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HOUSE BILL NO. 701

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact § 36-98 of the Code of Virginia, relating to the Uniform Statewide Building Code; local building codes and regulations; energy efficiency and conservation standards.

Patron—Kory

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 36-98 of the Code of Virginia is amended and reenacted as follows:**

§ 36-98. Board to promulgate Statewide Code; other codes and regulations superseded; exceptions.

A. The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. ~~Such building code~~ *Except as provided in subsection B, such Building Code* shall supersede the building codes and regulations of ~~the counties, municipalities and other political subdivisions~~ *localities* and state agencies.

B. However, such *Building Code* shall not supersede the *building code provisions and regulations* of ~~adopted by a locality that are related to energy efficiency and conservation if the standards outlined in such provisions and regulations are as or more stringent than those contained in the Building Code. For the purposes of this subsection, a standard shall be deemed to be as stringent as one contained in the Building Code if such standard would perform the same function as the standard contained in the Building Code without using more energy than would be used under the Building Code provisions.~~

C. Such *Building Code* also shall not supersede other state agencies ~~which~~ that require and govern the functional design and operation of ~~building related~~ *building-related* activities not covered by the ~~Uniform Statewide Building Code~~ including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, and (iii) solid waste facilities. Nor shall state agencies be prevented from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the ~~Uniform Statewide Building Code~~.

D. Such *Building Code* also shall supersede the provisions of local ordinances applicable to single-family residential construction that ~~(a) (i) regulate dwelling foundations or crawl spaces, (b) (ii) require the use of specific building materials or finishes in construction, or (c) (iii) require minimum surface area or numbers of windows; however, such Building Code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a locality pursuant to subdivision 8 of § 15.2-2242 or § 15.2-2286.1, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to § 15.2-2306, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.~~

INTRODUCED

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