Agency Name: Building Codes Council - Labor, Licensing and Regulation

Statutory Authority: 6-8-20, 6-9-40, 6-9-63(E), and 40-1-70

Document Number: 4715

Proposed in State Register Volume and Issue: 40/10

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 05/10/2017

Final in State Register Volume and Issue: 41/5

Status: Final

Subject: Energy Standards Appeal Procedure

History: 4715

By Date Action Description Jt. Res. No. Expiration Date

- 10/28/2016 Proposed Reg Published in SR

- 01/10/2017 Received by Lt. Gov & Speaker 05/10/2017

H 01/10/2017 Referred to Committee

S 01/10/2017 Referred to Committee

S 03/29/2017 Resolution Introduced to Approve 590

H 05/03/2017 Resolution Introduced to Approve 4253

- 05/10/2017 Approved by: Expiration Date

- 05/26/2017 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4715

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**BUILDING CODES COUNCIL**

CHAPTER 8

Statutory Authority: 1976 Code Sections 6‑8‑20, 6‑9‑40, 6‑9‑63(E), and 40‑1‑70

8‑255. Energy Standards Appeal Procedure.

**Synopsis:**

 The South Carolina Building Codes Council proposes to correct a scrivener’s error in Regulation 8‑255(D).

 A Notice of Drafting was published in the *State Register* on September 23, 2016.

**Instructions:**

 Regulation 8‑255 is amended as shown below.

**Text:**

8‑255. Energy Standards Appeal Procedure.

(A) The Council shall review and decide appeals to the requirements of the energy standards when certain occupancy or construction conditions are proven to exist in areas of the state where local appeals boards have not been appointed.

(B) Appeals may be brought before Council by any person, persons or parties who may be affected by any provision of or decision made pursuant to the administration or enforcement of the Energy Standards.

(C) All appeals must fully explain and justify the issues to be considered. The submittal should include a list of the persons wishing to testify. Each appeal shall be submitted separately. Information submitted shall be legible and must contain the following:

 (1) Name, address and phone number of the person making the request:

 (2) Name of jurisdiction in which the structure involved is located:

 (3) The nature of the appeal:

 (4) The basis or reason for the appeal.

(D) Any decision of Council may be appealed by an aggrieved party to the Administrative Law Judge Division in accordance with the South Carolina Administrative Procedures Act. An appeal shall not act as a stay or suspension of the Council’s decision.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

 The updated regulations will correct a scrivener’s error in Regulation 8‑255(D).