DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
PUBLIC HEARING
A virtual hearing for the Department of Housing
and Community Development was held on Friday, June
26, at 10 a.m. before Colleen Good, Certified Court
Reporter and Notary Public in and for the
Commonwealth of Virginia.

1 P-R-O-C-E-E-D-I-N-G-S

STEVE SEMONES: Okay, good morning, everyone. I'm hereby opening the public hearing for the Board of Housing and Community Development on June 26th, at 10:05 a.m.

Before we get started, Kyle Flanders with DHCD is going to give us a few ground rules. Please everyone if you are already on the phone or on your computer, please be sure to mute your microphones at this time. Once we start the public hearing it's going to be extremely difficult for everybody to hear and experience the meeting with open mics. So Kyle.

KYLE FLANDERS: Thank you, Steve. I'm Kyle Flanders with DHCD. I'm just going to read one brief statement regarding the electronic

public meeting.

Due to the Governor's declared state of emergency due to COVID-19, it's impracticable and unsafe for the Board of Housing and Community Development to assemble in a single location, so the public hearing and Board meeting will be held electronically by Adobe Connect pursuant to 2020 amendment to the 2019 Appropriation Act.

The purpose of the meeting is to

discuss and transact business required and necessary to continue operations of the Board and discharge lawful purpose, duties and responsibilities and to use the different dial-in and links provided to attend electronically. The Board will make available a recording of transcript of the meeting on the website in accordance with the timeframes established in the Code of Virginia.

A couple of additional things, the meeting will be, the meeting and public hearing will be recorded and the public hearing will be transcribed. Votes will be taken by roll call, we request everyone state -- request everyone state their name before they speak, and the minutes will state the nature of the emergency and the fact that this meeting was held by electronic means. With that, I'm going to give it over to Stephen for just kind of a quick 5 minute overview of Adobe before we get started with the public hearing.

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STEVE SEMONES: At this point it's my pleasure to welcome the members of the Board of Housing and Community Development and the Virginia

Fire Services, Virginia Fire Services Board that are present today.

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Before we begin to receive comment I would like to explain how the hearing will be conducted. We will begin with comment from the Fire Code, followed by the Building Code, next the Amusement Device Regulations, and last the Industrialized Building Safety Regulations.

We will begin by calling on individuals that have already signed up to comment, then open the floor anyone else who wishes to comment.

If you haven't previously expressed a desire to comment, please enter your name and the regulations you wish to comment on in the chat box. We will also check for anyone calling in before moving on to comment on the next code.

Comments offered by a previous speaker need not be repeated. The speaker may establish their position on any point simply by referring to the earlier statement which expresses his or her position. We ask that each speaker limit remarks to 2 minutes due to the number of people we expect to comment on the various issues.

We welcome the submission of written

statements as well, in such cases, oral comments are not necessarily. The Board will review all written materials that are submitted. If you have written statements, please send them to Kyle Flanders and the email should be entered in the chat bar.

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We will receive public comment for proposed regulations in this order: First, the Virginia Statewide Fire Prevention Code, next the USBC, then VADR, and last IBSR. Again, one final reminder, with everybody on the call right now, please if you have signed up to speak, please pay attention as the names are being called, as Kyle calls your name to speak and provide comment, please again be sure your mics are muted until it's your turn to speak, and with that I open the public hearing and call the first speaker regarding the Statewide Fire Prevention Code. Kyle?

KYLE FLANDERS: At this time I don't have anyone previously signed up to speak on the fire code. I'm going to see if anything came through in the emails just now. I'm not seeing anything in the emails that just came through. Is there anybody in the audience who would like to

1 speak on the fire code today? 2 ERIK JOHNSTON: Hey Kyle, this is 3 Erik, we're going to put that in the chat bar as 4 well. 5 STEVE SEMONES: And again, as Stephen 6 mentioned earlier, if you do have a comment to 7 make, use the raise your hand pull down and let us 8 know if you'd like to make a comment. 9 KYLE FLANDERS: Okay, Jonathan 10 Jonathan, would you like to speak on Sergeant. 11 the fire code? Jonathan Sergeant, would you like 12 to speak on the fire code? 13 Is there anyone else who would like 14 to speak on the Statewide Fire Prevention Code? 15 STEVE SEMONES: Kyle, I believe Eric 16 has his hand up. 17 KYLE FLANDERS: I had him previously 18 signed up to speak on the building code. Eric, did you want to speak on the fire code as well? 19 20 Okay, I don't believe we have anyone who has

STEVE SEMONES: Okay, if we have no speakers on the Statewide Fire Prevention Code. We will close that portion and move to the first speaker for the Uniform Statewide Building Code.

expressed a desire to speak on the fire code.

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1 Kyle.

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2 KYLE FLANDERS: Tim Stevens, are you 3 present either online or on the phone? No. Okay, 4 we will check back with Tim Stevens at the end. 5 William Penniman?

WILLIAM PENNIMAN: Yesterday I submitted to Kyle written comments for the Virginia Chapter of the Sierra Club, Faith Alliance for Climate Solutions and the Climate Action Alliance of the Valley concerning the building code proposals and what needs to be done going forward. I urge you to read them closely. I will be submitting proposals through the CDP VA process by the July 3 deadline.

Let me just summarize three points from the comments that we submitted. First, since the proposal was issued in December a great deal has happened, there has been a legislative sea change.

The legislature and the governor recognize that climate change is a serious threat to Virginia and it needs to be addressed swiftly.

They also recognize that energy efficiency is a critical part of the strategy to address climate change and to protect the health,

safety and welfare of Virginians with respect to the cost of their energy. In other words to lower their energy costs, which is particularly important for low and moderate income individuals.

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They've committed to over a billion dollars of spending on energy efficiency, and building codes need to make those kind of savings built in from the beginning.

Second, your December 16 proposal needs to be amended in important ways. First, you need to adopt the full 2018 IECC without weakening amendments, and second you need to go beyond that.

We've recommended several measures which improve energy efficiency consistent with other more recent IECC provisions and since this, this new regulation won't take effect until 2021, you should be considering some of the 2021 features already.

The third point I want to make is the DHCD needs to reform its approach to reviewing the building code in a couple of fundamental ways.

First it needs to have a clear policy that the full IECC will be promptly implemented unless somebody provides and supports a beneficial alternative that achieves energy efficiency equal

1 to or greater than the most recent IECC.

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No group should be able to delay or reduce energy efficiency progress which will come at the cost of residents of all the dwellings built in that period.

STEVE SEMONES: Mr. Penniman, you have 15 seconds.

WILLIAM PENNIMAN: That's all I need. Second, the IECC efficiency improvement should be adopted promptly, not years later. That is important both for addressing climate pollution and for reducing energy costs to consumers.

So I look forward to working with you further. Thank you for the time, and I also wanted to say thank you to Kyle Flanders and Richard Potts for having spent time on the phone and on email helping me to understand the processes of the BHCD. Thank you very much.

STEVE SEMONES: Thank you. And just for the folks that are making public comment, this is Chairman Semones. We are keeping time. We had a timer in the upper right-hand corner that doesn't appear to be working right this minute, so I will be keeping time digitally on the two minutes, and we will try to give you a 15 second

1	warning. S	So I apologize for interrupting you, b	ut
2	I wanted to	o give you a 15 second warning as you	
3	get close.	Kyle.	

KYLE FLANDERS: Thank you. The next speaker on the building code will be Eric Goplerud, apologies if I mispronounced that. I think Eric had had his hand raised earlier. Eric? Okay, we'll try back again for Eric at the end.

Let's go ahead and move to the next speaker Laura Baker if you're here.

LAURA BAKER: Hi, good morning. Can you hear me?

STEVE SEMONES: Yes.

LAURA BAKER: Great. Okay, good morning. My name is Laura Baker. I am with Responsible Energy Code Alliance. I'm also a Virginia resident and I live in Arlington County.

I spoke to you all last year to strongly encourage the Board to use the 2018 IECC as the base code as you can consider updating the USBC, today our goal is still to bring Virginia Solar to the 2018 IECC.

The past few code cycles, Virginia has been lagging behind the national standard due to some legacy weakening amendments which has been

lingering too long if the code isn't updated.

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I'm happy to report that we made some progress in the current cycle. For example, we came to a compromise with other stakeholders which will institute a mandatory air leakage test for all new homes built in Virginia. This will not only save energy but will also contribute to healthier indoor air quality and resiliency. We also got Common Ground to require certificates that will disclose key efficiency information to homeowners.

One area, however, that we haven't been able to find compromise on is improved wall and ceiling insulation standards for residential construction. We think it's time to move forward to the insulation level that is in IECC, but not in Virginia's code since the 2012 IECC, while most stakeholders have agreed that it is well past time for Virginia to catch up to the National Model Code level with insulation, a few stakeholders have opposed any improvements.

We are coming to you this cycle to ask for the Board to include the 2018 insulation standards. These standards aren't new. They have been in the code since 2012. Those levels have

actually increased in the upcoming 2021 IECC but we aren't asking for those levels.

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To put this into perspective, based on data from the U.S. Census Bureau we estimate that more than 90,000 single family homes have been constructed in the Commonwealth since 2015 under building standards which haven't matched the national code.

These homes are likely to remain under insulated for their full expected useful life which is typically 70 to 100 years. How many more thousands should miss out on the cost savings and increase the comfort resulting from improved insulation. We will continue to press for these improvements through the appropriate work groups, but ultimately it will be up to the Board as to whether to catch up to the national standards. We believe Virginia should not only keep pace, but be a leader on energy efficiency.

Just a quick note, today excepted I think that generally the shift moving online has been pretty smooth, and we really commend the DHCD staff for facilitating this move online and we strongly encourage Virginia to stay on track with this adoption scheduled given all the hard work

1	that has already been done and continues to be
2	done. Anyways, we look forward to continue to be
3	a resource for you, and thank you for your time.
4	STEVE SEMONES: Thank you.
5	KYLE FLANDERS: We'll try Eric one
6	more time. If you aren't able to looks like
7	he's going to go through the chat I think.
8	Okay, Jeff Mang will be the next
9	speaker on the building code.
10	JEFF MANG: Thank you. Can everyone
11	hear me?
12	STEVE SEMONES: Yes.
13	JEFF MANG: Okay. Thank you. My
14	name is Jeff Mang. I'm a manager at the law firm
15	Hogan Lovells, and my remarks here today are on
16	behalf of the Polyisocyanurate Insulation
17	Manufacturer's Association, PIMA.
18	As part of Virginia's building code
19	review and energy sub-work group which formed last
20	year, for the purpose of reaching consensus on a
21	wide range of issues related to the energy code
22	including how the energy code applies to
23	alterations and existing buildings.

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lot, although some issues related to the

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This sub-work group accomplished a

residential energy standards remains unresolved, as you just heard for Laura Baker.

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So with respect to these residential energy requirements, FEMA is in agreement with the RECA statement that was given, and I would say that the residential energy code requirements are cost effective and long overdue.

An important accomplishment of the energy sub-work group has been the development of a compromise related to building renovations, although everyone had a different starting position on this topic when the process started last year, the sub-work group members were able to develop a compromise that both encourages the reuse of buildings and takes advantage of cost effective opportunities to improve, to improving energy efficiency, this compromises EB 601.4 (3) and is sponsored by RECA.

The compromise was vetted by a broad group of stakeholders and was agreed to by the sub-work group on March 31 of this year. The final compromise appears to have no opposition, so we are hopeful that the proposal will receive consensus at the next week's work group number 2 meeting, but if it doesn't for some reason, then

we urge the Board to approve that compromise when they have that opportunity later this year.

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And lastly I'd like to thank the department staff for (inaudible) I just want to thank department staff for organizing and finding an open code with due process and I think it really encouraged collaboration, so thank you.

STEVE SEMONES: Thank you.

KYLE FLANDERS: Next on the building code we have Mike Coppa. Are you here, Mike?

MIKE COPPA: Present. My name is Mike Coppa, I'm a licensed architect in Virginia, a state building official. My staff participated in the work on the code and I would -- I have prepared remarks that I submitted to Kyle. Thank you for your help, Kyle. It allowed me to figure that out, and I would urge the Board to read my logic in the interest of time from beginning and end of my statement and do not modify Virginia Construction Code 1010.1.4.4 to permit barricade devices.

The Virginia 2019 Uncodified Acts, Chapter 723 requiring examination of various safety and security measures to utilize in the event of an active shooter or hostile threat, but

did not mandate barricade devices or changes to
the Virginia Construction Code, and in my
statement I give you logic as to why I believe
that that is inappropriate, and then allowing
barricade devices impedes egress in a building,
imposes life and fire safety risks that do not
exist now and result in a direct contradiction of
the intent of the international recognized
consensus life and fire safety concepts.

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Do not modify Virginia Construction Code barricade devices that impede building egress, and that's pretty much -- I wanted to make sure that Chairman Semones heard that and I would urge you to read the logic and that's it for me. Thank you.

KYLE FLANDERS: Our next speaker signed up is Andrew Clark. Okay. We'll check back again with Andrew. Then the next speaker is Andrew Grigsby.

ANDREW GRIGSBY: Hi, can you hear me? STEVE SEMONES: Yes.

ANDREW GRIGSBY: Good morning. My name is Andrew Grigsby. I speak today as a private individual. I started home building as a carpenter's helper more than 30 years ago and I

have been part of the construction industry in various ways through most of my professional life.

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I also speak as a citizen who wants good government that enables a thriving economy, in part with clear standards that follow the best available science.

And I must speak up as a father of two boys who like all of us need a healthy planet to live on and healthy communities to live in.

I'm speaking about the energy code and much has already been said. I'll sum up my additional remarks to say that Board members, you will soon be presented with a proposal coming out of the stakeholder process to have Virginia catch up with the 2012 code, as been mentioned, by adopting the 2018 IECC.

I ask you to be prepared to support that proposal. This is long overdue, in part because, as I said, so much that's in the 2018 code has been, was part of the 2012 IECC so Virginians have been missing out on for years and here are just a few reasons to support the 2018 IECC. For affordability, because smart efficiency measures such as are in the code, reduce and make more predictable total cost of housing, make

1 housing more affordable.

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For jobs, in all Virginia, as it takes labor to build higher quality more valuable homes that also have improved air quality.

For resiliency because energy efficiency is the key element to the path of survivability and makes Virginia more resilient during a disaster and for neighborhood stability, because home operating costs reduce mortgage defaulting.

Here are just a few numbers: Eight years ago the Department of Energy calculated that updating to the 2012 IECC would obtain on average life cycle cost savings of \$5,836 in one year of ownership. The basic principle is just that quality, energy efficient construction makes housing more affordable, and now during the economic recession we could have been saving money all those years since 2012. And I ask for you to learn as much as you can about this between now and the time you will vote on this proposal. Thank you.

STEVE SEMONES: Thank you,

Mr. Grigsby.

KYLE FLANDERS: We are going to check

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one more time to see if Tim Stevens is here. He jumped out and came back.

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Okay. I'm going to go ahead and read a statement on behalf of Eric, excuse me if I mispronounce your name, Goplerud. He's the Board Chair of the Faith Alliance for Climate Solutions.

Good morning, I'm Eric Goplerud, Board Chair of the Faith Alliance for Climate Solutions, a non-partisan interfaith organization of more than 75 faith communities and 2400 faith based activists in Northern Virginia.

We recommend adoption of the 2018 IECC without exception for new residential construction. Residences consume 25 percent of the state's total energy.

Many states, including Maryland, D.C. and North Carolina have more rigorous residential energy efficiency standards than ours, the ACEEE, ranks us 29th, below even Florida, Texas and Nevada.

We urge you to adopt these changes, meet or exceed 2018 IECC standards for floor, wall, ceiling and fenestration insulation. Limit air infiltration to three air changes per hour or less. The IECC standards from 2012, as standards

are strengthened, the Board should emulate Maryland, which requires new IECC standards be adopted within 12 months of their publication.

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The Governor's Executive Order 43 directs the DHCD to enhance building code. The virginia Clean Energy Act directs the DHCD to reduce the energy burden on low income Virginias, half of revenues generated by RGGI auctions must be devoted to low income energy efficiency.

The governor and legislature want to improve residential energy efficiency, being the current IECC standards would add .7 percent to new home prices in Virginia. Homeowners would recoup that within 5.5 years.

The Board already adopted the current IECC standards for new commercial construction, multi-unit dwellings and renovations of existing commercial and residential buildings. Only new residential construction is the exception.

It is time for the Board to make Virginia's commercial and residential code consistent with international standards.

And that's the end of Mr. Goplerud's testimony and then we'll go back to Andrew Clark.

ANDREW CLARK: Can you hear me all

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1 right?

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2 STEVE SEMONES: Yes.

3 ANDREW CLARK: All right, perfect.

Mr. Chairman, members of the Board, Andrew Clark with the Home Builder's Association of Virginia. I want to reiterate some of the comments that were already brought up.

I think despite what I think was written in an opinion piece in the Virginia Mercury, the Board has actually done a pretty significant amount of work in the space of energy efficiency and resiliency as a result of the governor's executive order, the resiliency sub-work group and has advanced about 15 code proposals that will be making their way to the Board. About eight or nine of those of which have the full support of the HBAV.

When it comes to the energy efficiency, as Laura mentioned earlier, in 2015 and in this code cycle this year, I think we've done a lot of work to find compromise and consensus to make substantial, significant improvements in energy efficiency in buildings in the Commonwealth. So I think really we haven't been stagnant on those fronts.

Second point, and I'll submit written comments in totality, but, you know, our association and our industry doesn't make decisions on codes on cost alone.

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In fact very rarely do you see actual proposals that decrease the cost of construction. Most of the time they increase the cost of construction or they're neutral, and so we've supported a lot of proposals that do in fact increase the cost of new residential single family and multi-family buildings in the Commonwealth.

So as a kind of a closing thought, the Board is in a very difficult position to balance the prospectives of various stakeholders and there is no question that our code has to evolve with the latest and greatest in building science, but we've also got to come to the reality that there is a real housing affordability issue in the Commonwealth, and the decisions made by the Board directly impact that, and it's a fact of life that becomes, in Virginia, our keeping pace with rent and sale prices, between land costs, labor costs, materials, the process to go through, the local zoning process, local zoning approval, is becoming almost impossible to deliver housing

options to the market that folks across the income spectrum actually hit.

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So non-profit housing that started severing at 50-60-80 percent AMI, we've now had to, because of the rising cost of construction, bump up and serve folks at a higher percent of AMI and the same with the private sectors.

In 2019 a Harvard analysis showed that the price of the lowest cost of homes rose 6.9 percent, in the last quarter of 2018 and that's just one quarter.

And so we've got a real reckoning in Virginia. I think it's become obvious and more clear in the last couple of months, that we need to do something not only to advance energy efficiency, but to balance that with the need to create inclusive communities that aren't just, you know, putting folks of different incomes and different parts of localities and different parts of the state, so it's been I think a really productive code process and we're going to continue working with some of the other stakeholders on things like wall and ceiling insulation. We've been doing extensive meetings trying to figure out --

1 STEVE SEMONES: Mr. Clark, we need 2 you to wrap up. 3 ANDREW CLARK: All right. Well, so, 4 to conclude, I think we've gotten a lot done. 5 We're going to continue that vein of compromise 6 and try to find common ground, but I just ask the 7 Board to really consider all these code proposals 8 and how they interact with the various other 9 inputs that are impacting housing affordability. 10 Thank you, and my apologies for going a little bit

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long.

STEVE SEMONES: Thank you.

KYLE FLANDERS: Mr. Chairman, at this time I don't have anyone else registered, it doesn't look like -- one more person on the chat maybe?

STEVE SEMONES: Anyone else wishing to speak on the Uniform Statewide Building Code? Again, just a reminder, we are taking written comments either through the chat or off line to Kyle Flanders' email address at DHCD.

All right, seeing none, we will close that portion and we will move to comments on the Amusement Device Regulations, and so we will call the first speaker of the Virginia Amusement Device

1	Regulations. Kyle?
2	KYLE FLANDERS: Mr. Chairman, I do
3	not have anyone signed up to speak on the
4	Amusement Device Regulation today. Is there
5	anyone else in the audience, please raise your
6	hand or turn to chat, please.
7	STEVE SEMONES: All right, any
8	individuals wishing to speak on the Virginia
9	Amusement Device Regulations? Last call.
.0	Okay. Seeing none, we'll move on.
.1	Now, we would like to call the first
.2	speaker for the Industrialized Building Safety
.3	Regulations. Kyle?
.4	KYLE FLANDERS: Mr. Chairman, I do
.5	not have anyone signed up for the Industrialized
.6	Building Safety Regulations either.
_7	STEVE SEMONES: If anybody on our
-8	call today wishes to speak to this, please raise
.9	your hand.
20	All right, seeing none, last call for
21	the Industrialized Building Safety Regulations.
22	Anyone wishing to speak?
23	All right, we will close that.
24	Are there any other persons on our
25	call today wishing to speak regarding the issues

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of which this public hearing was convened?

Anybody want to follow up on any of the four that we've just spoken about?

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All right, seeing none. The hearing is now concluded. All comments will be taken under advisement by the Board. I would like to reemphasize that any written statements received will be considered by the Board and from the Chair's position here, I would to thank everybody for your patience as we work through this.

As we all know, in the times that we're in, that the technology has been good, but it has been challenging at some points as well, so thank you to Steve and the DHCD and the rest of the DHCD staff for getting this set up this way.

Kyle's email is down below in the chat rooms, and just a reminder to submit any written comments to Kyle at his email address below, Kyle.flanders@dhcd.virginia.gov.

With that we will close the public hearing and we'll move on to open the Board of Housing and Community Development regular meeting for June 26th, 2020.

(The public hearing concluded at 11:17 a.m.)