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June 19, 2017

The Honorable Todd Haymore  
Secretary of Commerce and Trade  
P.O. Box 1475  
Richmond, Virginia 23218

Dear Secretary Haymore:

I would like to take a moment and correct some inaccurate information that you are currently receiving with regard to the removal of unenforceable language contained within the 2015 Statewide Fire Prevention Code (SFPC). The Board of Housing and Community Development (BHCD) charged the Department of Housing and Community Development (DHCD) on July 28, 2014 to remove all unenforceable language from the entire 2012 Virginia Codes before the adoption of the 2015. This process started in December of 2014 with the request and invitation made by DHCD to all stakeholder groups for the Virginia Maintenance Code (VMC). The second request and invitation by DHCD was made in August of 2015 to all stakeholder groups for the SFPC, including the Fire Services and Virginia Fire Prevention Association (VFPA). The make-up of the entire group was approximately 50% Fire Officials (one member each from the following: Fire Services Board (FSB), State Fire Marshal's Office, VA Fire Chiefs Association, VA Professional Fire Fighters, VA State Firefighters Association), 25% Code Officials and 25% other stakeholder groups. From the beginning of SFPC process there were numerous meetings with participation from both the building and the fire sides. The document that came out of these meetings was published on September 20, 2016 in Virginia's new online Code Development Process called "cdpVA."

On March 30, 2016 Virginia Building Code Officials Association (VBCOA) President John Walsh wrote Secretary Maurice Jones regarding this same matter, but at that time the Fire Services side stated the process was disorganized, confusing and lacked transparency. As you can see DHCD spent approximately a year on a process that included all stakeholder groups to provide the most consensus based document to start from in September 2016. While the Fire Services side depicts their process as "very deliberate and purposeful" and with some of the same "experts" that participated in the original process it is difficult to understand comments made to Secretary Jones.

The Fire Services side indicate that their purpose is to remove the "construction provisions" contained within the SFPC, but the actual intent of the request was to remove the "unenforceable provisions." They fail to mention that theirs is a philosophical difference in what should be enforced within Virginia as opposed to what is legally enforceable under the Virginia Administrative Code (VAC). The requested delay may be due to a philosophical question more than the "unintended consequences" that has been continuously stated. When asked what these unintended consequences might be, no direct answer is provided.

VBCOA strongly supports the efforts of DHCD during this enormous charge from BHCD in spite of having our own concerns with certain provisions that were removed. However, VBCOA has taken a stance to provide Code changes within the normal process to reinstate portions with any necessary changes to avoid creating unenforceable parts in contradiction to the VAC.

During the recent Workgroup Meetings that continue to take place we often agree with provisions that the Fire Services Board (FSB) has proposed. This agreement typically comes when portions that were missed by the original patrons are removed as required, it is not typically for something that was removed and needs to be replaced. The FSB chose to start from scratch to accomplish this task instead of starting with the base document and provide changes that would reinstate the portions that they felt should not be removed and to provide updated language to be consistent with the VAC.

Virginia has been a leader around the Country and the world with regards to its Code development process, its participation in the national and Virginia process and its enforcement of the Code. We previously only ranked second to Florida with regards to the insurance ratings for the enforcement and currently we are ranked first. This is no small accomplishment considering that we are not the largest nor the wealthiest, but we are very devoted to the protection of our citizens and visitors while they enjoy their time around the built environment.

In closing I wish to stress that VBCOA supports the efforts of DHCD and current Code change process and we do not feel that it has been rushed or confusing in any regard. As I pen this letter, those other stakeholder groups are also drafting letters to be sent to you. These letters will more than likely express the same thoughts about DHCD and the current process without any further delay.

Thank you for your time and consideration in this matter.

Sincerely,



David C. Beahm, President  
Virginia Building and Code Officials Association

cc: Paul Reagan, Chief of Staff, Office of the Governor  
The Honorable Brian Moran, Secretary of Public Safety and Homeland Security