
Regulations

Provider Payment Rate Assessment Fund, including penalties, shall not be used for any other purpose than to fund an increase in inpatient and outpatient payment rates paid to private acute care hospitals operating in Virginia up to the private hospital upper payment limit or managed care organization hospital payment gap for care provided to recipients of medical assistance services and the administrative costs of collecting the assessment and of implementing and operating the associated payment rate actions.

3. DMAS will submit a report by September 1 of each year to the Director of the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees. The report will include, for the most recently completed state fiscal year, the revenue collected from each assessment by hospital, expenditures for purposes covered by each assessment, and the year-end assessment balances in each special nonreverting fund.

G. Appeal. A covered hospital may appeal a DMAS action that falls within the definition of agency action under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), including DMAS's interpretation and application of assessment methodologies. The assessment methodologies cannot be appealed.

1. Appeals will be conducted in accordance with the provider appeal regulations (12VAC30-20-500 et seq.).

2. A covered hospital shall be considered a "provider" for purposes of the appeal procedures set forth in the provider appeal regulations.

VA.R. Doc. No. R19-5591; Filed September 11, 2018, 11:18 a.m.

Withdrawal of Fast-Track Regulatory Action

Title of Regulation: 12VAC30-70. Methods and Standards for Establishing Payment Rates - Inpatient Hospital Services (adding 12VAC30-70-411).

Statutory Authority: § 32.1-325 of the Code of Virginia; 42 USC § 1396 et seq.

The Department of Medical Assistance Services has WITHDRAWN the fast-track regulatory action for 12VAC30-70, Methods and Standards for Establishing Payment Rates - Inpatient Hospital Services, which was published in [35:1 VA.R. 37-39 September 3, 2018](#). The agency has determined that this action is duplicative of another regulatory action and no longer necessary.

Agency Contact: Emily McClellan, Regulatory Supervisor, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, or email emily.mcclellan@dmass.virginia.gov.

VA.R. Doc. No. R19-5393; Filed September 12, 2018, 11:43 a.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Final Regulation

REGISTRAR'S NOTICE: The following regulations of the Board of Housing and Community Development are exempt from Article 2 of the Administrative Act pursuant to § 2.2-4006 A 12 of the Code of Virginia; however, the regulations are subject to the provisions of § 2.2-4007.06 of the Code of Virginia concerning public petitions. The regulations were (i) published as final regulations in [34:18 VA.R. 1617-1744 April 30, 2018](#), (ii) suspended pursuant to § 2.2-4007.06 in [34:25 VA.R. 2519 August 6, 2018](#), and (iii) readopted as final regulations with the changes shown in brackets below.

Title of Regulation: 13VAC5-51. Virginia Statewide Fire Prevention Code (amending 13VAC5-51-131, 13VAC5-51-133.5, 13VAC5-51-134, 13VAC5-51-135, 13VAC5-51-135.5).

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

Effective Date: October 16, 2018.

Agency Contact: Kyle Flanders, Policy Analyst, Department of Housing and Community Development, Main Street Centre, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 786-6761, FAX (804) 371-7090, TTY (804) 371-7089, or email kyle.flanders@dhcd.virginia.gov.

Summary:

The Statewide Fire Prevention Code (SFPC) is a regulation governing the maintenance of the fire protection aspects of existing structures and operational functions relating to fire safety wherever located, including the regulation of the use of explosives, blasting, and fireworks displays. The SFPC uses a nationally recognized model code produced by the International Code Council as the basis for the technical provisions of the regulation. Every three years, a new edition of the model code becomes available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newest edition of the model code into the regulation.

Final regulations for the SFPC, including the subdivisions published in this action, were published in Volume 34, Issue 18 of the Virginia Register on April 30, 2018 ([34:18 VA.R. 1617-1744 April 30, 2018](#)), initiating a 30-day final adoption period. During that period, a number of petitions were received concerning substantive changes made between the proposed and final regulations. The board suspended the regulatory process for the regulation (refer to [34:25 VA.R. 2519 August 6, 2018](#)) and established an additional 30-day comment period on the changes made

between publication of the proposed regulation and publication of the final regulation.

On September 7, 2018, the Board of Housing and Community Development considered the public comment on the provisions and readopted final regulations with the following changes from the final regulations shown in brackets below.

13VAC5-51-131. IFC Chapter 3: General Requirements.

L. The following changes shall be made to Section 317, Rooftop Gardens and Landscaped Roofs:

3. Change Section 317.3 to read:

(N)317.3 Rooftop structure and equipment clearance. ~~[For all vegetated roofing systems abutting combustible vertical surfaces, a Class A rated roof system complying with ASTM E 108 or UL 790 for required Required] structure and equipment clearances shall be [achieved for a minimum 6 foot wide (1829mm) continuous border placed around rooftop structures and all rooftop equipment including mechanical and machine rooms, penthouses, skylights, roof vents, solar panels, antenna supports, and building service equipment. Rooftop structure and equipment clearance shall be] maintained as provided by the applicable building code.~~

13VAC5-51-133.5. IFC Chapter 6: Building Services and Systems.

E. The following changes shall be made to Section 606, Mechanical Refrigeration:

28. Change Section 606.13 to read:

(N)606.13 Discharge location for refrigeration machinery room ventilation. Treatment systems for [exhaust from] mechanical ventilation systems serving refrigeration machinery rooms containing flammable, toxic or highly toxic refrigerants, other than ammonia, capable of exceeding 25% of the LFL or 50% of the IDLH shall be maintained in accordance with the applicable building code.

13VAC5-51-134. IFC Chapter 8: Interior Finish, Decorative Materials and Furnishings.

B. Change [Section title of 803 and] Section 803.1 to read:

[Section 803 Interior Wall and Ceiling Finish and Trim in Buildings]

L. Change [Sections Section] 803.10 [, the title of Section 804,] and [Section] 804.1 to read:

[Section 804 Interior Wall and Ceiling Trim and Interior Floor Finish in Buildings]

Q. Change [the title of Section 805 and] Sections 805.1.1.2, 805.1.2.2, 805.2.1.2, 805.2.2.2, 805.4.1.2 and 805.4.2.2 to read:

[Section 805 Upholstered Furniture and Mattresses in Buildings]

R. [Add Change the title of Section 806 and add] exception 3 to in Section 806.1.1 to read:

[Section 806 Decorative Vegetation in Buildings]

3. Trees shall be permitted in places of worship in Group A occupancies.

B- S. Change [the title of Section 807 and] exception 1 in Section 807.3 to read:

[Section 807 Decorative Materials Other Than Decorative Vegetation in Buildings]

Y. Change [Section the title of Section 808 and Sections] 808.1 and 808.2 to read:

[Section 808 Furnishings Other Than Upholstered Furniture and Mattresses or Decorative Materials in Buildings]

13VAC5-51-135. IFC Chapter 9: Fire Protection Systems.

H. The following changes shall be made to Section 909, Smoke Control Systems:

17. Change [Section Sections] 909.17 and 909.18 to read:

(N)909.18 Acceptance testing. [Devices, equipment, components and sequences shall be individually tested. These tests, in addition to those required by other provisions of this code, shall consist of determination of function, sequence, and, where applicable, capacity of their installed condition.]

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18. Delete sections 909.18.1 through 909.18.8.3.

19. Change [~~Section~~ Sections] 909.18.8.3.1 and 909.18.9 to read:

13VAC5-51-135.5. IFC Chapter 10: Means of Egress.

D. The following changes shall be made to Section 1005, Means of Egress Sizing:

1. Change Section 1005.1 to read:

(N)1005.1 General. All portions of the means of egress system shall be sized in accordance with the applicable [building] code.

VA.R. Doc. No. R16-4665; Filed September 12, 2018, 9:51 a.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Board of Housing and Community Development will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **13VAC5-63. Virginia Uniform Statewide Building Code (amending 13VAC5-63-210, 13VAC5-63-245, 13VAC5-63-310, 13VAC5-63-431, 13VAC5-63-432.5, 13VAC5-63-433, 13VAC5-63-433.3, 13VAC5-63-433.5, 13VAC5-63-434, 13VAC5-63-434.5, 13VAC5-63-435.5, 13VAC5-63-440, 13VAC5-63-450, 13VAC5-63-500, 13VAC5-63-510).**

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

Effective Date: November 1, 2018.

Agency Contact: Kyle Flanders, Policy Analyst, Department of Housing and Community Development, Main Street Centre, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 786-6761, FAX (804) 371-7090, TTY (804) 371-7089, or email kyle.flanders@dhcd.virginia.gov.

Summary:

The technical amendments to the Uniform Statewide Building Code (USBC) (i) correct errors in numbering and punctuation, inadvertent omissions, and typos; (ii) remove sections and table rows erroneously included in the final version of the USBC; and (iii) clarify instances where sections of the incorporated code have been amended or added.

13VAC5-63-210. Chapter 3 Use and occupancy classification.

A. Change Sections 303.1.1 and 303.1.2 of the IBC to read:

303.1.1 Small buildings and tenant spaces. A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be permitted to be classified as a Group B occupancy.

303.1.2 Small assembly spaces. The following rooms and spaces shall be permitted to be classified as Group B occupancies or as part of the assembly occupancy:

1. A room or space used for assembly purposes with an occupant load of less than 50 persons and ancillary to another occupancy.

2. A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and ancillary to another occupancy.

B. Change Section 303.6 of the IBC to read:

303.6 Assembly Group A-5. Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:

Amusement park structures

Bleachers

Grandstands

Stadiums

Swimming pools

C. Add Section 304.1.1 to the IBC to read:

304.1.1 Day support and day treatment facilities. Day support and day treatment facilities licensed by the Virginia Department of Behavioral Health and Developmental Services shall be permitted to be classified as Group B occupancies provided all of the following conditions are met:

1. Participants who may require physical assistance from staff to respond to an emergency situation shall be located on the level of exit discharge.

2. Any change in elevation within the exit access on the level of exit discharge shall be made by means of a ramp or sloped walkway.

3. Where the facilities are located more than two stories above grade, an automatic sprinkler system shall be provided throughout the building in accordance with Section 903.3.1.1.

D. Change exception 14 of Section 307.1.1 of the IBC and add exception 15 to Section 307.1.1 of the IBC to read:

14. The storage of black powder, smokeless propellant and small arms primers in Groups M, R-3 and R-5 and special