



Department of Codes Compliance
2400 Washington Avenue
Newport News, VA 23607
757-933-2311/757-926-8311(fax)

REQUEST FOR MODIFICATION

Date _____

Pursuant to Section 106.3 of the Virginia Uniform Statewide Building Code, I hereby request a modification to such code as follows:

Section of USBC for which modification is requested _____

Reason for which modification should be granted: _____

(If additional space is needed, please attach separate sheet)

SIGNATURE _____

Name _____ owner/agent Phone _____

Mailing
Address _____

STRUCTURE LOCATION

Street Address _____ Permit # _____

**ATTACH ANY DATA OR INFORMATION WHICH SUPPORTS YOUR POSITION
REGARDING THIS REQUEST.**

DATE RECEIVED _____

DATE APPROVED/DENIED _____

105.2.1 Qualifications of technical assistants. A technical assistant shall have at least three years of experience and general knowledge in at least one of the following areas: building construction; building, fire or housing inspections; plumbing, electrical or mechanical trades; or fire protection, elevator or property maintenance work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The locality may establish additional qualification requirements.

105.2.2 Certification of technical assistants. A technical assistant shall be certified in the appropriate subject area within 18 months after becoming a technical assistant. When required by local policy to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

Exception: A technical assistant in place prior to March 1, 1988, shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

105.2.3 Requirements for periodic maintenance and continuing education. Technical assistants shall attend periodic maintenance training as designated by DHCD. In addition to the periodic maintenance training required above, technical assistants shall attend 16 hours of continuing education every two years as approved by DHCD. If a technical assistant possesses more than one BHCD certificate, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.

105.3 Conflict of interest. The standards of conduct for building officials and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

105.4 Records. The local building department shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspection in accordance with The Library of Virginia’s General Schedule Number Six.

**SECTION 106
POWERS AND DUTIES OF THE BUILDING
OFFICIAL**

106.1 Powers and duties, generally. The building official shall enforce this code as set out herein and as interpreted by the State Review Board.

106.2 Delegation of authority. The building official may delegate powers and duties except where such authority is limited by the local government. However, such limitations of authority by the local government are not applicable to the third-party inspector policy required by Section 113.7.1 nor shall such limitations of authority by the local government have the effect of altering the provisions of this code or creating building regulations. When such delegations are made, the building official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

106.3 Issuance of modifications. Upon written application by an owner or an owner’s agent, the building official may approve a modification of any provision of the USBC provided the spirit and functional intent of the code are observed and public health, welfare and safety are assured. The decision of the building official concerning a modification shall be made in writing and the application for a modification and the decision of the building official concerning such modification shall be retained in the permanent records of the local building department.

Note: The USBC references nationally recognized model codes and standards. Future amendments to such codes and standards are not automatically included in the USBC; however the building official should give them due consideration in deciding whether to approve a modification.

106.3.1 Substantiation of modification. The building official may require or may consider a statement from an RDP or other person competent in the subject area of the application as to the equivalency of the proposed modification. In addition, the building official may require the application to include construction documents sealed by an RDP.

106.3.2 Use of performance code. Compliance with the provisions of a nationally recognized performance code when approved as a modification shall be considered to constitute compliance with this code. All documents submitted as part of such consideration shall be retained in the permanent records of the local building department.

**SECTION 107
FEES**

107.1 Authority for charging fees. In accordance with Section 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement of the USBC.

107.1.1 Fee schedule. The local governing body shall establish a fee schedule incorporating unit rates, which may be based on square footage, cubic footage, estimated cost of construction or other appropriate criteria.