

Memorandum of Agreement

*Between the
Virginia Board of Housing and Community Development
and the
Virginia Fire Services Board*

Development of the Virginia Statewide Fire Prevention Code

Purpose and Scope

The purpose of this agreement is to establish mutually acceptable procedures, for joint use by the two Boards, in the adoption and amendment of the Virginia Statewide Fire Prevention Code. Section 27-97 of the Code of Virginia directs the Virginia Board of Housing and Community Development to adopt a fire prevention code which will be “cooperatively developed” with the Virginia Fire Services Board, pursuant to procedures agreed to by the two Boards.

This agreement is entered into by the Virginia Board of Housing and Community Development and the Virginia Fire Services Board in fulfillment of the requirements that joint procedures agreed to by the two Boards be developed.

Joint Procedures

Coordination between the Board of Housing and Community Development and the Virginia Fire Service Board for the development of the Statewide Fire Prevention Code will be as follows:

Notification and Preliminary Drafts

The Board of Housing and Community Development shall notify the Virginia Fire Services Board of its intent to publish a Notice of Intended Regulatory Action. Preliminary drafts of the proposed and the final regulatory changes to the Statewide Fire Prevention Code shall be distributed to both Boards and the State Fire Prevention Code Development Committee.

Statewide Fire Prevention Code Development Committee

A committee shall be appointed consisting of three members of the Board of Housing and Community Development and three members of the Virginia Fire Services Board. The committee chair shall be appointed by the Chairman of the Board of Housing and Community Development. The committee shall review and consider all submitted proposed amendments to the Statewide Fire Prevention Code and shall work to develop code change recommendations to the Board of Housing and Community Development’s Codes and Standards Committee.

The Statewide Fire Prevention Code Development Committee shall formally meet prior to the adoption of the proposed regulations to review all submitted SFPC code changes and to consider testimony by proponents and opponents. The committee shall meet prior

to the adoption of the final regulations to consider final code changes to the SFPC and to consider testimony by proponents and opponents.

Public Hearings

The Virginia Board of Housing and Community Development shall set a date for the public hearing(s) on proposed amendments to the Statewide Fire Prevention Code and shall notify the Virginia Fire Services Board not less than 30 days before the public hearing date. The members of both Boards will sit as a body at the public hearing for the proposed Statewide Fire Prevention Code. The hearing will be chaired by the Chairman of the Board of Housing and Community Development or the Chairman's designated representative. The public hearing shall be held in accordance with the Administrative Process Act and the Public Participation Guidelines adopted by the Board of Housing and Community Development. The preparation of the record of public comments will be the responsibility of the Board of Housing and Community Development. When completed, copies will be furnished to the Virginia Department of Fire Programs for distribution to all members of the Virginia Fire Services Board.

Action on comments of Governor and legislature

Resolution of such comments received from the Governor and/or the General Assembly regarding the Statewide Fire Prevention Code will be considered by the Statewide Fire Prevention Code Development Committee and their recommendations submitted to the Boards in general conformity with the process described above.

Final Adoption

The Boards will hold a joint meeting to consider the recommendations of the Statewide Fire Prevention Code Development Committee, public comments received on the Statewide Fire Prevention Code and any comments regarding this regulation received from the Governor and the General Assembly. The purpose of the meeting will be to agree on final regulations or amendments prior to the final adoption of the SFPC by the Board of Housing and Community Development. In case of any disagreements, the Board of Housing and Community Development will make the final determination.


Anthony Clatterbuck, BHCD Chairman 9/17/2012
Date


Richard E. Burch, Jr., VFSB Chairman 9-17-12
Date