

MEMORANDUM OF AGREEMENT
between the
Board of Housing and Community Development
and the
Virginia Department of Labor and Industry

(Revised November 2001)

In accordance with Sections 36-98 et seq. and 40.1-51.6 et seq. of the Code of Virginia, the Virginia Department at Labor and industry (hereinafter referred to as the "Department") and the Board of Housing and Community Development (hereinafter referred to as the "Board") on this Nov. 1, 2001 agree to coordinate the Virginia Uniform Statewide Building Code (hereinafter referred to as the "Code") and the Boiler and Pressure Vessel Safety Regulations (hereinafter referred to as the "Regulations"). The parties agree to the following:

1. That enforcement of the Code is the responsibility of the local building department, and that enforcement of the Regulations is the responsibility of the Department.
2. That this agreement covers boilers and water heaters except:
 - A Boilers used in private residences or apartment houses of less than four apartments.
 - B. Hot water supply boilers and water heaters when the following limitations are not exceeded:
 - a) heat input of 200,000 BTU per hour
 - b) water temperature of 210 Fahrenheit
 - c) water-containing capacity of 120 gallons
3. That the local building department shall notify, in writing, the chief boiler inspector when a building, mechanical or plumbing permit is issued for any boiler or water heater that is subject to the Department's inspection. The local building department may provide computer generated disks in e-mail attachments listing owners/users addresses of boilers and water heaters.
4. That inspection and certification of boilers shall be the responsibility of the Department; however, the Department may authorize and accept inspection reports from approved special inspectors and owner-user inspection agencies in accordance with sections 40.1-51.9 and 40.1-51.11:1 of the Code of Virginia.
5. That the Department shall assure new and existing boilers and water

heaters are in compliance with the Regulations.

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6. That the local building department shall accept the inspection certificate of compliance from the Department as evidence of compliance with the Regulations. The Department shall notify, in writing, the local building department of the issuance of certificate of compliance.
7. That appropriate amendments, additions, or deletions will be made to the Regulation. and to the Code to insure that there is no jurisdictional conflict between the two documents.
8. That it is the intention of both the Board and the Department to cooperate with each other in resolving any technical conflicts between the Regulations and the Code, and in developing and implementing operational procedures to insure and promote a constructive working relationship between building officials and boiler inspectors.
9. That, except in matters of imminent danger to public health or safety, whenever conflicts or disagreements arise between the two agencies or their staffs or localities, all appropriate regulatory procedures will be exhausted prior to any judicial action. That the local building official may require appropriate corrective actions in accordance with the Code, where unsafe conditions exist and there is an imminent danger to the public health or safety.
10. That this Agreement may be amended or terminated by mutual consent of the parties.

The undersigned agree to the conditions of this Agreement.



**Director,
Department of Housing and
Community Development**

**For the Board of Housing and
Community Development**



**Commissioner,
Department of Labor and
Industry**