, the individual is no longer in the Commonwealth, or the individual's whereabouts are unknown.

§ 6. Order for selection for services.

In the event independent living rehabilitation services cannot be provided to all eligible persons who apply, an order of selection is implemented:

PRIORITY I. Persons eligible and presently receiving services under an IILP.

[**PRIORITY II.** Severely disabled persons who are institutionalized, have been institutionalized in the past,

or are at a risk of becoming institutionalized.]

PRIORITY [III. II.] Persons whose impairments are so severe that they do not presently have the potential for employment, but whose ability to live and function independently within their family setting [or] communities [or institutions] may be improved by the services.

PRIORITY [IV. III.] Persons who need independent living services in order to engage in or maintain employment.

§ 7. The individualized independent living plan (IILP).

A. General requirements.

1. The IILP shall be initiated and periodically updated for individually provided independent living rehabilitation services.

2. Independent living services shall be provided in accordance with the IILP, which shall be developed jointly with the individual or his parents, guardian, CIL or other representative, and approved by the department's designee.

3. A copy of the IILP and any amendments shall be provided to the [severely disabled individual individual with a severe disability], or his parents, guardian or other representative.

4. The IILP shall be initiated after certification of eligibility for independent living services.

B. IILP review.

The IILP shall be reviewed as often as necessary, but at least on an annual basis. Each [severely disabled individual individual with a severe disability], or his parents, guardian, or other representative shall be given an opportunity to review the IILP and, if necessary, jointly modify the IILP and agree by signature to its terms.

C. Determination on ineligibility under IILP.

If services are to be terminated under an IILP for any reason, the following conditions and procedures shall be met and carried out:

1. The decision shall be made only with the full participation of the [severely disabled individual individual with a severe disability], or his parents, guardian, or other representative, unless the individual has refused to participate, the individual is no longer residing in the Commonwealth, or his whereabouts are unknown. When the full participation of the individual or a representative of the individual has been secured in making the decision, the reviews of the individual shall be recorded in the IILP.

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2. The rationale for the ineligibility decision shall be recorded as an amendment to the IILP certifying that the provision of independent living services has demonstrated that the individual is not capable of functioning more independently in family or community, or engaging or continuing in employment. A certification of ineligibility is then executed; and

3. There shall be a periodic review at least annually of the ineligibility decision in which the individual is given the opportunity for full consideration in the reconsideration of the decision, except in situations where a periodic review would be precluded because the individual has refused services or has refused a periodic review or the individual is no longer residing in the Commonwealth, or his whereabouts are unknown. The first review of the ineligibility decision shall be initiated by the department or its designee. Any subsequent reviews shall be undertaken at the request of the individual.

D. Coordination with vocational rehabilitation, development disabilities and education programs.

The development of the IILP and the provision of these services will be coordinated with the individualized written rehabilitation plan for vocational rehabilitation services, if there is such a program. This will also be coordinated with any individualized written habilitation program for the individual prepared under the Developmental Disabilities Assistance and Bill of Rights Act, or with any individualized education program for the individual.

§ 8. Scope of independent living rehabilitation services for individuals.

The following independent living rehabilitation services shall be provided if deemed necessary to the independence of the individual:

1. Counseling services, including psychological counseling, psychotherapeutic counseling, advocacy services and related services;

2. Housing incidental to the provision of any independent living rehabilitation service, and including appropriate accommodations to, and modifications of, any space utilized to serve severely disabled individuals;

3. Physical and mental restoration services, including:

a. Physical and mental medical rehabilitation services;

b. Dentistry services;

c. Nursing services;

d. Therapeutic treatment, such as physical therapy, occupational therapy, speech language and hearing

therapy, therapeutic recreation, drama therapy, music therapy, dance therapy and art therapy.

e. Health maintenance;

f. Eyeglasses and visual services; and

g. Prosthetic, orthotic and other assistive appliances and devices.

4. Attendant care;

5. Transportation;

6. Interpreter services for deaf individuals, including tactile interpretation for deaf blind individuals;

7. Reading services, rehabilitation teaching services, and orientation and mobility services for blind individuals;

8. Recreation activities;

9. Services to [family] members of [a severely disabled individual's family an individual with a severe disability] when necessary for improving the individual's ability to live and function more independently, or the individual's ability to engage or continue in employment;

10. Vocational and other training services, including personal and vocational adjustment when necessary for improving [a severely disabled individual's an individual with a severe disability's] ability to live and function more independently, or his ability to engage or continue in employment;

11. Job placement services;

12. Referral services;

13. Telecommunications, sensory and other technological aids and devices;

14. Services for children of preschool age including physical therapy development of language and communication skills, and child development services;

15. Any other vocational rehabilitation services available under the State Plan for Vocational Rehabilitation Services are appropriate to the independent living rehabilitation needs of [a severely disabled individual an individual with a severe disability] , and

16. Any appropriate preventive services necessary to decrease the future needs of [a severely disabled individual an individual with a severe disability] assisted under the program for similar services.

§ 9. Participation by the [disabled individuals individuals

with a disability] in the cost of independent living rehabilitation services.

A. An economic need test is established because of the limited resources of the department.

B. An economic need test will be utilized to determine the extent of client participation in the cost of independent living rehabilitation services. Services exempt from consideration for financial participation will be diagnostic and evaluation, counseling, guidance and referral, job placement, on-the-job training and unpaid work experience. Also excluded from financial participation will be services necessary to assist in the diagnostic and evaluation process such as transportation, maintenance and interpreter service for the deaf.

C. Groups exempt are:

1. Recipients of General Relief.
2. Recipients of Aid to Families with Dependent Children by the client or family in which the client is dependent.
3. [Recipients of] Supplemental Security Income (SSI).
4. [Recipients of] Social Security Disability Income (SSDI).

D. The Department of Rehabilitative Services will make an assessment of similar benefits available to pay for independent living rehabilitation services. The Department of Rehabilitative Services will not pay program costs which could otherwise be provided by similar benefits unless it is documented that the delay in securing such benefits would be detrimental to the rehabilitation program.

E. Income and resources of the family are to be used when the client is [less than 18 years of age, has not been emancipated, and is] a part of the family unit. The client is a part of the parent or legal guardian family unit upon occurrence of either:

1. Residence with the parent/legal guardian;
2. Dependency of support evidenced on the last federal income tax return of the parent/legal guardian regardless of residency; or
3. When temporarily absent from the home due to illness, school, vacation or military leave.

The family unit may include persons in residence with the parent/legal guardian, other than the client, who were declared as a dependent on the last federal income tax return of the parent/legal guardian.

F. The financial need test will consider the following

income:

1. Annual taxable income (gross income).
2. Annual nontaxable income such as social security, retirement benefits, workmen's compensation, veteran's benefits, etc.
3. Total cash assets, including checking and savings accounts, certificates, stocks and bonds, etc.

The financial need test will provide for the following allowances and exclusions:

- a. The gross income will be adjusted by the percentage indicated in the table below:

Gross Income	Allowance
Under \$10,000	15%
\$10,000 to 14,999	20%
\$15,000 to 24,999	25%
\$25,000 to 34,999	30%
Over \$34,999	35%

- b. Income will be excluded from consideration based upon family size using the table below:

Size of Family	Income Exclusion
1	\$10,608
2	13,143
3	15,678
4	18,213
5	20,748
6	23,283
7	25,818
8	28,353

For each additional dependent, add \$2,535.

The table above is based upon the federal low income for a family of four. It [will shall] be [reviewed updated] annually [by the department].

- c. Excluded from income will be [the] estimated client [cost costs] specifically related to the client's disability and not covered by similar benefits.

- d. Excluded from cash assets is \$5,000.

- e. Individual retirement account shall be excluded from income considerations.

Determination of the annual client financial contribution results from an examination of (i) the number of persons in the family unit; (ii) annual taxable income minus allowances; (iii) annual nontaxable income; (iv) cash assets minus exclusions and; (v) exceptional exclusions based on client cost specifically related to client's disability.

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The financial resources to be considered will be tabulated using the method noted herein. The positive balance (resources exceeding exclusions) will be determined to be available for participation in the rehabilitation program.

§ 10. Consideration of similar benefits.

[A.] Consideration shall be given, in all cases, to any similar benefits available to [a disabled individual an individual with a disability], or to [family] members of [a disabled individual's family an individual with a disability], under any program to meet, in whole or in part, the cost of any independent living rehabilitation services, except the following:

1. Evaluation;

2. Counseling, guidance, and referral;

3. Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, which are not provided in institutions of higher education;

4. Placement;

5. Post employment services consisting of the services listed in § 12 of the department's Vocational Rehabilitation Regulations;

6. Physical and mental restoration services and maintenance, which would significantly delay the provision of services to the individual; and

7. When services are not adequate and would interfere with achieving the rehabilitation objective of the individual.

1. Intake counseling to determine the client's need for specific rehabilitation services;

2. Referral and counseling services with respect to attendant care;

3. Counseling and advocacy services with respect to legal and economic rights and benefits;

4. Referral for housing and transportation;

5. Surveys, directories, and other activities to identify appropriate housing and accessible transportation and other support services;

6. Peer counseling;

7. Individual and group social and recreational activities; and

8. Services which will significantly delay achieving the Independent Living Rehabilitation objective of the

individual.

B. An appropriate staff member of the department shall be responsible for making a determination as to how a program of services is to be financed. The department shall consider the availability of third party resources to cover part or all of the cost; the availability of the individual's resources or the individual's family resources to cover part or all of the cost; and the availability of department resources to cover part or all of the cost when other resources are insufficient.]

§ 11. Appeal procedures.

Appeal procedures for independent living services adhere to the department's appeal procedures, as set forth in § 18 of the department's Vocational Rehabilitation Regulations.

§ 12. Protection, use and release of personal information.

Independent living services will adhere to the department's protection, use, and release of personal information, as set forth in § 19 of the department's Vocational Rehabilitation Regulations.

§ 13. Grants or contracts for independent living centers.

Grants or contracts may be awarded to any county, city or combination thereof, or any local public or private nonprofit agency, organization or facility. The criteria contained herein shall be followed in the establishment and operation of Centers for Independent Living (CILs).

§ 14. Approval of grants or contracts for independent living centers.

No applicant shall be eligible for a grant to establish independent living services or to develop independent living centers unless its plan and budget have been approved (i) by the governing body or bodies of each political subdivision of which it is an agency or by the governing board, if any, of the private nonprofit agency, organization or facility, making such application and (ii) by the Department of Rehabilitative Services.

§ 15. Governing board of centers for independent living.

A. Each center shall be governed by a board, consisting of no less than seven persons, established for the sole purpose of operating a center for independent living. This governing board shall be established prior to the submission of a grant proposal to fund such a CIL. Only the board established for the purpose of operating a CIL is eligible to receive grants and contracts from the department.

B. The governing board shall contain a majority number of persons with disabilities who shall provide a cross-disability representation.

§ 16. Staff.

A. CIL staff shall include as large a proportion of persons with disabilities as is practicable.

B. CILs shall be staffed by persons skilled or trained to assist individuals with disabilities, achieve social and economic independence.

C. CILs shall meet all relevant licensure, certification, bonding, and insurance requirements of the Department of Rehabilitative Services.

§ 17. Eligibility for those persons served by centers for independent living.

A. Eligibility requirements shall be applied without regard to gender, race, age, creed, types of disability, color [, religion] or national origin. No residence requirement, durational or other shall be imposed which excludes from services any individual who is present in the Commonwealth.

B. Basic eligibility criteria.

A person may be eligible to become a participant in an independent living center when there is the presence of a severe disability, there is a stated need or request for services and receipt of services can reasonably be expected to benefit the person's independence in the family, community or work.

C. Certification of eligibility.

For independent living services, before or at the time the person is accepted for services, the CIL center staff shall document eligibility.

§ 18. Ineligibility.

When it is determined by CIL staff that independent living services cannot be expected to assist an individual to function more independently in family or community, or to engage or continue in employment, and after consultation with the individual, a certification of ineligibility shall be developed by CIL staff, approved and dated by [the Department of Rehabilitative Services' designee or an appropriate department staff member] and notification promptly provided to the applicant. The notification shall state the reason for the decision and offer opportunity for consultation by the applicant or their designee. The person shall be notified in writing of their rights and the means by which they may seek remedy, including administrative review and fair hearing. The applicant shall be provided a detailed explanation of the availability of the services of the Client Assistance Program, Department for the Rights of the Disabled.

§ 19. Order of selection for those served by centers for independent living.

If funding prohibits provision of services in centers for independent living to all eligible applicants, an order of selection will be implemented.

PRIORITY I. Persons eligible and presently receiving services under an IILP.

[**PRIORITY II.** Severely disabled persons who are institutionalized, have been institutionalized in the past, or are at a risk of becoming institutionalized.

PRIORITY III. Severely disabled persons whose ability to live and function independently within their family setting or communities may be improved by the services, but who do not have the potential for employment.

PRIORITY II. Persons whose impairments are so severe that they do not presently have the potential for employment, but whose ability to live and function independently within their family setting, communities or institutions may be improved by the services.]

PRIORITY [IV. III.] Persons who need independent living services in order to engage in or maintain employment.

§ 20. Scope of services for center for independent living.

Services provided through grants or contracts with independent living centers may include:

1. Intake counseling to determine the individual's need for specific independent living services;
2. Peer counseling;
3. Independent living skills counseling and training, including equipment maintenance, job seeking skills, counseling related to therapy needs and programs, and special programs for persons with hearing disabilities;
4. Advocacy for persons with disabilities;
5. Counseling and advocacy services regarding legal and economic rights and benefits for the individual and their families;
6. Education and training necessary for living in the community and participating in community activities;
7. Referral and counseling services regarding attendant care;
8. Attendant care and the training of such personnel to provide such care;
9. Housing and transportation referral;
10. Surveys, directories and other activities to identify appropriate housing, accessible transportation and

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other support services;

11. Individual and group social and recreational activities;

12. Health maintenance programs;

13. Job development;

14. Community group living arrangements;

15. Other programs designed to provide resources, training, counseling services, or other assistance of substantial benefit, including but not limited to systems advocacy, community education, and technical assistance which do not conflict with federal or state laws and which promote the independence productivity and quality of life of person with disabilities.

§ 21. Participation by individuals in cost of services.

A. Each public or private agency awarded a grant or contract in accordance with § 51.01-23 of the Code of Virginia shall [institute a reimbursement system to maximize the collection of fees from utilize the board's regulations to maximize the financial participation of] persons receiving services.

B. Groups exempt are:

1. Recipients of General Relief.

2. Recipients of Aid to Families with Dependent Children by the client or family in which the client is dependent.

3. [Recipients of] Supplemental Security Income (SSI).

4. [Recipients of] Social Security Disability Income (SSDI).

C. The department's economic need test shall be used to determine the individual's participation in the cost of services received in the CILs. Services to individuals exempt from consideration for financial participation, shall be evaluation, intake, peer counseling, advocacy, information and referral, independent living skills training, interpreter services for the deaf and job development.

Services which require an economic need test are: (i) equipment maintenance; (ii) education and training necessary for living in the community; (iii) attendant care and training of such personnel to provide such care; (iv) individual and group social and recreational activities; (v) health maintenance programs; and (vi) community group living arrangements.

§ 22. Appeal procedures.

[When a participant is dissatisfied with any action

concerning the furnishing of or denial of independent living services by a CIL, they may file a request for an administrative review and a redetermination of that action. The participant shall be informed of the availability of the Client Assistance Program, Department for the Rights of the Disabled.

A. Reconsideration step.

When a participant is dissatisfied with an action taken by a CIL, the participant shall present the disagreement verbally or in writing for the reconsideration. This can be presented either to the person who took the initial action or to the person's immediate supervisor. The initial action shall be reviewed and the participant shall be informed in writing within seven working days of the results of the redetermination.

B. Administrative review.

1. Any participant who has been unable to satisfactorily resolve the issues at the reconsideration step may obtain an administrative review from the executive director of the CIL, unless the director was involved in the reconsideration step. The chair of the governing board shall then designate a representative.

2. The request for the administrative review shall be made in writing within 30 days after the participant has been notified of the reconsideration decision. The request shall contain a description of the issues presented for review, the action being requested, and any other appropriate information.

3. The administrative review shall be conducted within 10 working days.

4. The review person shall give the participant the opportunity to present their dispute verbally, if so desired.

5. The review person shall determine whether the initial action was in accordance with the rights of the participant, and consistent with the CIL's policies, practices and regulations.

6. The review persons shall make a decision in writing within five working days from the review.

C. Fair hearing: the Department of Rehabilitative Services procedure as set forth in subsection D of § 18 of the department's Vocational Rehabilitation Regulations.

Appeal Procedures for Independent Living Rehabilitation Services provided by Independent Living Rehabilitation Centers shall adhere to a department approved appeal procedure.]

§ 23. Protections, use and release of personal information.

The CILs will adhere to the department's regulations as

set forth in § 19 of the Virginia Rehabilitative Regulations.

§ 24. Cooperative agreements.

No services funded by the department to the CILs shall be provided to:

1. Persons whose primary impairment is mental illness, mental retardation or substance abuse, except by cooperative agreement with the local community service board established pursuant to § 37.1.19.4 (et seq.) of the Code of Virginia, when the board is currently offering the same services; or

2. Public school aged persons, except by cooperative agreement with that person's school [, unless the services are not otherwise available].

[§ 25. Department of Rehabilitative Services clients referred to CIL by department counselors for specific services related to the vocational objective under the IWRP may have those services funded by the department based upon approved vendor arrangements between the department and the respective center.]

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C.4 (c) of the Code of Virginia, which excludes from that article regulations which are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Social Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 615-01-22. Home Energy Assistance in the Aid to Dependent Children (ADC) Program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Effective Date: October 1, 1987.

Summary:

Section 63.1-25 of the Code of Virginia authorizes the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia.

Pursuant to Title 45 of the Code of Federal Regulations (CFR), § 233.53, states are provided with the option to disregard certain support and maintenance assistance, including home energy assistance, furnished from October 1, 1984, through September 30, 1987, from consideration as income and

resources in the Aid to Dependent Children (ADC) program.

Federal authority to allow states to disregard home energy assistance payments expires September 30, 1987, and, therefore, the Department of Social Services no longer has the option to disregard such payments beginning October 1, 1987. As the proposed regulation is being adopted in response to a federal regulatory mandate, the department, at the direction of the State Board of Social Services, is requesting exclusion from the requirements of Article 2 of the Administrative Process Act.

Should federal legislation to extend the disregard of home energy assistance payments be enacted prior to the effective date of this regulation, this regulation would become null and void as the disregard of home energy assistance payments would again require full public participation and would no longer be exempt from the provisions of Article 2 of the Act.

It should also be noted that this regulation does not impact the disregard of fuel assistance payments issued through the Virginia Fuel Assistance Program.

VR 615-01-22. Home Energy Assistance in the Aid to Dependent Children (ADC) Program.

PART I.

Disregard of Home Energy Assistance.

In the determination of eligibility for assistance in the Aid to Dependent Children (ADC) program and the amount of the assistance payment, home energy assistance payments for home heating or cooling provided by suppliers of home energy, such as electric and gas companies, fuel oil dealers, etc., which are certified by the Department of Social Services are disregarded from consideration as income and resources.

Final Regulations



COMMONWEALTH of VIRGINIA

JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
General Assembly Building
910 Capitol Street
Richmond, Virginia

POST OFFICE BOX 340
RICHMOND, VIRGINIA 23208
(804) 788-3621

August 18, 1987

William L. Lukhard, Commissioner
The Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229

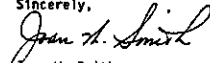
Re: VR 615-01-22. Home Energy Assistance in the Aid to
Dependent Children (ADC) Program

Dear Mr. Lukhard:

This will acknowledge receipt of the above-referenced regulation
from the Department of Social Services.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I
have determined that these Regulations are exempt from the operation of
Article 2 of the Administrative Process Act since they do not differ
materially from those required by federal law.

Sincerely,


Joan W. Smith
Registrar of Regulations

JWS:s11

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF SOCIAL SERVICES

Title of Regulation: **VR 615-45-1. Policy Regarding Child
Protective Services Central Registry Information.**

Office of the Governor

August 7, 1987

Mr. William L. Lukhard
Commissioner
Department of Social Services
8007 Discovery Drive
Richmond, Virginia 23229-8699

I have reviewed the Policy Regarding Child Protective Services Central Registry Information (VR 615-45-1) under the procedures of Executive Order Number Five (86).

The proposal appears carefully drawn to amend the policy to reflect the current philosophy in child protective services. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

/s/ Gerald L. Baliles
Governor

GENERAL NOTICES/ERRATA

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

AUCTIONEERS BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Auctioneers Board intends to consider amending regulations entitled: **Rules and Regulations for the Registration of Auctioneers**. The purpose of the proposed amendments is to provide clarification to existing regulations regarding the Registration of Auctioneers.

Statutory Authority: §§ 54-824.9:1 and 54-824.9:3 of the Code of Virginia.

Written comments may be submitted until October 31, 1987.

Contact: Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508 (toll-free 1-800-552-3016)

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Education intends to consider amending regulations entitled: **Regulations Governing Literary Loan Applications in Virginia**. The purpose of this action is to finalize the Literary Fund Emergency Regulations which became effective March 23, 1987.

Statutory Authority: §§ 22.1-16, 22.1-142 and 22.1-161 of the Code of Virginia

Written comments may be submitted until October 5, 1987.

Contact: M. E. Cale, Associate Superintendent for Financial and Support Services, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2025

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Department of Education intends to consider amending regulations entitled: **Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia**. The purpose of this action is to review all pupil transportation regulations and standards for the purpose of updating and amending the 1981 edition of the Board of Education regulation pertaining to pupil transportation. During this project, the emergency regulations approved on June 22, 1987 will be finalized.

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until October 5, 1987.

Contact: R. A. Bynum, Associate Director, Pupil Transportation Service, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia**. The purpose of the proposed amendments is to ensure a free appropriate public education in the least restrictive environment to all handicapped children and youth, ages 2 to 21, inclusive, residing in the Commonwealth. Application of § 9-6.14:4.1 of the Code of Virginia requires amending hearing officer system; P.L. 99-372 and P.L. 99-457 also necessitate revision in existing regulations governing the handicapped.

Statutory Authority: § 22.1-16 of the Code of Virginia; 20 USC §§ 1412 and 1413.

Written comments may be submitted until September 30, 1987.

Contact: Dr. Andrea B. Chisick, Supervisor of Complaints Management, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Management of Student's Scholastic Records**.

The purpose of the proposed amendments is to assure the protection of confidentiality of any personally identifiable data, information, and records collected or maintained by local school divisions and participating agencies and to provide for the orderly management of a student's scholastic record in the public schools of Virginia.

Statutory Authority: § 22.1-16 of the Code of Virginia and 34 CFR 99.1-99.67; 20 USC 1232 g et seq.

Written comments may be submitted until September 30, 1987.

Contact: Dr. Andrea B. Chisick, Supervisor of Complaints Management, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

DEPARTMENT OF HEALTH (COMMISSIONER OF)

Bureau of Shellfish Sanitation

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Sanitary Control of the Picking, Packing and Marketing of Crab Meat for Human Consumption**. The purpose of the proposed amendments is to protect the public health by establishing the conditions under which crab meat for human consumption may be handled.

Statutory Authority: § 28.1-176 of the Code of Virginia.

Written comments may be submitted until September 28, 1987.

Contact: Cloyde W. Wiley, Director, Bureau of Shellfish Sanitation, 109 Governor St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-3561

DEPARTMENT OF HEALTH (STATE BOARD OF)

Bureau of Sewage and Water

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Sewage Handling and Disposal Regulations**. The proposed amendments will address on-site wastewater systems

installed in areas subject to coastal erosion.

Statutory Authority: §§ 32.1-12 and 32.1-64 of the Code of Virginia.

Written comments may be submitted until September 30, 1987.

Contact: Donald J. Alexander, Director, Bureau of Sewage and Water, 109 Governor St., James Madison Bldg., Room 504, Richmond, Va. 23219, telephone (804) 786-1750

Bureau of Radiological Health

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **Ionizing Radiation Rules and Regulations**. The purpose of the proposed amendments is to adopt changes required by House Bill 91. Revisions of the Suggested Model regulations and Federal Code are incorporated into the new regulations. Regulations governing radioactive waste and transportation of radioactive materials will be replaced and adopted by another agency.

Statutory Authority: § 32.1-229 of the Code of Virginia.

Written comments may be submitted until October 1, 1987, to Charles Price, Supervisor, Bureau of Radiological Health, Department of Health, 109 Governor Street, Room 915, Richmond, Virginia 23219.

Contact: Leslie Foldesi, Radiation Safety Specialist, Bureau of Radiological Health, 109 Governor St., Room 915, telephone (804) 786-5932 (toll-free 1-800-468-0138)

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Division of Benefit Programs

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Timely Reporting Requirement in the Aid to Dependent Children (ADC) Program**. The purpose of the proposed regulations is to assure that recipients are allowed a reasonable amount of time to report a change in their family's circumstances. It is proposed that the time frame for making a report of change be lengthened to allow 10 calendar days from the date of the change. Currently, a change must be reported the day the change

General Notices/Errata

occurs or the first workday thereafter. If a family with earned income fails, without good cause, to make a proper report, continued eligibility for ADC is evaluated without consideration of the earned income disregards.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 30, 1987 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Va. 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Aid to Dependent Children Emergency Assistance**. The purpose of the proposed amendments is to provide assistance in cases of eviction or threatened eviction, emergencies resulting from loss of employment, and victims of spouse abuse in shelters. An additional expansion is being considered to assist the homeless and those at risk of becoming homeless.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until September 16, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Division of Licensing Programs

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **Standards and Regulations for Licensed Homes for Adults**. The purpose of the proposed action is to (i) amend standards relating to residents' rights, (ii) revise definition of "nursing and convalescent care," (iii) amend standards addressing the maintenance of records, (iv) amend standards relating to the maintenance of residents' personal funds, (v) revise definition of "maintenance and care," (vi) amend planned activity requirement, and (vii) review standards relating to restraints.

Statutory Authority: §§ 63.1-25 and 63.1-174 of the Code of

Virginia.

Written comments may be submitted until November 30, 1987.

Contact: Jeffrey A. Setien, Program Development Supervisor, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

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 promulgating regulations entitled: **Underground Storage Tank Regulations**. The purpose of the regulations will be to establish minimum financial responsibility requirements for all owners and operators of underground storage tanks. Further, the regulations will set up the framework for administering the fund. Finally, the regulations will set forth those requirements necessary, including environmental protection rules and regulations, for the board to implement an underground storage tank program in Virginia in accordance with the new laws.

Statutory Authority: §§ 62.1-44.34:9, 62.1-44.34:11 and 62.1-44.34:12 of the Code of Virginia.

Written comments may be submitted until September 15, 1987.

Contact: Larry G. Lawson, Assistant Director of Operations, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6383

GENERAL NOTICES

ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

† Issued by the Department of Health

This article has been developed by the State Health Department to provide the public with basic information about Acquired Immunodeficiency Syndrome (AIDS). It is also intended to familiarize citizens with human immunodeficiency virus (HIV) antibody testing. AIDS is caused by HIV. The pamphlet entitled, "AIDS: What You Should Know About The Antibody Test!" contains additional

information and is available through local health departments.

AIDS AND ANTIBODY TESTING

What is AIDS and How is it Transmitted?

AIDS is caused when human immunodeficiency virus (HIV) attacks a person's immune system and weakens his or her ability to fight other infections. Currently there is neither a cure nor a vaccine to combat this fatal disease.

The only preventative measure we currently have is education. Therefore, by understanding how HIV is transmitted, individuals can protect themselves against exposure to HIV.

The routes of transmission of this virus are as follows:

1. Intimate sexual contact (either heterosexual and/or homosexual) involving the exchange of blood, semen or vaginal secretions;
2. The sharing of contaminated intravenous (IV) drug needles or other drug paraphernalia such as syringes or "cookers";
3. Transfusion with blood or blood products containing HIV. Contracting AIDS through a blood transfusion, however, is extremely unlikely, especially if the transfusion occurred after June 1985. This is because only blood that has been tested and found to be free of contamination with HIV has been used for transfusion since that date;
4. Transfer of HIV from an infected mother to her child, either before or during birth.

HIV is not transmitted through casual contact such as one would typically experience in a social or occupational setting. That is, the virus is not transmitted through social kissing, shaking hands, sneezing, sharing food utensils, or use of swimming pools and hot tubs.

HIV Antibody Testing

Currently, there is no readily available way to test directly for HIV, other than in research laboratories. We can, however, test for antibodies to the virus in your blood. If you have been infected with the virus your white blood cells (part of your immune system) produce antibodies to fight it. While the presence of antibodies in the bloodstream does not mean that you have AIDS or will definitely develop AIDS, it does indicate that you have been exposed to the virus and, most importantly, that you are capable of passing it on to others.

Where Can You Take The Test?

Many private physicians offer HIV antibody testing. In Virginia you can also be tested at your local health

department or one of the testing and counseling sites. They offer free, confidential counseling and testing. Counseling and testing services are available at local health department sexually transmitted disease clinics, maternity and family planning clinics, and methadone and detoxification centers throughout the Commonwealth. Information about testing sites is available through the Virginia AIDS Hotline, 1-800-533-4148.

How to Protect Yourself and Others.

- Assume that all sexual partners may carry the AIDS virus;
- If you are sexually active and are not completely confident you are in a mutually monogamous relationship, do not have sexual intercourse (vaginal, oral, and anal) without the use of a condom. By using condoms you avoid passing or receiving body fluids such as blood, semen and vaginal secretions;
- Do not share IV needles, syringes, or other IV drug equipment;
- Do not share razors, toothbrushes, sex toys, or other personal items that come in contact with body fluids;
- Do not share needles used for ear piercing or tattooing;
- Use a birth control foam, cream, jelly, or lubricant with nonoxynol-9 which has been shown to inactivate HIV in a laboratory setting;
- Reduce your risk of acquiring the virus by reducing your number of sex partners;
- If you have tested positive for antibodies to HIV, you should not donate blood, organs, sperm, or tissues;
- You should also inform your physician(s) and dentist about your antibody status so that they can take appropriate blood and body fluid precautions.

What Are the Warning Signs of AIDS?

Many symptoms of AIDS resemble those of minor illnesses such as colds, bronchitis, or flu. In the case of AIDS, however, these symptoms are persistent or recurrent. If you notice these warning signs, see your doctor. Be sure to inform the doctor about any risk factors for AIDS that you may have, such as sexual activity with multiple partners and IV drug abuse. The symptoms include:

- Being tired over a long period of time for no known reason;
- Unexplained weight loss of more than 10 pounds in less than two months not due to dieting or increased exercise;

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- Swollen glands that last more than two weeks and are not caused by a known infection;
- Pink to purple, flat or raised blotches or bumps on or under the skin, inside the mouth, nose, eyelids, or rectum;
- Persistent white or unusual blemishes in the mouth;
- Unexplained mental confusion, social withdrawal, irritability, poor concentration, muscular weakness, or loss of balance;
- Persistent diarrhea;
- A dry cough not due to smoking or any other respiratory infection;
- Periodic or regular fevers, chills or nightsweats not due to a known illness and lasting more than a few days.

More information about HIV infection and AIDS is available by calling the Department of Health's toll-free AIDS hotline, 1-800-533-4148. Trained counselors are available from 8:30 a.m. - 5:00 p.m. each weekday. In addition to counseling services, they provide AIDS-related literature, information about testing and counseling, and referrals for medical and psychological evaluations.

DEPARTMENT OF LABOR AND INDUSTRY

General Notice

Pursuant to the provisions of § 9-6.14:7.1(c) of the Code of Virginia, the regulatory process has been suspended by the Governor for 30 days on proposed final regulation VR 425-01-28, Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia, IV, B, (14) Numeric Ratio of Apprentices to Journeymen. The Governor has asked that this agency solicit additional comment on this proposed final regulation.

Written comments are solicited until October 1, 1987 addressed to Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

GOVERNOR'S COMMISSION ON TRANSPORTATION FOR THE TWENTY-FIRST CENTURY

Notice of Public Hearing

Notice is hereby given that the Governor's Commission on Transportation for the Twenty-first Century - Phase II, by

the authority granted by Governor Gerald L. Baliles under Executive Order 6 (86), Executive Order 38 (87) and § 2.1-51.36 of the Code of Virginia, will solicit participation and receive testimony of interested parties, organizations, state and regional elected officials, and local government officials for the purpose of:

- Discussing Financing Mechanisms and Other Potential Sources of Revenue for Local Transportation Needs.

The commission will hold the public hearing on:

Date: September 23, 1987
Place: General Assembly Building
Senate Room B
Richmond, Virginia. ☐
Time: 10 a.m. until all testimony has been heard

The Chairman of the Local Financing Options Subcommittee has requested that individuals who wish to testify bring 25 copies of their statement to the public hearing and sign-up prior to the hearing date by calling:

Jewel Paige, Staff Assistant
(804) 786-2405 or 786-2437

If interested parties are unable to attend the public hearing the commission will accept written testimony received by our office no later than September 10, 1987.

Mail to:

Dr. Gary T. Johnson, Research Director
The Governor's Commission on Transportation
Post Office Box 1475
Richmond, Virginia 23219

Delegate C. Richard Cranwell, Chairman of the Subcommittee on State and Local Relations has called a meeting of this subcommittee which is also scheduled for September 23, 1987, at 10 a.m. in House Room D of the General Assembly Building.

For additional information contact Jewel Paige at the commission office.

NOTICES 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, Deputy Registrar of Regulations, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va.

23208, telephone (804) 786-3591

reads in part "weight solide of surface coatings" should be changed to read "weight solids of surface coatings."

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution (Parts V and VI).

Publication: 3:23 VA.R. 2685-2698 August 17, 1987

Correction: In the section on Proposed Regulations, the following corrections are necessary:

1. The Code of Federal Regulations (CFR) section cited under Part V, § 120-05-0502, Subpart Da which reads in part "40 CFR 60.14a" should be changed to "40 CFR 60.40a."
2. The CFR section cited under § 120-05-0502, Subpart PP which reads in part "thru 40 CFR 60.242" should be changed to "thru 40 CFR 60.424."
3. The CFR section cited under Part VI, § 120-06-0102, Subpart H which reads in part "40 CFR 61.20" should be changed to "40 CFR 61.90."
4. The note included under § 120-06-0102, Appendix B, Method 111, which reads in part "NOTE: Authority to enforce the above method..." should be changed to read "NOTE: Authority to enforce the above test method..."
5. Under Appendix M, section II.A.1.c.(57)(s) Method 7C, "method" should be added to the end of the phrase to read as follows: "Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method."
6. Under Appendix M, II.A.1.c.(57)(ee) Method 15, "Determinationof" needs to be "Determination of."
7. Appendix M, II.A.1.c.(57)(nn) Method 24 which

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- ☒ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

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.

VIRGINIA CODE COMMISSION

EXECUTIVE

STATE BOARD OF ACCOUNTANCY

October 20, 1987 - 10 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Accountancy intends to amend regulations entitled: **VR 105-01-2. Virginia State Board of Accountancy Rules and Regulations**. These rules and regulations govern the profession of certified public accountants. The board is amending § 1.2 of the regulation to facilitate conformance with § 54-1.28:1 of the Code of Virginia.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until October 17, 1987.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free 1-800-552-3016)

BOARD OF AGRICULTURE AND CONSUMER SERVICES

- † September 28, 1987 - 1 p.m. - Open Meeting
- † September 29, 1987 - 8:30 a.m. - Open Meeting

Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia. ☒

A regular meeting of the board.

Contact: Raymond D. Vaughan, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3501

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

September 28, 1987 - 2 p.m. - Public Hearing
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: **VR 115-02-15. Rules and Regulations for the Registration of Poultry Dealers**. The proposed regulations would require that poultry dealers doing business in Virginia keep records of their transactions as a means of tracing poultry disease to its source. They also would require that poultry dealers maintain a regimen of sanitation in their dealings.

Statutory Authority: §§ 3.1-726, 3.1-735 and 3.1-736 of the Code of Virginia.

Written comments may be submitted until June 30, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

* * * * *

September 28, 1987 - 3 p.m. - Public Hearing
Washington Building, Board Room, 2nd Floor, 1100 Bank Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-02-12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds into Virginia**. The proposed amendment to the above-referenced regulation would set health requirements for the admission of South American

camelids of the genus lama into Virginia.

Statutory Authority: § 3.1-726 of the Code of Virginia.

Written comments may be submitted until June 29, 1987.

Contact: A. J. Roth, D.V.M., Chief, Bureau of Veterinary Services, Division of Animal Health, Virginia Department of Agriculture and Consumer Services, Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

STATE AIR POLLUTION CONTROL BOARD

† September 14, 1987 - 10 a.m. - Open Meeting Law Library of Buchanan County Courthouse. ☐

A meeting to inform the public, and receive comments on Island Creek Coal Company's permit application to construct and operate a facility to generate electricity utilizing waste mine gas.

Contact: Southwest Virginia Regional Office, State Air Pollution Control Board, 121 Russell Road, Abingdon, Va. 24210, telephone (703) 628-7841

October 19, 1987 - 10 a.m. - Public Hearing State Air Pollution Control Board, Southwest Virginia Regional Office, 121 Russell Road, Abingdon, Virginia

October 19, 1987 - 10 a.m. - Public Hearing State Air Pollution Control Board, Valley of Virginia Region, 5338 Peters Creek Road, Suite A, Roanoke, Virginia

October 19, 1987 - 10 a.m. - Public Hearing State Air Pollution Control Board, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia

October 19, 1987 - 10 a.m. - Public Hearing State Air Pollution Control Board, State Capitol Region, 8205 Hermitage Road, Richmond, Virginia

October 19, 1987 - 10 a.m. - Public Hearing State Air Pollution Control Board, Hampton Roads Regional Office, Old Greenbriar Village, 2010 Old Greenbriar Road, Suite A, Chesapeake, Virginia

October 19, 1987 - 10 a.m. - Public Hearing State Air Pollution Control Board, National Capital Regional Office, Springfield Towers, 6320 Augusta Drive, Suite 502, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a)(1) of the Federal Clean Air Act that the State Air Pollution Control Board intends to amend

regulations entitled: VR 120-01. Regulations for the Control and Abatement of Air Pollution. The regulations establish limits for sources of air pollution to the extent necessary to attain and maintain levels of air quality as will protect human health and welfare.

Statutory Authority: § 10-17.18(b) of the Code of Virginia.

Written comments may be submitted until October 19, 1987, to Director of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Virginia 23240.

Contact: Nancy S. Saylor, Division of Program Development, State Air Pollution Control Board, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-1249

ALCOHOLIC BEVERAGE CONTROL BOARD

September 22, 1987 - 9:30 a.m. - Open Meeting
October 6, 1987 - 9:30 a.m. - Open Meeting
October 20, 1987 - 9:30 a.m. - Open Meeting
November 4, 1987 - 9:30 a.m. - Open Meeting
November 17, 1987 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☐

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0617

November 19, 1987 - 10 a.m. - Public Hearing 2901 Hermitage Road, 1st Floor Hearing Room, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Alcoholic Beverage Control Board intends to adopt and amend regulations concerning the possession, sale, distribution and consumption of alcoholic beverages. The proposed amendments will affect the following six categories:

Procedural Rules for the Conduct of Hearings Before the Commission and its Hearing Officers and the Adoption or Amendment of Regulations (VR 125-01-1);

Advertising (VR 125-01-2);

Tied-House (VR 125-01-3);

Requirements for Product Approval (VR 125-01-4);

Retail Operators (VR 125-01-5);

Calendar of Events

Manufacturers and Wholesalers Operators (VR 125-01-6).

23219, telephone (804) 786-4752

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted no later than 10 a.m. on November 19, 1987.

Contact: Robert N. Swinson, Secretary, P. O. Box 27491, 2901 Hermitage Rd., Richmond, Va. 23261, telephone (804) 257-0616

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

November 6, 1987 - 10 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to adopt, amend and repeal regulations entitled: **VR 130-01-2. Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.** The purpose of the regulations is to regulate the practice of architects, professional engineering, land surveying and certified landscape architecture and the professional corporations and business entities offering these professions.

Statutory Authority: § 54-25 of the Code of Virginia.

Written comments may be submitted until November 6, 1987.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† September 18, 1987 - 10 a.m. - Open Meeting
Fourth Street State Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va.

VIRGINIA CATTLE INDUSTRY BOARD

† September 14, 1987 - 9:30 a.m. - Open Meeting
Blacksburg, Virginia. ☒

A special Fall board meeting.

Contact: Reggie Reynolds, Secretary, P. O. Box 176, Daleville, Va. 24083-0176, telephone (703) 992-1992

VIRGINIA CAVE BOARD

September 26, 1987 - 1 p.m. - Open Meeting
Virginia Western Community College, Fishburn Hall, President's Board Room, Roanoke, Virginia. ☒

A regular meeting of the board.

Contact: Dr. Lynn M. Ferguson, Department of Natural Sciences, Longwood College, Farmville, Va. 23901, telephone (804) 392-9353/3560

CHILD DAY CARE COUNCIL

† September 21, 1987 - 10 a.m. - Open Meeting
† September 22, 1987 - 8:30 a.m. - Open Meeting
Sheraton Park South, 9901 Midlothian Turnpike, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested) ☞

A general business meeting and election of officers.

Contact: Meredyth P. Partridge, Department of Social Services, Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229, telephone (804) 281-9025

GOVERNOR'S CORPORATE ADVISORY COMMISSION ON EMPLOYERS' INITIATIVES FOR CHILD DAY CARE

† September 16, 1987 - 1:30 p.m. - Open Meeting
Secretary of Human Resources Conference Room, 622 North Ninth Street, 6th Floor, Richmond, Virginia. ☒

A regular business session.

Contact: Beverly Abrams, 805 E. Broad St., 11th Fl., Richmond, Va. 23219, telephone (804) 786-5927

DEPARTMENT FOR CHILDREN

Advisory Board

† September 18, 1987 - noon - Open Meeting
Virginia Department for Children Conference Room, 805
East Broad Street, 11th Floor, Richmond, Virginia. ☐

A regular business session.

Contact: Gladys Finney, 805 E. Broad St., 11th Fl.,
Richmond, Va. 23219, telephone (804) 786-5507

BOARD OF COMMERCE

† October 1, 1987 - 10:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West
Broad Street, Conference Room 1, 5th Floor, Richmond,
Virginia. ☐

A regular business meeting of the board. Agenda items
to include the consideration of subcommittee reports
on current Board of Commerce legislatively mandated
studies as follows:

1. The study of the desirability of regulating the
profession of real estate appraisers (H.J.R. 198);
2. The study of the need for certifying interior
designers (H.J.R. 245);
3. The study of the need to establish a private
investigator's board (S.J.R. 144);
4. The study of issues relating to the practice of
public accountancy (H.B. 1019).

† October 22, 1987 - 10:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West
Broad Street, Conference Room 1, 5th Floor, Richmond,
Virginia. ☐

A tentative meeting of the board. Agenda items may
include additional consideration of subcommittee
reports on current Board of Commerce legislatively
mandated studies as follows:

1. The study of the desirability of regulating the
profession of real estate appraisers (H.J.R. 198);
2. The study of the need for certifying interior
designers (H.J.R. 245);
3. The study of the need to establish a private
investigator's board (S.J.R. 144);
4. The study of issues relating to the practice of
public accountancy (H.B. 1019).

Contact: Catherine M. Walker, Policy Analyst, 3600 W.
Broad St., 5th Fl., Richmond, Va. 23230, telephone (804)
257-8564

VIRGINIA COMMONWEALTH UNIVERSITY

Health Policy Colloquium

September 18, 1987 - 8 a.m. - Open Meeting
Richmond Marriott, Richmond, Virginia. ☐

The colloquium will provide participants an
opportunity to explore and discuss the effects of the
restructuring of the health care marketplace on the
production, roles, supply and distribution of health
professionals. The first presentation, "The Changing
Healthcare Marketplace," will be delivered by
Professor John T. Dunlop, Lamont University Professor
Emeritus, Harvard University, followed by "Reaction
and Responsibility in the Evolving Healthcare
Environment" from an academic and practitioner
perspective. Other presentations will address: Who sets
the objectives for healthcare? How is the concept of
the professional autonomy changing? How will quality
be defined and by whom? Gary Filerman, President,
Association of University Programs in Health
Administration; Marion Ein Lewin, Director, Center for
Policy Research, American Enterprise Institute; and
Ruth Hanft, Former Deputy Assistant Secretary for
Health in the Carter and Reagan
Administration/Washington consultant. Opportunity for
interdisciplinary, round table discussions will be
provided at lunch. The program will be of special
interest to faculty in health related areas, health
professionals, policymakers and the business
community.

Contact: Judith B. Collins, Director, Health Policy Office,
MCV Station, Box 549, Richmond, Va., telephone (804)
786-9770/4324

STATE BOARD FOR COMMUNITY COLLEGES

† September 16, 1987 - 1 p.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Board
Room, 15th Floor, Richmond, Virginia. ☐

A working session of the board. The board committees
will meet at 3 p.m. following the working session

† September 17, 1987 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Board
Room, 15th Floor, Richmond, Virginia. ☐

A meeting of the board. The agenda is unavailable at
this time.

Calendar of Events

Contact: Joy Graham, James Monroe Bldg., 101 N. 14th St., 15th Fl., Richmond, Va. 23219, telephone (804) 225-2126

STATE BOARD OF CORRECTIONS

NOTE: CHANGE OF MEETING DATE

† September 15, 1987 - 10 a.m. - Open Meeting

October 14, 1987 - 10 a.m. - Open Meeting

Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☐

NOTE: September 16, 1987 meeting was changed to September 15, 1987.

A regular monthly meeting to consider such matters as may be presented.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

CRIMINAL JUSTICE SERVICES BOARD

October 7, 1987 - 9 a.m. - Public Hearing

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt regulations entitled: **VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, and Officers of the Department of Corrections, Division of Adult Institutions.** The proposed regulations mandate in-service training standards for law-enforcement officers, jailors or custodial officers and officers of the Department of Corrections, and set forth procedures for approved training facilities to follow when conducting such training.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until September 21, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Va. 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

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October 7, 1987 - 9 a.m. - Public Hearing

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to adopt new regulations entitled: **VR 240-01-14. Rules Relating to Compulsory Minimum Training Standards for Corrections Officers of the Department of Corrections, Division of Adult Institutions.** Regulations for entry-level training standards for correctional officers of the Department of Corrections, Division of Adult Institutions.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until September 21, 1987, to L. T. Eckenrode, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Va. 23219.

Contact: Jay Malcan, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

September 16, 1987 - 1 p.m. - Open Meeting

September 17, 1987 - 9 a.m. - Open Meeting

September 18, 1987 - 1 p.m. - Open Meeting

September 19, 1987 - 9 a.m. - Open Meeting

Marriott Crystal Gateway Hotel, Arlington, Virginia

The Virginia Board of Dentistry will meet to consider board disciplinary actions, finance and other regular business.

Contact: N. Taylor Feldman, Executive Director, Virginia Board of Dentistry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

STATE BOARD OF EDUCATION

September 17, 1987 - 9 a.m. - Open Meeting

September 18, 1987 - 9 a.m. - Open Meeting

James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☐

October 21, 1987 - 9 a.m. - Open Meeting

October 22, 1987 - 9 a.m. - Open Meeting

General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested) ☎

A regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N.

14th St., 25th Fl., Richmond, Va., telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

September 14, 1987 - 10 a.m. - Open Meeting
October 21, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

A regular monthly meeting to discuss and consider final reports of the commission's work. The agenda will be available prior to meeting.

Contact: Leonard L. Hopkins, Governor's Office, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

VIRGINIA MUSEUM OF FINE ARTS

Accessions Committee of the Board of Trustees

† September 16, 1987 - 2 p.m. - Open Meeting
Virginia Museum Auditorium, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting for the consideration of art objects as gifts and purchases. A regularly scheduled meeting.

Entertainment Committee of the Board of Trustees

September 14, 1987 - 3 p.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Lounge of the Members' Suite, Richmond, Virginia. ☒

A review of entertainment needs for special museum guests for the 1987-88 season; hostess assignments will be made.

Finance Committee of the Board of Trustees

† September 17, 1987 - 10:30 a.m. - Open Meeting
Virginia Museum Payne Room, Boulevard and Grove Avenue, Members' Dining Room, Richmond, Virginia. ☒

The first business meeting of the season to consider (i) financial and staff reports; and (ii) review the budget.

Board of Trustees

† September 17, 1987 - 11:30 a.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove

Avenue, Richmond, Virginia. ☒

This will be the first full board meeting of the season to review staff and committee reports and finances.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553 (SCATS 327-0553)

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

September 14, 1987 - 9:30 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒

Informal fact-finding conferences.

Contact: Mark L. Forberg, Executive Secretary, Virginia Board of Funeral Directors and Embalmers, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9907

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† October 2, 1987 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. ☒

The board 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: M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects and City Planning Consultants, P. O. Box 1817, Newport News, Va. 23601, telephone (804) 867-8030

Division of Consolidated Laboratory Services

† October 2, 1987 - 9:30 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

The Advisory Board will discuss issues, concerns, and programs that impact the Division of Consolidated Laboratory Services and its user agencies.

Contact: Dr. A. W. Tiedemann, Jr., Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

Calendar of Events

VIRGINIA BOARD OF GEOLOGY

September 17, 1987 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to approve minutes of May 5, 1987 meeting and review applications.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8555

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November 13, 1987 - 10 a.m. - Public Hearing
Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Geology intends to adopt, amend, and repeal regulations entitled: **VR 335-01-2. Rules and Regulations of the Virginia Board of Geology.** The purpose is to regulate the certification of professional geologists and their practice.

Statutory Authority: § 54-963 of the Code of Virginia.

Written comments may be submitted until November 3, 1987.

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555 (toll-free 1-800-552-3016)

GEORGE MASON UNIVERSITY

Board of Visitors

September 15, 1987 - 3 p.m. - Open Meeting
George Mason University, Student Union II, Rivanna Lane, Fairfax, Virginia. ☒

A regularly scheduled meeting of the Board of Visitors to review recommendations of faculty appointments, to receive reports of the standing committees, and to act on those recommendations presented by the administrators of George Mason University.

Standing committees will meet prior to the board meeting beginning at 9 a.m. on September 15.

An agenda will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Ann Wingblade, Office of the President, George

Mason University, 4400 University Dr., Fairfax, Va. 22030, telephone (703) 323-2041

STATE BOARD OF HEALTH

October 1, 1987 - 10 a.m. - Open Meeting
October 2, 1987 - 9 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

On October 1, the board will meet in a working session to discuss department operations.

On October 2, the board will conduct its regular business meeting.

Contact: Sally Camp, 109 Governor St., Suite 400, Richmond, Va. 23219, telephone (804) 786-3561

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

September 23, 1987 - 9:30 a.m. - Open Meeting
October 28, 1987 - 9:30 a.m. - Open Meeting
Johnston-Willis Hospital, 1401 Johnston-Willis Drive, Richmond, Virginia. ☒

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371

VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

† **September 14, 1987 - 8:30 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review correspondence; (ii) discuss regulations; and (iii) administer the Hearing Aid Dealer and Fitter Examination.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free 1-800-552-3016)

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

September 15, 1987 - 9 a.m. - Open Meeting
13 South 13th Street, Richmond, Virginia. ☒

A regular monthly meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve the amendments to Procedures, Instructions and Guidelines for the Mortgage Credit Certificate Program; and (v) 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, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-2. Certification of Tradesmen Standards.** The purpose of the amendments is 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.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1987 edition of the Certification of Tradesmen Standards which will amend and supersede the 1984 edition.

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 will be affected.
2. Projected costs for implementation and compliance. No material increase in cost to the agency is anticipated because the 1987 edition is merely an updating of the currently effective 1984 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.

Summary: The 1987 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, and for divisions within trades. The purpose of the standards is 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. The certification of a tradesman remains subject to the standards in effect at the time of the issuance of that certificate.

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

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-04. Virginia Amusement Device Regulations/1987.** The purpose of these regulations is to provide uniform safety standards for the construction, maintenance, operation and inspection of amusement devices.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1987 edition of the Virginia Amusement Device Regulations.

Issues:

1. Estimated impact with respect to number of persons affected. All citizens of Virginia who own or use amusement devices 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 amusement devices be maintained in accordance with the fire safety requirements when the building was constructed.

Calendar of Events

Basis: §§ 36-98 and 36-98.3 of the Code of Virginia.

Purpose: To provide for the administration and enforcement of uniform statewide standards for the operation and inspection of amusement devices that supplement the requirements of the Virginia Uniform Statewide Building Code to protect the public from the hazards relating to amusement devices.

Summary: The 1987 edition of the Virginia Amusement Device Regulations provide for the administration and enforcement of uniform, statewide standards for the construction, maintenance, operation and inspection of amusement devices, whether mobile or affixed to a site. These regulations supplement the provisions of the Uniform Statewide Building Code for the purpose of protecting the health, safety and welfare of amusement device users. The technical requirements of the Amusement Device Regulations are based on standards developed by the American Society for Testing and Materials (ASTM). Provisions are included in the regulations for the inspection of amusement devices, reports and investigation of accidents, certification of amusement device inspectors, qualifications and conduct of operators, and an administrative appeals system for the resolution of disagreements between building officials and amusement device owners or operators.

Statutory Authority: §§ 36-98 and 36-98.3 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-6, Virginia Statewide Fire Prevention Code/1987. The purpose of these regulations is to provide uniform fire prevention standards for the protection of life and property in the use and maintenance of buildings.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1987 edition of the Virginia Statewide Fire Prevention Code which will supersede all locally adopted Fire Prevention Codes.

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 fire safety standards be maintained in accordance with the fire safety requirements when the building was constructed.

Basis: §§ 27-95 and 27-97 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 or by the State Fire Marshal in localities choosing not to enforce the Fire Prevention Code.

Summary: The 1987 edition of the Virginia Statewide Fire Prevention Code is a mandatory, statewide, set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this code is optional. The State Fire Marshal shall have the authority to enforce the Fire Prevention Code in those jurisdictions in which the local governments do not enforce the Code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and

Community Development intends to amend regulations entitled: VR 394-01-21. Virginia Uniform Statewide Building Code - Volume I - New Construction Code/1984. The purpose is to provide for minimum safety to life and property for the construction and use of buildings and structures.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1987 edition of the Virginia Uniform Statewide Building Code - Volume I - New Construction Code which will amend and supersede the 1984 edition.

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. Slight increase in construction cost is anticipated because the 1987 edition will require fire walls located between dwelling units be increased from 1-hour to 2-hour rating and the requirements for handicapped units will be increased from 1.0% to 2.0%. Amount of cost is not predictable.

Basis: §§ 36-98 and 36-99 of the Code of Virginia.

Purpose: To update minimum statewide building construction standards for the design, construction, use and repair of buildings and structures.

Summary: Volume I - New Construction of the 1987 Edition of the Virginia Uniform Statewide Building Code (USBC) 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 use group. 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. Technical requirements of the New Construction Code are based on the BOCA model Building Code. The New Construction Code specifies the enforcement procedures to be used by local governments. Enforcement by local governments is mandatory. Provision is made for modifications by the building official when alternate means will provide equivalent health and safety. An administrative appeals system is established for resolution of disagreements between the building owner and the building official.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of

Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-22. Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code/1984. The purpose is to provide uniform building maintenance standards for the protection of life and property in the use and maintenance of buildings.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1987 edition of the Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code which will amend and supersede the 1984 edition.

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: §§ 36-98 and 36-103 of the Code of Virginia.

Purpose: To update minimum, statewide uniform building maintenance standards for the protection of life and property in the use and maintenance of buildings. Enforcement is optional by local government.

Summary: Volume II - Building Maintenance Code of the 1987 Editions 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 National Existing Structures Code, a companion document to the BOCA National 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.

Calendar of Events

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-31. **Virginia Industrialized Building and Mobile Home Safety Regulations/1984**. The purpose of these amendments is to provide for safety to life and property from fire in manufactured buildings as defined in §§ 36-70 - 36-85.1 of the Code of Virginia.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1987 edition of the Virginia Industrialized Building and Manufactured Home Safety Regulations which will amend and supersede the 1984 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 1987 edition is merely an updating of the currently effective 1984 edition of the Virginia Industrialized Building and Mobile Home Safety Regulations. Similarly, no increase in cost to those affected is anticipated.

Basis: §§ 36-73 and 36-85.7 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.

Summary: The Virginia Industrialized Building and Manufactured Home Safety Regulations provide for the

administration and enforcement of uniform, statewide, health and safety standards for industrialized buildings and manufactured homes, wherever produced. A major purpose of the regulations is to make good quality housing more affordable for residents of Virginia. It does so by providing precertification 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: (i) state accreditation, use, and monitoring of independent third-party compliance assurance agencies to review the design of manufactured buildings and to inspect their production for code compliance; (ii) assignment of responsibility for safe installation to local building department, and (iii) state action to secure correction of defects discovered after installation.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-41. **Virginia Public Building Safety Regulations/1984**. These amendments are proposed to provide for safety to life and property from fire in public buildings.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1987 edition of the Virginia Public Building Safety Regulations which will amend and supersede the 1984 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 1987 edition is merely an updating of the currently effective 1984 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.

Summary: The 1987 edition of the Virginia Public Building Safety Regulations (VPBSR) replaces the 1984 edition. The Board of Housing and Community Development has made changes to improve clarity and to update certain obsolescent requirements. Other changes have been made 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 the date of construction.

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

Statutory Authority: § 27-72 of the Code of Virginia.

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

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† November 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to amend regulations entitled: VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations. The purpose of the amendment is to 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 1987 edition of the Liquefied Petroleum Gas Regulations which will amend and supersede the 1984 edition.

Issues:

1. Estimated impact with respect to number of persons affected. 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 1987 edition is merely an updating of the currently effective 1984 edition of the Virginia Liquefied Petroleum Gas Regulations. Similarly, no increase in cost to those affected is anticipated.

Basis: § 27-87 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.

Summary: The Virginia Liquefied Petroleum Gas Regulations, 1987 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.

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

Written comments may be submitted until November 16, 1987.

Contact: Jack A. Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4651

DEPARTMENT OF LABOR AND INDUSTRY

October 6, 1987 - 7 p.m. - Open Meeting
Virginia Department of Transportation, 870 Bonham Road,

Calendar of Events

Auditorium, Bristol, Virginia

October 7, 1987 - 1 p.m. - Open Meeting
Roanoke County Administration Building, 3738 Brambleton Avenue, S.W., Community Room, Roanoke, Virginia

October 8, 1987 - 10 a.m. - Open Meeting
Virginia Department of Transportation, Commerce Road, Auditorium, Staunton, Virginia

October 9, 1987 - 1 p.m. - Open Meeting
Fairfax City Council Chambers, 10455 Armstrong Street, Room 305, Fairfax, Virginia

October 13, 1987 - 7 p.m. - Open Meeting
Department of Motor Vehicles, Military Circle Branch Office, 5745 Poplar Hall Drive, Norfolk, Virginia

October 14, 1987 - 7 p.m. - Open Meeting
Lynchburg Public Library, 2315 Memorial Avenue, Community Meeting Room, Lynchburg, Virginia

October 15, 1987 - 7 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

In accordance with § 9-6.14:25 of the Code of Virginia and Executive Order 26 (86), the Department of Labor and Industry is currently undergoing an extensive regulatory review and is reviewing all of its existing regulations. The purpose of this review is to reduce the burden imposed by regulations, improve their clarity, and evaluate their effectiveness in meeting their stated purpose. Comments are encouraged to help identify regulations that are unclear, duplicative, or in conflict with regulations of other state agencies or the federal government. As a part of this review process, public meetings will be held throughout the Commonwealth for the purpose of soliciting comments and suggestions related to the below listed regulations:

1. Boiler and Pressure Vessel Rules and Regulations;
2. Rules and Regulations Governing Manufacture, Storage, Handling, Use and Sale of Explosives;
3. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia (except numeric ratio and evaluation procedure);
4. Virginia Rules and Regulations Declaring Hazardous Occupations as Promulgated by the Commissioner, Virginia Department of Labor and Industry;
5. Rules and Regulations for Public Safety for Passenger Tramways and Related Devices (Ski Resorts).

Contact: Janice M. Hathcock, Information Officer, Department of Labor and Industry, P. O. Box 12064,

Richmond, Va. 23241, telephone (804) 786-9873

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

September 25, 1987 - 1 p.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☐

An open board meeting to conduct (i) discussion and adoption of the proposed regulations; (ii) signing of certificates; and (iii) election of officers.

Contact: Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508

September 25, 1987 - 10:30 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Conference Room 395, Richmond, Virginia. ☐

Notice is given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board for the Certification of Librarians intends to adopt new regulations and repeal existing regulations entitled: **VR 435-01-1. Regulations for the Certification and Licensure of Librarians.** The regulations will ensure that practitioners using the title "Librarian" have met the educational and experience requirements.

Statutory Authority: § 54-268.1 of the Code of Virginia.

Written comments may be submitted until September 20, 1987.

Contact: Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230-4917, telephone (804) 257-8508

VIRGINIA STATE LIBRARY AND ARCHIVES

† **October 3, 1987 - 1 p.m. - Public Hearing**
Richmond Public Library, 101 East Franklin Street, Richmond, Virginia

The hearing is an opportunity for public comment on public library standards to be issued jointly by the Virginia Library Association and the Virginia State Library and Archives. The standards are not binding on the public libraries - these are not regulations.

Contact: Ricky Johnson, Director, Public Library Development Division, Richmond, Va., telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

† September 21, 1987 - 7 p.m. - Public Hearing
Danville, Virginia area (site to be determined)

A public hearing regarding Pittsylvania County and the City of Danville interlocal agreement.

Contact: Barbara W. Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

LONG-TERM CARE COUNCIL

October 29, 1987 - 9:30 a.m. - Open Meeting
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Room 622, Richmond, Virginia. ☐

The council will discuss issues related to the development and coordination of long-term care services in Virginia.

Contact: Catherine P. Saunders, Department for the Aging, 101 N. 14th St., 18th Fl., Richmond, Va. 23219, telephone (804) 225-2271

LONGWOOD COLLEGE

Executive Committee of the Board of Visitors

† September 18, 1987 - 10:30 a.m. - Open Meeting
Longwood College, Virginia Room, Farmville, Virginia. ☐

A meeting to conduct business pertaining to Longwood College.

Contact: Dr. George R. Healy, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 (SCATS 265-4211)

MARINE RESOURCES COMMISSION

October 6, 1987 - 9:30 a.m. - Open Meeting
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia. ☐

The Virginia Marine Resources Commission meets on the first Tuesday of each month, at 9:30 a.m., in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Patricia A. Leonard, Acting Secretary to the Commission, 2401 W. Avenue, P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

COMMISSION ON MEDICAL CARE FACILITIES CERTIFICATE OF PUBLIC NEED

September 14, 1987 - 10 a.m. - Open Meeting
October 5, 1987 - 10 a.m. - Open Meeting
November 9, 1987 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room D & E, Richmond, Virginia. ☐

By Executive Order 31 (86) Governor Baliles created an advisory commission with two responsibilities: (i) to examine the effectiveness of the Certificate of Public Need program in controlling medical care costs while making good quality, accessible health care available to all Virginians; and (ii) if this examination demonstrates that the Commonwealth's existing health planning process no longer effectively meets these objectives, the commission shall assess alternatives and recommend revisions to the existing Certificate of Public Need process.

Contact: E. George Stone, State Health Department, James Madison Bldg., 109 Governor St., Room 1010, Richmond, Va. 23219, telephone (804) 786-6970

VIRGINIA STATE BOARD OF MEDICINE

† September 15, 1987 - 10 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☐

An informal conference/formal hearing composed of three members of the board will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

† October 16, 1987 - 9:30 a.m. - Open Meeting
Sheraton Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☐

A formal hearing. The Virginia State Board of Medicine will inquire into allegations that a

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practitioner may have violated laws and regulations governing the practice of medicine in Virginia.

† November 4, 1987 - 10 a.m. - Open Meeting

† November 5, 1987 - 10 a.m. - Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

The informal conference previously scheduled for September 1, 1987 has been rescheduled for November 4 and 5, 1987. The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

Credentials Committee

September 25, 1987 - 8 a.m. - Open Meeting

September 26, 1987 - 8 a.m. - Open Meeting

Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☒

The committee will meet to (i) conduct general business; (ii) interview and review medical credentials of applicants applying for licensure in Virginia in open and executive session; (iii) discuss any other items which may come before this committee.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

VIRGINIA STATE BOARDS OF MEDICINE AND NURSING

October 18, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia State Boards of Medicine and Nursing intend to promulgate new regulations and repeal existing regulations entitled: VR 465-07-1; VR 495-02-1. **Regulations Governing the Certification of Nurse Practitioners.** The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

Statutory Authority: § 54-274 of the Code of Virginia.

Written comments may be submitted until October 19, 1987.

Contact: Corinne F. Dorsey, Executive Director, Board of

Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

September 23, 1987 - 10 a.m. - Open Meeting

Eastern Shore Community Services Board, Nassawadox, Virginia. ☒

A regular monthly meeting. The agenda will be published on September 19 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

September 17, 1987 - 4 p.m. - Open Meeting

September 18, 1987 - 9 a.m. - Open Meeting

James Madison Building, 13th Floor Conference Room, Richmond, Virginia. ☒

Regular meetings of the committee to discuss business relative to human rights issues. Agenda items listed prior to meetings.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

MILK COMMISSION

† September 18, 1987 - 1 p.m. - Open Meeting

Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, Ninth Street Office Bldg., Ninth and Graces Sts., Room 1015, Richmond, Va. 23219, telephone (804) 786-2013

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mined Land Reclamation

Calendar of Events

† September 17, 1987 - 2 p.m. - Open Meeting
Division's Abandoned Mine Land Conference Room, 622
Powell Avenue, Big Stone Gap, Virginia. ☒

The purpose of this meeting is to give interested persons an opportunity to be heard in regard to the department's proposed amendment to the FY 1987 Abandoned Mine Land construction and administration grants to be submitted to the Federal Office of Surface Mining. The amendment is contingent upon approval of AML program amendments submitted previously to the office of surface mining concerning the Commonwealth assuming responsibility for an Emergency AML Reclamation Program in Virginia.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P. O. Drawer U, 622 Powell Ave., Big Stone Gap, Va. 24219, telephone (703) 523-2925

VIRGINIA STATE BOARD OF NURSING

September 28, 1987 - 9 a.m. - Open Meeting
September 29, 1987 - 9 a.m. - Open Meeting
September 30, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Conference Room 1, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested) ☞

Meetings of the Virginia State Board of Nursing to consider matters relating to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the board.

Informal Conference Committee

October 13, 1987 - 8:30 a.m. - Open Meeting
† October 22, 1987 - 8:30 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling
Hills Drive, Conference Room 2, Richmond, Virginia. ☒
(Interpreter for deaf provided if requested) ☞

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

Contact: Corinne F. Dorsey, R.N., Executive Director,
Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va.
23229, telephone (804) 662-9909

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

September 23, 1987 - 1 p.m. - Open Meeting
3600 West Broad Street, Conference Room 1, Richmond,
Virginia. ☒

An open board meeting to conduct discussion and adoption of the proposed regulations.

Contact: Geralde W. Morgan, Administrator, Department of
Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va.
23230-4917, telephone (804) 257-8508

* * * * *

September 23, 1987 - 10 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, Room
395, 3rd Floor Auditorium, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Examiners for Nursing Home Administrators intends to amend regulations entitled: **VR 500-01-2. Rules and Regulations of the State Board of Examiners for Nursing Home Administrators.** This regulation provides general information, entry requirements and standards of practice for licensure as Nursing Home Administrators in the Commonwealth of Virginia.

Statutory Authority: § 54-1.28 (5) of the Code of Virginia.

Written comments may be submitted until September 20, 1987.

Contact: Geralde W. Morgan, Administrator, Department of
Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va.
23230-4917, telephone (804) 257-8508

September 24, 1987 - 9 a.m. - Open Meeting
3600 West Broad Street, Conference Room 2, Richmond,
Virginia. ☒

An open board meeting to conduct (i) examinations; (ii) discussion of revenue and expenditures; (iii) review of applications; (iv) review of the Virginia State Written examination; and (v) signing of certificates.

Contact: Geralde W. Morgan, Administrator, Department of
Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va.
23230-4917, telephone (804) 257-8508

VIRGINIA BOARD OF OPTOMETRY

October 3, 1987 - Written comments may be submitted until this date.

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 amend regulations entitled: **VR 510-01-1. Regulations of the Virginia Board of Optometry.** The regulations proposed to be amended charged a fee for the board's review of continuing education courses.

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Statutory Authority: § 54-376 of the Code of Virginia.

Written comments may be submitted until October 3, 1987.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

October 13, 1987 - 9 a.m. - Open Meeting
Surry Building, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

October 14, 1987 - 9 a.m. - Open Meeting
Koger Building, 1801 Franklin Farms Drive, Koger Conference Room 124, Richmond, Virginia

A meeting to (i) discuss general board business; (ii) discuss regulations and licensure fees; and (iii) consider disciplinary cases.

Contact: Moira C. Lux, Executive Director, Virginia Board of Optometry, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9910

VIRGINIA OUTDOORS FOUNDATION

† **September 28, 1987 - 10:30 a.m. - Open Meeting**
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

A general business meeting to consider acceptance of proposed donations and administration.

Contact: Tyson B. Van Auken, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

STATE BOARD OF PHARMACY

† **September 17, 1987 - 9 a.m. - Open Meeting**
Howard Johnson Hotel, 3207 North Boulevard, Richmond, Virginia

Informal conferences.

† **September 22, 1987 - 9 a.m. - Open Meeting**
† **September 23, 1987 - 9 a.m. - Open Meeting**
Howard Johnson Hotel, Windsor Room, 3207 North Boulevard, Richmond, Virginia

Administer pharmacist examinations and general board business.

Contact: Jack B. Carson, Executive Director, Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9921

ADVISORY BOARD ON PHYSICAL THERAPY

September 18, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

The Advisory Board on Physical Therapy will meet to (i) draft regulations for foreign trained physical therapists and assistants, (ii) make a final review of the application process, (iii) discuss traineeships for applicants applying for licensure by endorsement, (iv) study the scope of physical therapy aides and (v) discuss any other items which may come before the Physical Therapy Board.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

ADVISORY COMMITTEE ON PHYSICIAN ASSISTANTS

October 2, 1987 - 10:30 a.m. - Open Meeting
Department of Health Regulatory Boards, Surry Building, 1601 Rolling Hills Drive, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to develop rules and regulations regarding supervision of physician assistants, review the regulations for proposed adoption, develop guidelines for protocols of physician assistants and any other items which may come before the committee at that time.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl. Richmond, Va. 23229-5005, telephone (804) 662-9925

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

September 24, 1987 - 10 a.m. - Open Meeting
Hasler and Company, 212 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business at its regular quarterly meeting.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515; or William L. Taylor, 3319 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

POLYGRAPH EXAMINERS ADVISORY BOARD

† **September 17, 1987 - 11 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, 5th

Floor, Richmond, Virginia. ☒

The purpose of the meeting is to review draft regulations and other routine business.

Contact: Iva B. Frizzell, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8563 (toll-free 1-800-552-3016 (Virginia only))

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† September 21, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

Formal and informal hearings.

Contact: Joyce D. Williams, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

BOARD OF PSYCHOLOGY

† September 17, 1987 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to conduct general board business and discuss proposed regulations.

Contact: Phyllis Henderson, Administrative Assistant, Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9913

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

October 8, 1987 - 10 a.m. - Open Meeting
Department of Information Technology, 110 South 7th Street, 4th Floor, Richmond, Virginia. ☒

A quarterly meeting of the Virginia Public Telecommunications Board regarding public television and radio issues.

Contact: Suzanne Piland, Department of Information Technology, 110 S. 7th St., 1st Fl., Richmond, Va. 23219, telephone (804) 344-5560

VIRGINIA REAL ESTATE BOARD

September 16, 1987 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be considered, matters relating to fair housing, property registration, and licensing issues (e.g., reinstatement, eligibility requests).

Contact: Florence R. Brassier, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., 5th Fl., Richmond, Va. 23230, telephone (804) 257-8552

† September 16, 1987 - 10 a.m. - Open Meeting
Walter E. Hoffman U.S. Courthouse, 600 Granby Street, Norfolk, Virginia

A meeting to conduct a formal fact-finding hearing: Virginia Real Estate Board v. Hollis L. Ergenbright.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

BOARD OF REHABILITATIVE SERVICES

† September 28, 1987 - 2 p.m. - Open Meeting
Fort Magruder Inn, Route 60, East, Williamsburg, Virginia.
☒ (Interpreter for deaf provided if requested) 🗣️

A meeting to consider committee reports, proposed bylaws and conduct the regular business of the board.

The board will co-host a reception at 6 p.m. with past presidents of the Virginia Rehabilitation Association at the Fort Magruder Inn.

Finance Committee

† September 28, 1987 - 10 a.m. - Open Meeting
Fort Magruder Inn, Route 60, East, Williamsburg, Virginia.
☒ (Interpreter for deaf provided if requested) 🗣️

A meeting to discuss fiscal policies, budgetary process and develop recommendations for presentation to the board.

Legislative and Evaluation Committee

† September 28, 1987 - 10 a.m. - Open Meeting
Fort Magruder Inn, Route 60, East, Williamsburg, Virginia.
☒ (Interpreter for deaf provided if requested) 🗣️

A meeting to discuss legislative development for recommendation to the board.

Program Committee

† September 28, 1987 - 10 a.m. - Open Meeting

Calendar of Events

Fort Magruder Inn, Route 60, East, Williamsburg, Virginia.
☒ (Interpreter for deaf provided if requested) ☎

A meeting to discuss board bylaws, amendments and implementation plans for final Independent Living Regulations.

Contact: James L. Hunter, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-6446 (toll-free 1-800-552-5019 (TDD or Voice))

DEPARTMENT FOR RIGHTS OF THE DISABLED

Protection and Advocacy for the Mentally Ill Board

† September 25, 1987 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor
Conference Room, Richmond, Virginia. ☒

In reference to P.L. 99-319, this is the regularly scheduled meeting of the Protection and Advocacy for the Mentally Ill Board.

Contact: Barbara Hoban, Program Manager, Protection and Advocacy for the Mentally Ill Board, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2042 (toll-free 1-800-552-3962 (TDD or Voice))

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

October 14, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room
A, Richmond, Virginia. ☒

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, James Madison Bldg., 109
Governor St., Room 500, Richmond, Va. 23219, telephone
(804) 786-3559

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† September 16, 1987 - 2 p.m. - Public Hearing
McLean Hilton, 7920 Jones Branch Drive, Sully Room,
McLean, Virginia

The authority will conduct a public hearing to consider Industrial Development Bond Applications received by the authority and for which public notices have appeared in the appropriate newspapers of general circulation. Preceding the public hearing, the

authority will conduct its regular business meeting.

Contact: Rose Heilman, Administrative Assistant, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

October 2, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-20. Lump Sum Payments in the Aid to Dependent Children (ADC) Program.** These regulations specify types of payments that must be treated as lump sum income and, in regard to casualty property loss payments, provide a temporary disregard of such lump sum payments when received, and used for repair or replacement of resources.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 2, 1987, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

* * * * *

October 27, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House
Appropriations, 9th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services intends to adopt regulations entitled: **VR 615-50-5. Fees for Services Provided by Local Departments of Social Services Related to Court Actions.** The purpose is to establish regulations and fee schedules for payment by the petitioner to the local department of social services for certain court ordered investigations.

Statutory Authority: §§ 14.1-114; 16.1-274; 63.1-25 and 63.1-236.1 of the Code of Virginia.

Written comments may be submitted until October 30, 1987.

Contact: Dorcas Douthit, Child Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9818

* * * * *

† November 13, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs. The purpose of the amendments is to define as the home, the house in which the applicant/recipient lives, the lot, and all property contiguous to the lot. For the purpose of establishing eligibility for assistance in the ADC and GR programs, the home is a disregarded resource.

STATEMENT

Subject: Proposed amendment to the following regulation:

VR 615-01-9. Definition of a Home in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

This amendment is being proposed for a 60-day comment period.

Substance: It is the intent of the Board of Social Services to amend the definition of real property which can be disregarded from resource evaluation as the home in the determination of eligibility for assistance in the ADC and GR programs.

Issues: The 1985 Appropriations Act specified that the Department of Social Services must modify its restriction on real property to be disregarded as the home in the determination of eligibility for ADC to comply with the provisions of § 32.1-325 of the Code of Virginia relative to allowable real property reserves in the Medicaid program. A new home definition which reflected the provisions of § 32.1-325 was implemented in the ADC program effective January 1, 1986.

The U. S. Department of Health and Human Services raised objections to the department's modified home definition citing a conflict with federal regulations at 45 CFR § 233.20(a)(3)(B)(1). Based on the federal position, the home is to be totally disregarded from resource evaluation for purposes of establishing ADC eligibility.

In response to this conflict in federal regulation and state statute, the 1987 session of the Virginia General Assembly deleted language from the Appropriations Act which mandated that the department comply with the provision of § 32.1-325 of the Code. An emergency regulation identical to the regulation set forth herein was enacted by Governor Ballies effective April 3, 1987; said emergency regulation will expire April 2, 1988. (See Virginia Register of Regulations, Volume 3, Issue 15, dated April 27, 1987.)

Purpose: The intent of the proposed regulation is to modify the definition of a home in the ADC program to

comport with federal regulations at 45 CFR § 233.20(a)(3)(B)(1). To ensure uniformity and consistency to the greatest extent possible in the determination of eligibility for the various public assistance programs administered throughout the Commonwealth, this regulation is being expanded to include the GR program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until November 13, 1987, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Thomas J. Steinhauser, Program Specialist, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

Division of Licensing Programs

† November 12, 1987 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs intends to adopt regulations entitled: VR 615-31-02. Regulation for Criminal Record Checks. The purpose is to protect children in those licensed facilities by enforcing mandated requirements for criminal record checks.

STATEMENT

Subject: These regulations deal with the requirements of HB 1190 which becomes effective January 1, 1988. It expands the requirement to have criminal record checks to include those individuals involved in the operation of additional types of licensed facilities for children.

Substance: Definitions, procedures, and guidelines are included in the regulation in an effort to disseminate information to individuals required to undergo screening procedures. It also provides the facility with an explanation of responsibilities to ensure compliance and the consequences if these requirements are not met.

Issues: The issues which this regulation address are the various terms and definitions when used in conjunction with the screening procedures; the duration of the validity of the certificates once issued; what employees are required to do if they change location within an organization; procedures for volunteers, part-time or substitute employees who participate in the operation of several facilities; the time-frame for a certificate to be acceptable for a facility; and the procedures and responsibilities of the operators/agents of the licensed facilities subject to the required screening procedures.

Basis: HB 1190, passed during the 1987 session of the

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legislature, expands those required to have criminal record checks to include child-placing agencies, independent foster homes, family day care homes, family day care systems, and those individuals approved to become foster or adoptive parents by child-placing agencies. This becomes effective January 1, 1988. It also addresses three other statutory changes to § 63.1-198.1 of the Code of Virginia which became effective July 1, 1987. These include the expansion of the list of crimes which automatically act as barriers to employment or volunteer work at these facilities; the requirement that all individuals designated to have criminal record checks also submit a sworn disclosure statement regarding similar criminal activity outside the Commonwealth of Virginia; and the requirement that the department provide the individual a copy of those convictions appearing on his criminal history record request from when such individual is denied employment.

A new regulation to address the expanded licensed facilities is necessary. As effective July 1, 1987, the authority for promulgating regulations for child care centers was moved to the newly established Child Day Care Council. Child care centers may continue to operate under the existing regulation until the council makes a decision regarding regulations for those facilities. Child caring facilities are addressed in the new regulation.

Purpose: The purpose of the statute is to prevent children in licensed facilities from predatory persons already convicted of certain crimes by implementing screening procedures and expanding the scope of licensed child care workers required to have criminal record checks.

The regulation provides the necessary guidelines, procedures and definitions necessary to enforce the statutory requirements for the expanded licensed facilities.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Written comments may be submitted until November 12, 1987.

Contact: Sheila B. Rich, Program Development Supervisor, Blair Building, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free 1-800-552-7091)

VIRGINIA SOIL AND WATER CONSERVATION BOARD

September 16, 1987 - 7:30 p.m. – Open Meeting
State Lab Building, Route 29, Warrenton, Virginia

A regular bimonthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-4356

DEPARTMENT OF TAXATION

September 18, 1987 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-17. Brackets for Collection of the Tax (Retail Sales and Use Tax)**. This regulation sets forth the bracket chart to be used by all dealers to compute the sales tax on transactions of \$5.00 or less.

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

Written comments may be submitted until September 18, 1987.

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

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September 18, 1987 - 10 a.m. – Public Hearing

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-31. Dealer's Returns and Collection of the Tax (Retail Sales and Use Tax)**. This regulation sets forth requirements for the filing of sales and use tax returns by registered dealers and explains the discount provided to dealers to compensate them for collection of the tax.

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

Written comments may be submitted until September 18, 1987.

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

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September 18, 1987 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-106. Transitional Provisions (Retail Sales and Use Tax)**. This regulation describes the transitional provisions enacted in conjunction with the January 1,

1987 increase in the sales and use tax rate. These provisions apply to certain contracts and leases entered into before the enactment of the rate increase.

Statutory Authority: § 58-1-203 of the Code of Virginia.

Written comments may be submitted until September 18, 1987.

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

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September 18, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: VR 630-10-110. **Vending Machine Sales (Retail Sales and Use Tax)**. This regulation sets forth the application of the sales and use tax to vending machine operators.

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

Written comments may be submitted until September 18, 1987.

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

COMMONWEALTH TRANSPORTATION BOARD

† September 17, 1987 - 10 a.m. - Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ☐ (Interpreter for deaf provided if requested) ☎

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9950

GOVERNOR'S COMMISSION ON TRANSPORTATION FOR THE TWENTY-FIRST CENTURY

Subcommittee on Local Transportation Financing Options

September 23, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☐

A meeting to discuss financing mechanisms and other potential sources of revenue for local transportation needs. (See General Notices)

Subcommittee on State and Local Relations

September 23, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

A meeting to discuss the workplan of the subcommittee on state and local relations. (See General Notices)

Contact: Jewel A. Paige, Administrative Assistant, Ninth Street Office Bldg., 10th Fl., Richmond, Va. 23219, telephone (804) 786-2405

TREASURY BOARD

† September 23, 1987 - 9 a.m. - Open Meeting
† October 21, 1987 - 9 a.m. - Open Meeting
† November 18, 1987 - 9 a.m. - Open Meeting
† December 16, 1987 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. ☐

A regular monthly meeting.

Contact: Betty A. Ball, Department of Treasury, James Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

VIRGINIA WASTE MANAGEMENT BOARD

† September 22, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

A general business meeting to consider final promulgation of Amendment 8 to the Virginia Hazardous Waste Management Regulations.

Contact: Cheryl Cashman, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667

STATE WATER CONTROL BOARD

September 14, 1987 - 7 p.m. - Public Hearing

Calendar of Events

Old Courthouse, Old Courthouse Circle, Main Street,
Gloucester, Virginia

A public hearing to receive comments on the proposed reissuance of a National Pollutant Discharge Elimination System Permit (NPDES) for the Gloucester Sanitary District No. 1, Gloucester, Virginia. This proposed permit would allow the continued discharge of treated domestic wastewater into Fox Mill Run, a tributary to the Ware River.

September 17, 1987 - 7 p.m. - Public Hearing
Paul D. Camp Community College, College and Armory
Drive, Room 143, Franklin, Virginia

A public hearing for the purpose of receiving comments relative to the issuance and modification of No-Discharge Certificates and State Certifications to Smithfield-Carrolls Farms and to effect(s) on water quality and beneficial uses of state waters. Such information will be used by the board in making its final determinations on the certificates.

September 28, 1987 - 2 p.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room
B, Richmond, Virginia. ☐

The State Water Control Board's Construction Assistance Program, which administers federal grant funds for financial assistance in the construction of municipal wastewater treatment facilities, has developed a proposed priority funding list for wastewater treatment projects to receive federal fiscal year 1988 funds. This public hearing will be for the purpose of receiving comments on the proposed funding list.

September 28, 1987 - 7:30 p.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room
B, Richmond, Virginia. ☐

A formal hearing on Solite Corporation to reissue NPDES Permit No. VA0003468 with the pH mixing zone included and grant other relief as deemed appropriate.

September 29, 1987 - 9 a.m. - Open Meeting
September 30, 1987 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room
B, Richmond, Virginia. ☐

A regular quarterly meeting.

October 1, 1987 - 9 a.m. - Open Meeting
Virginia Beach, Virginia (exact location to be determined)

A policy planning session.

Contact: Doneva A. Dalton, State Water Control Board, P.
O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230,
telephone (804) 257-6829

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† November 18, 1987 - 7 p.m. - Public Hearing
City of Charlottesville Council Chambers, City Hall, corner
of 7th and Downtown Mall, Charlottesville, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: VR 680-16-03. Upper James River Basin Water Quality Management Plan. The purpose of the amendment is to revise poundage limits on the Rivanna River at Charlottesville.

STATEMENT

Subject: A proposed amendment to the Upper James River Basin Water Quality Management Plan (WQMP).

Substance: Revises the allowable five day carbonaceous Biochemical Oxygen Demand (BOD5) loading in the Rivanna River Segment at the Moores Creek Advanced Wastewater Treatment (AWT) Plant and requires seasonal nitrification of the plant effluent.

Issues: To maintain water quality in Moores Creek and main stem of the Rivanna River.

Basis: Water quality management plans set forth measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for BOD5 for identified stream segments.

Purpose: To establish new BOD5 loading requirements for the Rivanna River at the Moores Creek AWT Plant based upon recent modeling.

Impact: National Pollutant Discharge Elimination System (NPDES) permits issued to discharges must be in compliance with appropriate area or basinwide water quality management plans. The National Municipal Policy requires the Rivanna Water and Sewer Authority (RWSA) to obtain compliance with the final effluent requirements contained in the NPDES permit authorizing the discharge from the Moores Creek AWT Plant by July 1, 1988. The RWSA, concerned with consistently complying with the BOD5 effluent limitation in their permit, contracted with a consulting firm for additional modeling to assure that the proposed treatment scheme would maintain compliance with water quality standards.

However, the recent analysis revealed the proposed treatment scheme would probably result in contravention of Water Quality Standards. The analysis predicted with 90% confidence that seasonal nitrification coupled with the current interim effluent limitations was needed to comply with standards.

The RWSA may have all the necessary treatment units needed to accomplish nitrification. This would result in a

reduction of the total capital expenditure and possibly the operation and maintenance costs, while still maintaining compliance with Water Quality Standards.

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

Written comments may be submitted until November 30, 1987, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Charles T. Mizell, Water Resources Development Supervisor, Valley Regional Office, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595

COUNCIL ON THE STATUS OF WOMEN

September 14, 1987 - 8 p.m. - Open Meeting
Embassy Suites Hotel, The Commerce Center, 2925 Emerywood Parkway, Richmond, Virginia

Meetings of the standing committees of the Council on the Status of Women.

September 15, 1987 - 9:30 a.m. - Open Meeting
Surry Building, 1601 Rolling Hills Drive, Board Room 1, 2nd Floor, Richmond, Virginia. ☐

A regular meeting of the council to conduct general business and to receive reports from the council standing committees and other committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

JOINT SUBCOMMITTEE STUDYING MEDIATION OF CHILD SUPPORT, CUSTODY AND VISITATION

September 24, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

Subcommittee will hear Department of Social Services, Judges and members of the court service units as well as some of the consumers involved in process. HJR 246

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CHILD-SUPPORT FORMULAS

September 16, 1987 - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☐

October 7, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☐

The joint subcommittee will continue to study the feasibility of use of formulas or guidelines to set child support awards. HJR 341

Contact: Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE NEED FOR EARLY CHILDHOOD PROGRAMS

September 17, 1987 - 9 a.m. - Open Meeting
The study committee will tour various child-care facilities - throughout Arlington, Virginia and will hold a working session at the Arlington County Career Center on Walter Reed Drive, Arlington, Virginia

The meeting will be a combined study tour and working session, to be held throughout Arlington, Virginia. The study tour will focus on various child-care facilities in Arlington County and is scheduled to last from 9 a.m. to 1 p.m. The working session at the Arlington County Career Center, on Walter Reed Drive, is set for 2 p.m. and should last until 5 p.m. HJR 299; SJR 167

Contact: Normal Szakal, Staff Attorney, or Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ECONOMIC DEVELOPMENT IN VIRGINIA

September 29, 1987 - 1:30 p.m. - Open Meeting
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia

This two-year study subcommittee will receive testimony with regard to economic development in the Hampton Roads area. HJR 132

Contact: Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Angela Bowser, Staff

Calendar of Events

Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SUBCOMMITTEE STUDYING HATE AND VIOLENCE IN VIRGINIA

September 16, 1987 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

A public hearing to receive testimony concerning racial, ethnic, religious violence in the Commonwealth. HJR 339

Contact: Person wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Oscar Brinson, Staff Attorney, or Mary K. Geisen, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE HEARSAY RULE AND VIDEO TAPING OF TESTIMONY USED IN CHILD ABUSE CASES

September 28, 1987 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

The subcommittee will hold a working session.

Contact: Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Oscar Brinson, Staff Attorney, or Mary K. Geisen, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING ADOPTION OF NEW LYRICS FOR THE OFFICIAL SONG OF THE COMMONWEALTH

October 2, 1987 - 2 p.m. - Public Hearing
Fairfax City Council Chambers, Fairfax City Hall, 10455 Armstrong Street, Room 305, Fairfax, Virginia

October 16, 1987 - 2 p.m. - Public Hearing
James Madison University, Anthony Seeger Auditorium, South Main and Grace Streets, Harrisonburg, Virginia

† **December 11, 1987 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Hearings to receive testimony on changing or retaining lyrics of Virginia's official song.

Contact: Persons wishing to speak contact: Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING OUTDOOR RECREATIONAL NEEDS

September 28, 1987 - 10 a.m. - Public Hearing
September 28, 1987 - 1 p.m. - Working Session
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

The subcommittee will receive testimony from interested parties on current and long-range outdoor recreational needs of the Commonwealth. At work session, subcommittee will discuss recommendations for proposed legislation to the 1988 Session of the General Assembly regarding basic needs and a long-term funding source. HJR 204

Contact: Persons wishing to speak contact: Barbara H. Hanback, House of Delegates, General Assembly Bldg., 1st Fl., Richmond, Va. 23219, telephone (804) 786-7681; for additional information contact: Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

SUBCOMMITTEE STUDYING ALTERNATIVES FOR IMPROVING WASTE REDUCTION AND RECYCLING EFFORTS

September 14, 1987 - 2 p.m. - Working Session
September 14, 1987 - 3 p.m. - Public Hearing
City Hall Building, 810 Union Street and Saint Paul's Boulevard, 11th Floor, Norfolk, Virginia

This subcommittee will hold a working meeting, beginning at 2 p.m., with remarks from the Virginia Municipal League and local government officials dealing with topic.

Meeting will be followed at 3 p.m. by a public hearing to receive testimony from persons in the Hampton Roads area concerned with waste management and recycling issues. HJR 292/SJR 132

Contact: Persons wishing to speak contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681; for additional information contact: John Heard, Staff Attorney, or Martin G. Farber, Research Associate, Division of Legislative

Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone
(804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

September 14

- † Air Pollution Control Board, State
- † Cattle Industry Board, Virginia
- Efficiency in Government, Governor's Commission on
- Funeral Directors and Embalmers, Virginia Board of
- Fine Arts, Virginia Museum of
 - Entertainment Committee of the Board of Trustees
- † Hearing Aid Dealers and Fitters, Virginia Board of
- Medical Care Facilities Certificate of Public Need, Commission on
- Waste Reduction and Recycling Efforts, Joint Subcommittee Studying Alternatives for Improving
- Women, Council on the Status of

September 15

- † Corrections, State Board of
- George Mason University
 - Board of Visitors
- Housing Development Authority, Virginia
- † Medicine, Virginia State Board of
- Women, Council on the Status of

September 16

- † Child Day Care, Governor's Corporate Advisory Commission on Employers' Initiatives for
- Child-Support Formulas, Joint Subcommittee Studying
- † Community Colleges, State Board for
- Dentistry, Virginia Board of
- † Fine Arts, Virginia Museum of
 - Accessions Committee of the Board of Trustees
- Real Estate Board, Virginia
- Soil and Water Conservation Board, Virginia

September 17

- † Community Colleges, State Board for
- Dentistry, Virginia Board of
- Early Childhood Programs, Joint Subcommittee Studying the Need for
- Education, State Board of
- † Fine Arts, Virginia Museum of
 - Finance Committee of the Board of Trustees
 - Board of Trustees
- Geology, Virginia Board of
- Mental Health, Mental Retardation and Substance Abuse Services, Department of
 - State Human Rights Committee
- † Mines, Minerals and Energy, Department of
 - Division of Mined Land Reclamation
- † Pharmacy, State Board of

- † Polygraph Examiners Advisory Board
- † Psychology, Board of
- † Transportation Board, Commonwealth

September 18

- † Building Code Technical Review Board, State
- † Children, Department for
 - Advisory Board
- Commonwealth University, Virginia
 - Health Policy Colloquium
- Dentistry, Virginia Board of
- Education, State Board of
- † Longwood College
 - Executive Committee of the Board of Visitors
- Mental Health, Mental Retardation and Substance Abuse Services, Department of
 - State Human Rights Committee
- † Milk Commission
- Physical Therapy, Advisory Board on

September 19

- Dentistry, Virginia Board of

September 21

- † Child Day Care Council
- † Professional Counselors, Virginia Board of

September 22

- Alcoholic Beverage Control Board
- † Child Day Care Council
- † Pharmacy, State Board of
- † Waste Management Board, Virginia

September 23

- Health Services Cost Review Council, Virginia
- Mental Health, Mental Retardation and Substance Abuse Services Board, State
- Nursing Home Administrators, State Board of Examiners for
- † Pharmacy, State Board of
- † Treasury Board

September 24

- Child Support, Custody and Visitation, Joint Subcommittee Studying Mediation of
- Nursing Home Administrators, State Board of Examiners for
- Pilots, Board of Commissioners to Examine

September 25

- † Disabled, Department for Rights of the
 - Protection and Advocacy for the Mentally Ill Board
- Librarians, State Board for the Certification of
- Medicine, Virginia State Board of
 - Credentials Committee

September 26

- Cave Board, Virginia
- Medicine, Virginia State Board of
 - Credentials Committee

Calendar of Events

September 28

- † Agriculture and Consumer Services, Board of Hearsay Rule and Video Taping of Testimony Used in Child Abuse Cases, Joint Subcommittee Studying the Nursing, Virginia State Board of
- † Outdoors Foundation, Virginia Outdoor Recreational Needs, Joint Subcommittee Studying Water Control Board, State
- † Rehabilitative Services, Board of
 - Finance Committee
 - Legislative and Evaluation Committee
 - Program Committee

September 29

- † Agriculture and Consumer Services, Board of Nursing, Virginia State Board of Water Control Board, State

September 30

- Nursing, Virginia State Board of Water Control Board, State

October 1

- † Commerce, Board of Health, State Board of Water Control Board, State

October 2

- † General Services, Department of
 - Art and Architectural Review Board
 - Division of Consolidated Laboratory Services
- Health, State Board of Physician Assistants, Advisory Committee on

October 5

- Medical Care Facilities Certificate of Public Need, Commission on

October 6

- Alcoholic Beverage Control Board Labor and Industry, Department of Marine Resources Commission

October 7

- Child-Support Formulas, Joint Subcommittee Studying Labor and Industry, Department of

October 8

- Labor and Industry, Department of Public Telecommunications Board, Virginia

October 9

- Labor and Industry, Department of

October 13

- Labor and Industry, Department of Nursing, Virginia State Board of Optometry, Virginia Board of

October 14

- Corrections, State Board of Labor and Industry, Department of Optometry, Virginia Board of Sewage Handling and Disposal Appeals Review Board, State

October 15

- Labor and Industry, Department of

October 16

- † Medicine, Virginia State Board of

October 20

- Alcoholic Beverage Control Board

October 21

- Education, State Board of Efficiency in Government, Governor's Commission on
- † Treasury Board

October 22

- † Commerce, Board of Education, State Board of
- † Nursing, Virginia State Board of
 - Informal Conference Committee

October 28

- Health Services Cost Review Council, Virginia

October 29

- Long-Term Care Council

November 4

- Alcoholic Beverage Control Board
- † Medicine, Virginia State Board of

November 5

- † Medicine, Virginia State Board of

November 9

- Medical Care Facilities Certificate of Public Need, Commission on

November 17

- Alcoholic Beverage Control Board

November 18

- † Treasury Board

December 16

- † Treasury Board

PUBLIC HEARINGS

September 14

- Waste Reduction and Recycling Efforts, Joint Subcommittee Studying Alternatives for Improving Water Control Board, State

Calendar of Events

September 16

Hate and Violence in Virginia, Subcommittee Studying
† Small Business Financing Authority, Virginia

September 17

Water Control Board, State

September 18

Taxation, Department of

September 21

† Local Government, Commission on

September 23

Nursing Home Administrators, State Board of
Examiners for
Transportation for the Twenty-First Century,
Governor's Commission on
- Subcommittee on Local Transportation Financing
Options
- Subcommittee on State and Local Relations

September 25

Librarians, State Board for the Certification of

September 28

Agriculture and Consumer Services, Department of
Outdoor Recreational Needs, Joint Subcommittee
Studying
Water Control Board, State

September 29

Economic Development in Virginia, Joint
Subcommittee Studying

October 2

New Lyrics for the Official Song of the
Commonwealth, Joint Subcommittee Studying Adoption
of

October 3

† Library and Archives, Virginia State

October 7

Criminal Justice Services Board

October 16

New Lyrics for the Official Song of the
Commonwealth, Joint Subcommittee Studying Adoption
of

October 19

Air Pollution Control Board, State

October 20

Accountancy, State Board of

October 27

Social Services, Department of

November 6

Architects, Professional Engineers, Land Surveyors and
Certified Landscape Architects, State Board of

November 13

Geology, Virginia Board of

November 16

† Housing and Community Development, Board of

November 18

† Water Control Board, State

November 19

Alcoholic Beverage Control Board

December 11

† New Lyrics for the Official Song of the
Commonwealth, Joint Subcommittee Studying Adoption
of

Calendar of Events
