



Abigail Spanberger  
Governor

Carrie Cheney  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Tamarah Holmes, PhD  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

July 2, 2026

### MEMORANDUM

**TO:** Board of Housing and Community Development Members

**FROM:** DHCD Staff

**SUBJECT:** Board of Housing and Community Development Meeting – July 13, 2026

Enclosed is the agenda and information package for the Board of Housing and Community Development meeting to be held on **Monday, July 13, 2026**. The Codes and Standards Committee will convene at 10:00 a.m. The full Board will convene after the Codes and Standards Committee. The Board meeting will be held at the **Virginia Housing Center** located in Innsbrook at 4224 Cox Road in Glen Allen, Virginia. Lunch will be provided at the meeting.

Please contact DHCD staff as soon as possible to let us know if you will not be able to attend. We can be reached at [andrew.malloy@dhcd.virginia.gov](mailto:andrew.malloy@dhcd.virginia.gov) or at 804-836-5094. Please let us know if you have any questions or if there is anything we can do to be of assistance.

Enclosure



**AGENDA**  
**BOARD OF HOUSING and COMMUNITY DEVELOPMENT**  
**Codes and Standards Committee**  
**Monday, July 13, 2026**  
**10:00 AM**  
**Virginia Housing Center**  
**4224 Cox Road, Glen Allen, VA**

**Electronic Meeting Access Information**

Microsoft Teams Joining Information: [Click here to join the meeting](#)

Meeting ID: 299 660 947 150 6 | Passcode: BS7xi3Kf

Call in (audio only) +1 434-230-0065 | Phone Conference ID: 843 386 414#

- |      |  |               |
|------|--|---------------|
| I.   | OPENING  |               |
|      | a. Call to Order   | Chair         |
|      | b. Roll Call   | DHCD Staff    |
|      | c. Public Comment  | Chair         |
| II.  | CONSENT AGENDA   | Chair         |
|      | o <i>Approval of Minutes</i> : May 11, 2026                    |               |
| III. | USBC PROPOSAL NO. 135 (REC- R402.1.2-24)<br><i>Action Item</i> | Chair         |
| IV.  | UNFINISHED BUSINESS  | Board Members |
| V.   | NEW BUSINESS   | Board Members |
| VI.  | ADJOURNMENT  | Chair         |

**AGENDA**  
**BOARD OF HOUSING and COMMUNITY DEVELOPMENT**  
**Monday, July 13, 2026**  
**Virginia Housing Center**  
**4224 Cox Road, Glen Allen, VA**

*To begin at the conclusion of the Codes and Standards Committee.*

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- |       |   |                    |
|-------|---|--------------------|
| I.    | OPENING   |                    |
|       | a. Call to Order  | Chair              |
|       | b. Roll Call  | DHCD Staff         |
|       | c. Annual Election of Officers  | DHCD Staff         |
|       | d. Public Comment   | Chair              |
| II.   | CONSENT AGENDA  | Chair              |
|       | o <i>Approval of Minutes</i> : May 11, 2026   |                    |
| III.  | ELECTRONIC MEETING POLICY ANNUAL ADOPTION<br><i>Action Item</i>                                 | DHCD Staff         |
| IV.   | REPORT OF THE CODES AND<br>STANDARDS COMMITTEE<br><i>Action Item</i>                            | Committee Chair    |
| V.    | URBAN PUBLIC-PRIVATE PARTNERSHIP<br>REDEVELOPMENT FUND GUIDELINES (SB285)<br><i>Action Item</i> | DHCD Staff         |
| VI.   | AGRITOURISM RELATED ITEMS<br><i>Action Item</i>   | DHCD Staff         |
|       | o Temporary Tents (HB735/SB132)   |                    |
|       | o State Building Code Technical Review Board Letter   |                    |
| VII.  | PRIVATE ACTIVITY BOND UPDATES   | DHCD Staff         |
| VIII. | LEGISLATIVE AND REGULATORY UPDATE   | DHCD Staff         |
|       | o 2024 Code Development Cycle Update  |                    |
|       | o 2026 General Assembly Session Update  |                    |
| IX.   | REPORTS AND INFORMATION   |                    |
|       | a. Virginia Housing Report  | Monique Johnson    |
|       | b. Report of the Virginia Fire Services Board   | Gerry Maiatico Dr. |
|       | c. Report of the Director   | Dr. Tamarah Holmes |

- |       |                            |               |
|-------|----------------------------|---------------|
| X.    | UNFINISHED BUSINESS        | Board Members |
| XI.   | NEW BUSINESS               | Board Members |
| XII.  | BOARD MATTERS              | Board Members |
| XIII. | FUTURE BOARD MEETING DATES | DHCD Staff    |
|       | o October 19, 2026         |               |
| XIV.  | ADJOURNMENT                | Chair         |

**Minutes of the  
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT  
Codes and Standards Committee  
May 11, 2026  
1:47 PM  
Virginia Housing Center  
4224 Cox Road  
Glen Allen, Virginia**

Members Present

Louie Berbert, Vice Chair  
Sylvia Bryant  
Cindy Davis  
Bill Garrett  
Lynne Goldberg (Remote)  
Jenna Goodman  
Keith Johnson  
Charlie Jones  
Roger Jones, Chair  
Tammy Neale  
Hank Osleger  
J.M. Snell  
Scott Stosser  
Mark Trostle

Members Absent

*None*

Department of Housing and Community Development (DHCD) staff present for all or part of the meeting:

Jeff Brown, Deputy Director of Building and Fire Regulation  
Kenrick Cameron Jr., Policy Analyst  
Joseph Dennie, Policy Analyst  
Tamarah Holmes Ph.D., Director  
Alan Jones, Sr. Public Finance Analyst  
Trisha Lindsey, Policy and Legislative Services Director  
Florin Moldovan, State Building Codes Office Director  
Brandon Rou, Code and Regulation Specialist  
Chase Sawyer, Policy and Legislative Services Manager  
Chris Scott, Code and Regulation Specialist

Call to Order

Mr. R. Jones, Chair of the Codes and Standards Committee, called the meeting of the Board to order at 1:47 p.m.

Roll Call

The roll was called by Mr. Sawyer. Mr. Sawyer reported that a quorum was present.



A motion was made by Ms. Davis and seconded by Mr. Johnson to approve Proposal No. 18 (FP107.11-24). After discussion, a motion was made by Ms. Davis and seconded by Ms. Goodman to amend Proposal No. 18 to limit the fee increases to 35% (rather than 50%). The motion to amend passed on a roll call vote (YEAS: Davis, Garrett, Goodman, R. Jones, Neale, Osleger, Snell, Stosser; NAYS: Berbert, Bryant, Johnson, C. Jones, Trostle; NOT PRESENT: Goldberg). The motion as amended passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Mr. Snell and seconded by Ms. Davis to approve Proposal No. 19 (FP107.12-24). A motion was made by Ms. Davis and seconded by Mr. Snell to amend Proposal No. 19 Item #8 to strike the words “annual” and “or conducted” and put a “.” after the word “jurisdiction” and strike “, where the inspection is either requested voluntarily or when there is a substantial complaint for which code violations were discovered.”. [*As amended, Item #8 would read: General fire code inspection: any statewide fire prevention code inspection that is requested in a commercial occupancy where the State Fire Marshal is the authority having jurisdiction. \$250.*] The motion to amend passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Snell to amend Proposal No. 19 by removing Item #9. The motion to amend passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg). Committee members discussed the inspections and permits of the retail sale of 1.4G Virginia Permissible Fireworks including the permitting process across the 63 localities which do not have a local fire marshal. A motion was made by Ms. Davis and seconded by Mr. Stosser to amend Proposal No. 19 by removing Item #10. The motion to amend passed on a roll call vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson, C. Jones; NOT PRESENT: Goldberg).

Committee members discussed the inspection fees for Mobile Food Preparation Vehicles. A motion was made by Ms. Davis and seconded by Mr. R. Jones to amend Proposal No. 19 by removing Item #11. After discussion, a motion was made by Mr. Johnson and seconded by Mr. Trostle to amend Item #11 in

Proposal No. 19 making it a \$150 flat fee. Ms. Davis withdrew her motion to remove Item #11 in Proposal No. 19. The motion to amend passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg). The motion to approve Proposal No. 19 as amended passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. Snell and seconded by Ms. Davis to disapprove Proposal No. 20 (FP107.12.1-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Ms. Goodman to disapprove Proposal No. 21 (FP601.2-24) The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Mr. Snell and seconded by Ms. Goodman to disapprove Proposal No. 22 (FP906.1-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Ms. Goodman to disapprove Proposal No. 23 (FP4106.1.3-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Mr. Snell and seconded by Ms. Goodman to direct staff to convene a Mobile Food Preparation Vehicle workgroup during the 2027 code development cycle. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A brief recess was called by the Chair at 3:10 p.m. The meeting was called back to order at 3:35 p.m.

Code Change Proposals

Mr. Brown presented to the Committee the base documents and code change proposals related to the following regulations: Uniform Statewide Building Code (13VAC5-63), Industrialized Building Safety Regulations (13VAC5-91), Virginia Amusement Device Regulations (13VAC5-31), and Virginia Certification Standards (13VAC5-21).

A motion was made by Ms. Neale and seconded by Mr. Snell to approve the Uniform Statewide Building Code (USBC) base document as presented in Tab 1 of Book 2 Part 1. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. Snell and seconded by Ms. Davis to approve the USBC Proposals Recommended by the General Stakeholder Workgroup as Consensus for Approval (proposals No. 24-95) as presented in Tab 2 of Book 2 Part 1. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Snell to disapprove all USBC Proposals Recommended by the General Stakeholder Workgroup as Non-Consensus in Tab 3 of Book 2 Part 2 excluding Proposals No. 99 (B105.1-24), No. 100 (B105.2.1-24), No. 106 (B113.6-24), No. 113 (B907.5.2.1.2-24), No. 135 (REC-R402.1.2-24), No. 143 (REC-R404.2-24), No. 153 (E2701.1.1(1)-24), No. 154 (M1109.3.2-24), No. 160 (RE3901.4.2(1)-24), and No. 162 (EB801.3-24). A motion was made by Mr. Johnson and seconded by Ms. Neale to amend the motion to also exclude from the bloc Proposals No. 110 (B903.2.1.2-24), No. 111 (B906.1-24), No. 115 (B917.1.1-24), No. 116 (B918.1-24), No. 117 (B918.2-24), and No. 119 (B1110.4-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg). A motion was made by Mr. Osleger and seconded by Ms. Neale to amend the motion to additionally exclude from the bloc Proposal No. 104 (B109.4-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg). [*The final amendment excluded the*

*following seventeen (17) proposals from the bloc: Proposals No. 99, 100, 104, 106, 110, 111, 113, 115, 116, 117, 119, 135, 143, 153, 154, 160, 162]* The motion as amended passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Johnson to approve Proposal No. 99 (B105.1-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. C. Jones to approve Proposal No. 100 (B105.2.1-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

Committee members discussed the time it takes for building officials to review permit applications.

A motion was made by Mr. Snell and seconded by Mr. Trostle to disapprove Proposal No. 104 (B109.4-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Snell, Trostle; NAYS: Osleger, Stosser; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Ms. Goodman to approve Proposal No. 106 (B113.6-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

Committee members discussed the occupancy threshold related to requiring installation of an automatic sprinkler system in Group A-2 occupancies.

A motion was made by Mr. Johnson and seconded by Mr. Snell to approve Proposal No. 110 (B903.2.1.2-24). The motion failed on a voice vote (YEAS: Johnson; NAYS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Berbert to disapprove Proposal No. 110 (B903.2.1.2-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Ms. Goodman and seconded by Ms. Davis to disapprove Proposal No. 111 (B906.1-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Mr. Trostle and seconded by Mr. Osleger to approve Proposal No. 113 (B907.5.2.1.2-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Snell, Trostle; NAYS: Osleger, Stosser; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Snell to disapprove Proposal No. 115 (B917.1.1-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser Trostle; NAYS: None; NOT PRESENT: Goldberg).

Committee members discussed the installation of in-building two-way emergency responder communication systems.

A motion was made by Mr. Johnson and seconded by Mr. Trostle to approve Proposal No. 116 (B918.1-24). The motion failed on a voice vote (YEAS: Johnson, Trostle; NAYS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser; NOT PRESENT: Goldberg).

A motion was made by Ms. Goodman and seconded by Ms. Davis to disapprove Proposal No. 116 (B918.1-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser; NAYS: Johnson, Trostle; NOT PRESENT: Goldberg).

A motion was made by Mr. Johnson and seconded by Mr. Trostle to approve Proposal No. 117 (B918.2-24). The motion failed on a voice vote (YEAS: Johnson; NAYS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NOT PRESENT: Goldberg).

A motion was made by Mr. Snell and seconded by Mr. Stosser to

disapprove Proposal No. 117 (B918.2-24). The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Johnson; NOT PRESENT: Goldberg).

A motion was made by Mr. Johnson and seconded by Mr. Trostle to convene a workgroup during the 2027 code development cycle to review Proposal No. 117 (B918.1-24) related to in-building two-way emergency responder communication systems. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Ms. Goodman to disapprove Proposal No. 119 (B1110.4-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

Committee members discussed wall insulation requirements.

A motion was made by Mr. Garrett and seconded by Mr. Stosser to defer action on Proposal No. 135 (REC-R402.1.2-24) until the next Code and Standards Committee meeting, which shall meet prior to the next full Board meeting. The motion passed on a voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, R. Jones, Neale, Osleger, Snell, Stosser; NAYS: C. Jones, Trostle; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Ms. Goodman to approve Proposal No. 143 (REC-R404.2-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Ms. Goodman to approve Proposal No. 153 (E2701.1.1(1)-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Goodman and seconded by Ms.

Davis to approve Proposal No. 154 (M1109.3.2-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. Stosser and seconded by Mr. C. Jones to approve Proposal No. 160 (RE3901.4.2(1)-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Stosser to approve Proposal No. 162 (EB801.3-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. Johnson and seconded by Mr. Trostle to reconsider the vote by which the Committee disapproved en bloc all USBC Proposals Recommended by the General Stakeholder Workgroup as Non-Consensus in Tab 3 of Book 2 Part 2 excluding seventeen (17) proposals. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg). A motion was made by Ms. Goodman and seconded by Mr. Johnson to disapprove all USBC Proposals Recommended by the General Stakeholder Workgroup as Non-Consensus in Tab 3 of Book 2 Part 2, with the exception of the seventeen (17) proposals previously pulled from the bloc and acted on, as well as Proposal No. 131 (EC-C405.15-24). [*The following eighteen (18) proposals were excluded from the motion to disapprove: Proposals No. 99, 100, 104, 106, 110, 111, 113, 115, 116, 117, 119, 131, 135, 143, 153, 154, 160, 162*] The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Stosser to approve Proposal No. 131 (EC-C405.15-24). The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT:

Goldberg).

A motion was made by Ms. Goodman and seconded by Mr. Berbert to approve Book 2 Part 3 Tab 4, the Industrialized Building Safety Regulations Base Document. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Ms. Goodman to approve Book 2 Part 3 Tab 5, the Industrialized Building Safety Regulations Proposal Recommended by the General Stakeholder Workgroup as Consensus for Approval. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Davis and seconded by Mr. Berbert to approve Book 2 Part 3 Tab 6, Virginia Amusement Device Regulations Proposals Recommended by the General Stakeholder Workgroup as Consensus for Approval. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Ms. Goodman and seconded by Ms. Neale to approve Book 2 Part 3 Tab 7, Virginia Certification Standards Proposals Recommended by the General Stakeholder Workgroup as Consensus for Approval. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. C. Jones and seconded by Ms. Goodman to approve Book 2 Part 3 Tab 11, USBC Emergency Regulation (13VAC5-63-240) Proposal. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

Mr. Sawyer provided an update on the Notice of Intended Regulatory Action for the Manufactured Housing Safety

Regulations (13VAC5-95), noting that no changes have been proposed.

Committee members discussed a workgroup related to single stair exits for multifamily buildings up to six stories.

A motion was made by Ms. Davis and seconded by Ms. Goodman to convene a workgroup to consider single stair exits in buildings up to six stories during the 2027 code development cycle. The motion passed on a voice vote (YEAS: Berbert, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Bryant, Johnson; NOT PRESENT: Goldberg).

Preparation of Proposed Regulations

A motion was made by Mr. Trostle and seconded by Ms. Goodman to recommend the Board approve code changes as recommended by the Committee for inclusion in the proposed regulations. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

Unfinished Business

There was no unfinished business to be discussed.

New Business

There was no new business to be discussed.

Adjournment

A motion was made by Ms. Goodman and seconded by Mr. Stosser to adjourn the meeting. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg). The meeting was adjourned at 6:23 p.m.

**Minutes of the  
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**May 11, 2026**

**9:00 AM**

**Virginia Housing Center  
4224 Cox Road  
Glen Allen, Virginia**

Members Present

Louie Berbert, Chair  
Sylvia Bryant  
Cindy Davis  
Bill Garrett  
Lynne Goldberg (Remote)  
Jenna Goodman  
Keith Johnson  
Charlie Jones  
Roger Jones, Vice Chair  
Tammy Neale  
Hank Osleger  
J.M. Snell  
Scott Stosser  
Mark Trostle

Members Absent

*None*

Department of Housing and Community Development (DHCD) staff present for all or part of the meeting:

Justin Bell, Assistant Attorney General  
Jeff Brown, Deputy Director of Building and Fire Regulation  
Kenrick Cameron Jr., Policy Analyst  
Joseph Dennie, Policy Analyst  
Tamarah Holmes Ph.D., Director  
Alan Jones, Sr. Public Finance Analyst  
Trisha Lindsey, Policy and Legislative Services Director  
Peter Mahoney, Sr. Advisor  
Tory McGowan, Program Manager  
Florin Moldovan, State Building Codes Office Director  
Brandon Rou, Code and Regulation Specialist  
Chase Sawyer, Policy and Legislative Services Manager  
Chris Scott, Code and Regulation Specialist

Call to Order

Mr. Berbert, Chair of the Board of Housing and Community Development, called the meeting of the Board to order at 9:00 a.m.



opposition to Proposal No. 119 (B1110.4-24) due to anticipated substantial costs to the private sector.

Mr. Andrew Milliken, Chairman of the Virginia Fire Services Board Codes and Standards Workgroup, spoke in support of Proposal No. 162 (EB801.3-24) as conversations resolved concerns about fire service elevator protection, Proposal No. 111 (B906.1-24) and Proposal No. 22 (FP906.1-24) to realign Virginia with model building and fire codes. Mr. Milliken also urged opposition to Proposal No. 41 (B1006.3.4(1)-24) for using language conflicting with the building code and Proposal No. 122 (B3002.4-24) as the ambulance stretcher length requirement has been in place since the 1996 Virginia Construction Code.

Ms. Monika Thrower, Co-lead for Changing Spaces Virginia and DC Chapter, spoke in favor of Proposal No. 119 (B1110.-24) so that individuals with disabilities or medical conditions have suitable facilities after outgrowing baby changing tables.

Mr. Billy Hux, State Fire Marshall, spoke in support of the State Fire Marshall Office's fee updates.

Mr. Chris Sampl, Battalion Chief of Fairfax County Fire Department, spoke in favor of Proposal No. 116 (B918.1-24) and Proposal No. 117 (B918.2-24) to shore up the maintenance and upkeep of building communication systems.

Mr. Ross Shearer of Vienna, VA spoke to residential wall insulation proposals and requests adoption of the International Code Council's model by removing the current Virginia statewide codes' amendments. (Virtual)

Mr. Hampton Barclay, residential infill developer from Arlington, VA, spoke in favor of Proposal No. 118 (B1006.3.4(1)-24) to allow single stair access in six story buildings. (Virtual)

Mr. Jeff Peterson, Chair of Falls Church Climate Action Network, recommended the Board adopt energy provisions that fully align with the International Energy Conservation Code. (Virtual)

Mr. David Beahm, Warren County Building Official, spoke in opposition to Proposal No. 94 (PM602.2(2)-24) as it would mandate enforcement in all jurisdictions and would appreciate language amending the enforcement authority.

A brief recess was called by the Chair at 9:49 a.m. in order to resolve technology issues. The meeting was called back to order at 10:08 a.m.

Mr. Eric Lacy, representing the Responsible Energy Codes Alliance, spoke in support of adoption of all 2024 International Codes and that Virginia's code needs revisions to address wall insulation and air leakage testing.

Mr. Jason Laws, President of Virginia Building and Code Officials Association (VBCOA), expressed gratitude for the staff at DHCD and their hard work and dedication throughout the code development process.

Mr. Michael Dellinger, Albemarle County Building Official, spoke on behalf of VBCOA Region IV and their opposition to Proposal No. 25 (B105.2-24) qualifications of technical assistance, Proposal No. 104 (B109.4-24) permit review and approval timelines, and Proposal No. 106 (B113.6-24) defective notices with referenced code sections. Mr. Dellinger stated the proposals would add time and tap staff capacity at already understaffed locations.

Mr. Shahriar Amiri, Arlington County Building Official, spoke in support of proposals: for consistent use of materials, including exterior walls, in Type 3 construction; power service access elevators in existing buildings; and wall insulation in exterior walls.

Mr. Mark Graver, City of Waynesboro Building Official, and Chair for VBCOA Region III, spoke in opposition to Proposal No. 94 (PM602.2(2)-24) to heating and cooling provisions being added to the administrative portion of the code.

Mr. Dylan Bishop, Senior Vice President of Government Relations with Willcox Savage Consulting, on behalf of Phantom Fireworks, spoke in opposition to Proposal No. 19 (FP107.12-24) creating new fees not currently required by the Statewide Fire Prevention Code.

Mr. Christian Tucker, representing the Virginia Cable Telecommunications Association (VCTA), spoke in opposition to Proposal No. 21 (FP601.2-24) and Proposal No.23 (FP4106.1.3-24) which contain an overly broad definition of

utilities impacting telecommunications, which may be outside the Fire Marshall's training or field expertise.

Mr. Bob Shippee, Henrico County Planning Commissioner and clean energy advocate, spoke in favor of nonconsensus proposals which have great cost benefits, namely the proposals related to air chain and wall insulation.

Mr. Jacob Sherrod, nationally registered emergency medical technician, spoke in favor of Proposal No. 122 (B3002.4-24) to remove requirements for buildings up to six stories in height to have elevators to fit horizontal stretchers.

Ms. Susan Stillman, speaking on her behalf as a Vienna, VA resident, urged the Board to adopt the 2024 IECC without amendments.

Mr. Bill Penniman, member of the Virginia chapter of the Sierra Club, urged full adoption of the 2024 IECC and removal of Virginia specific amendments for wall insulation and air leakage.

Mr. Andrew Clark, Vice President of Government Affairs of the Home Builders Association of Virginia (HBAV), provided support for proposals that increase affordability and diversity of housing stock in alignment with locality need.

Mr. Gerry O'Connor, representing Eaton Corporation, spoke in support of removing exception #2 to Proposal No. 161 (RE3902.20-24) which states AFCI protection is not required where GCFI protection is required, and in opposition to Proposal No. 160 (RE3901.4.2(1)-24) which deletes section 21.8(F) on GCFI protection for outdoor outlets.

Mr. Jackson Miller spoke in support of Proposal No. 118 (B1006.3.4(1)-24) to increase the maximum number of stories allowed for buildings with a single exit from three stories to six.

Mr. Paul Keller spoke in support of Proposal No. 126 (RB301.2.1-24) because adoption will enable easier use of porch enclosures.

Ms. Sonal Shah, representing the Northern Virginia Bird Alliance, urged updating general requirements for new commercial construction so that 85% of all exterior envelope in the first 75 feet above grade is made of bird friendly material.  
(Virtual)

Mr. Will Wilson, Volunteer Lead with RVA YIMBY, spoke in support of Proposal No. 122 (B3002.4-24) concerning horizontal stretcher exceptions for elevators. (Virtual)

Mr. Rory Stolzenberg, representing the Charlottesville Area Development Roundtable, spoke in support of the single stair in four-story buildings Proposal No. 41 (B1006.3.4-24), six-story single stair access, and for smaller elevators in small footprint residential buildings Proposal No. 118 (B1006.3.4(1)-24), and Proposal No. 122 (B3002.4-24). (Virtual)

Mr. Charles Walker, Director of Compliance for American Promotional Events, spoke in opposition to Proposal No. 19 (FP107.12-24) for the disproportionate burden placed on seasonal retailers and encourages the Board to consider scaled or seasonal fee structures. (Virtual)

Mr. Brian Goggin, representing True Ground Housing Partners, spoke in support of Proposal No. 41 (B1006.3.4-24) to allow single stair buildings up to four stories. (Virtual)

Mr. Dan Peart, Director of Government Affairs for Phantom Fireworks, spoke in opposition to Proposal No. 19 (FP107.12-24) regarding fees for firework retailers. (Virtual)

Approval of Minutes

A motion was made by Mr. R. Jones and seconded by Ms. Goodman to approve the minutes of the March 30, 2026, meeting of the Board. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goldberg, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None).

Industrial Revitalization  
Fund Program Guidelines

Mr. Sawyer presented proposed changes to the Industrial Revitalization Fund (IRF) program guidelines for FY2027. Mr. Sawyer highlighted two of the changes that were proposed by program staff: 1) combining the two program manuals into a single manual; and 2) reducing the required commercial component of a mixed use project from 30% to 25%.

A motion was made by Ms. Davis and seconded by Mr. Trostle to approve the FY2027 IRF program guidelines as presented. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goldberg, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None).

Adjournment

A motion was made by Ms. Davis and seconded by Ms. Goodman for the Board to adjourn and reconvene at the conclusion of the Statewide Fire Prevention Code Development Committee and the Codes and Standards Committee. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goldberg, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None).

The Board adjourned at 11:02 a.m.

Reconvene

Mr. Berbert reconvened the meeting of the Board at 6:25 p.m. The roll was called by Mr. Sawyer. Mr. Sawyer reported that a quorum was present.

Mr. Sawyer reported that Ms. Goldberg (personal matters) had been pre-approved by the Chair to participate in the meeting remotely. However, when asked to state her general location, no response was provided. As such, Ms. Goldberg was noted as not being present for the remainder of the meeting.

Report of the Codes and Standards Committee

Mr. R. Jones, Chairman of the Codes and Standards Committee, reported that the Committee recommended approving code changes for inclusion in the proposed regulations. The recommendation came as a standing motion to the Board. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. R. Jones and seconded by Ms. Goodman to approve a workgroup for mobile food preparation vehicles during the 2027 code development cycle. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. R. Jones and seconded by Ms. Goodman to approve a workgroup for in-building two-way emergency responder communication systems during the 2027 code development cycle. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. R. Jones and seconded by Ms. Goodman to defer action on Proposal No. 135 related to wall insulation requirements until the next meeting of the Codes and Standards Committee, which shall convene prior to the next meeting of the full Board. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg).

A motion was made by Mr. R. Jones and seconded by Ms. Goodman to approve a workgroup to consider single stair exits in buildings up to six stories during the 2027 code development cycle. The motion passed on a unanimous voice vote (YEAS: Berbert, Davis, Garrett, Goodman, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: Bryant, Johnson; NOT PRESENT: Goldberg).

- Virginia Housing Report Ms. Neale shared an update on the Qualified Allocation Plan (QAP) which provides oversight of the tax credit programs administered by Virginia Housing. Ms. Neale shared that Virginia Housing has finished the stakeholder engagement process and the final product will go to the Governor in October.
- Virginia Fire Services Board Report Mr. Snell shared updates on technical assistance being rendered for aid to localities and the upcoming VFSB meeting in June. Mr. Snell also provided a save the date for the 29th Annual Virginia Fallen Firefighters & EMS Memorial Service at the Richmond Raceway Complex on June 6, 2026.
- Report of the Director Dr. Holmes extended special thanks to Mr. Jeff Brown and Mr. Florin Moldovan, and DHCD’s entire Building and Fire Regulations (BFR) team for their diligent work preparing code books and materials for the Board meeting.
- Dr. Holmes shared information on the upcoming Virginia Governor’s Housing Conference, co-hosted with Virginia Housing, on November 18-20, 2026, in Hampton, Virginia. Dr. Holmes noted that early bird rates for registration ends July, 31, 2026.
- Unfinished Business There was no unfinished business to be discussed.
- New Business There was no new business to be discussed.
- Board Matters There were no new Board matters.

Future Meetings

Mr. Sawyer stated that the next meeting of the Board is currently scheduled for July 13, 2026.

Adjournment

A motion was made by Ms. Neale and seconded by Ms. Goodman to adjourn the meeting. The motion passed on a unanimous voice vote (YEAS: Berbert, Bryant, Davis, Garrett, Goodman, Johnson, C. Jones, R. Jones, Neale, Osleger, Snell, Stosser, Trostle; NAYS: None; NOT PRESENT: Goldberg). The meeting was adjourned at 6:36 p.m.

DRAFT



Abigail Spanberger  
Governor

Carrie Chenery  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Tamarah Holmes, PhD  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### **Memorandum**

**To:** Board of Housing and Community Development

**From:** DHCD Staff

**Subject:** USBC Proposal No. 135 (REC- R402.1.2-24)

**Date:** July 2, 2026

At the May 11, 2026 meeting, the Board deferred action on Uniform Statewide Building Code (USBC) proposal No. 135 (REC- R402.1.2-24) related to wall insulation requirements. The proposal would increase wall insulation requirements across all three Virginia Climate Zones from R-15 (or R-13+1c.i.) to R-20 (or R-13+5c.i. or R-15+4c.i.) and adjusts U-factors accordingly.

The Codes and Standards Committee will consider this proposal prior to the meeting of the full Board. Enclosed is the proposal, written public comments, and the staff summary as it appeared in Book 2 Part 2 (USBC Proposals Recommended by the General Stakeholder Workgroup as Non-Consensus).

Enclosure



# REC-R402.1.2-24

VRC: TABLE N1102.1.2 (R402.1.2), TABLE N1102.1.3 (R402.1.3); IRC: TABLE N1102.1.3 (R402.1.3)

**Proponents:** DeAnthony Pierce, City of Roanoke, representing Virginia Building & Code Officials Association  
(deanthony.pierce@roanokeva.gov)

## 2021 Virginia Residential Code

Revise as follows:

### TABLE N1102.1.2 (R402.1.2) MAXIMUM ASSEMBLY *U*-FACTORS<sup>a</sup> AND FENESTRATION REQUIREMENTS

Portions of table not shown remain unchanged.

CLIMATE ZONE	FRAME WALL <i>U</i> -FACTOR
3	0.079 0.060
4 except Marine	0.079 0.060
5 and Marine 4	0.079 0.060

For SI: 1 foot = 304.8 mm.

- a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.
- b. Mass walls shall be in accordance with Section R402.2.5. Where more than half the insulation is on the interior, the mass wall *U*-factors shall not exceed 0.17 in Climate Zones 0 and 1, 0.14 in Climate Zone 2, 0.12 in Climate Zone 3, 0.087 in Climate Zone 4 except Marine, 0.065 in Climate Zone 5 and Marine 4, and 0.057 in Climate Zones 6 through 8.
- c. In Warm Humid locations as defined by Figure R301.1 and Table R301.1, the basement wall *U*-factor shall not exceed 0.360.
- d. The SHGC column applies to all glazed fenestration.
 

**Exception:** In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.
- e. There are no SHGC requirements in the Marine Zone.
- f. A maximum *U*-factor of 0.32 shall apply in Marine Climate Zone 4 and Climate Zones 5 through 8 to vertical fenestration products installed in buildings located either:
  1. Above 4,000 feet in elevation above sea level, or
  2. In windborne debris regions where protection of openings is required by Section R301.2.1.2.

### TABLE N1102.1.3 (R402.1.3) INSULATION MINIMUM *R*-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>

Portions of table not shown remain unchanged.

CLIMATE ZONE	WOOD FRAME WALL <i>R</i> -VALUE <sup>9</sup>
3	15 or 19 + 1.9 <sup>9</sup> 20 or 13&5ci or 15&4ci <sup>9</sup>
4 except Marine	15 or 19 + 1.9 <sup>9</sup> 20 or 13&5ci or 15&4ci <sup>9</sup>
5 and Marine 4	15 or 19 + 1.9 <sup>9</sup> 20 or 13&5ci or 15&4ci <sup>9</sup>

For SI: 1 foot = 304.8 mm.

NR = Not Required.

ci = continuous insulation.

- a. *R*-values are minimums. *U*-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed *R*-value of the insulation shall be not less than the *R*-value specified in the table.
- b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.  
**Exception:** In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.
- c. “5ci or 13” means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. “10ci or 13” means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. “15ci or 19 or 13&5ci” means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.
- d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation *R*-value for slabs, as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation shall not be required in Warm Humid locations as defined by Figure N1101.7 and Table N1101.7.
- g. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, “13&5” means R-13 cavity insulation plus R-5 continuous insulation.
- h. Mass walls shall be in accordance with Section N1102.2.5. The second *R*-value applies where more than half of the insulation is on the interior of the mass wall.
- i. A maximum *U*-factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:
  1. Above 4,000 feet in elevation, or
  2. In windborne debris regions where protection of openings is required by Section R301.2.1.2.

## 2024 International Residential Code

Revise as follows:

**TABLE N1102.1.3 (R402.1.3) INSULATION MINIMUM *R*-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**  
Portions of table not shown remain unchanged.

For SI: 1 foot = 304.8 mm. NR = Not Required, ci = Continuous Insulation.

- h. ~~“30 or 19+7.5ci or 20ci” means R-30 cavity insulation alone or R-19 cavity insulation with R-7.5 continuous insulation or R-20 continuous insulation alone. “20 or 13+ 5ci or 15+2.9ci” means R-20 cavity insulation alone or R-13 cavity insulation with R-5 continuous insulation or R-15 cavity insulation with R-4 continuous insulation.~~

**Reason Statement:** This proposal is meant to be a replace Virginia’s Amended “R-15 or 13+1” wall insulation requirement, which has been in-place since the 2012 Code Cycle.

When the Amendment was adapted, it generally aligned with the requirements in the Model I-Codes. Since then, prescriptive insulation values have incrementally increased in the Model I-Codes, while Virginia’s Wall insulation has remained the same.

This proposal will put Virginia's insulation requirements, roughly in-line with the 2018 Model I-Codes.

**Cost Impact:** The code change proposal will increase the cost

If adopted, this code change will increase the cost to builders who generally use 2x4 framing, and R-15 batt insulation, since it will require the use of either 2x6 framing, or added continuous insulation on the exterior.

The cost of framing would also increase since window framing around exterior window and door openings would have to be extended, to facilitate the continuous insulation, or if 2x6 studs are used.

2.9 continuous insulation with R-15 batt insulation was determined to be roughly equivalent to R-13 + 5 continuous. Through preliminary research, R-2.9 rigid board insulation was regularly available at retail chains such as Lowes and Home Depot. For this reason, R-15 with 2.9 continuous was added as an option for builders who prefer to build with 2x4 studs, and use R-15 insulation.

#### **Attached Files**

- **VBCOA 2024 Code Change Proposal\_N1102 Tables.pdf**  
<https://va.cdpassess.com/proposal/1408/2011/files/download/946/>

Proponents: VBCOA

## 2024 Virginia Residential Code

Revise as follows:

### SECTION N1102 (R402) BUILDING THERMAL ENVELOPE

...

**TABLE N1102.1.2 (R402.1.2)  
MAXIMUM ASSEMBLY *U*-FACTORS<sup>a</sup> AND FENESTRATION REQUIREMENTS**

CLIMATE ZONE	3	4 EXCEPT MARINE	5 EXCEPT MARINE 4
CEILING <i>U</i> -FACTOR	0.030	0.026	0.026
WOOD-FRAMED WALL <i>U</i> -FACTOR	<del>0.079</del> 0.060	<del>0.079</del> 0.060	<del>0.079</del> 0.060

...

**TABLE N1102.1.3(R402.1.3)  
INSULATION MINIMUM *R*-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**

CLIMATE ZONE	3	4 EXCEPT MARINE	5 EXCEPT MARINE 4
CEILING <i>R</i> -VALUE	38	49	49
WOOD-FRAMED WALL <i>R</i> -VALUE	<del>15 or 13+1</del> 20 or 13&5ci or 15&2.9ci	<del>15 or 13+1</del> 20 or 13&5ci or 15&2.9ci	<del>15 or 13+1</del> 20 or 13&5ci or 15&2.9ci

#### Reason Statement:

This proposal is meant to be a replace Virginia’s Amended “R-15 or 13+1” wall insulation requirement, which has been in-place since the 2012 Code Cycle.

When the Amendment was adapted, it generally aligned with the requirements in the Model I-Codes. Since then, prescriptive insulation values have incrementally increased in the Model I-Codes, while Virginia’s Wall insulation has remained the same.

This proposal will put Virginia’s insulation requirements, roughly in-line with the 2018 Model I-Codes.

**Resiliency Impact Statement:**

This proposal will increase the resiliency of new homes to withstand exterior temperature extremes, by increasing the overall Building Thermal Envelope of a home. The incremental increase in wall insulation can further assist a home with maintaining its internal temperature longer, when mechanical equipment becomes inoperable in events such as blackouts.

**Cost Impact:**

If adopted, this code change will increase the cost to builders who generally use 2x4 framing, and R-15 batt insulation, since it will require the use of either 2x6 framing, or added continuous insulation on the exterior.

The cost of framing would also increase since window framing around exterior window and door openings would have to be extended, to facilitate the continuous insulation, or if 2x6 studs are used.

2.9 continuous insulation with R-15 batt insulation was determined to be roughly equivalent to R-13 + 5 continuous. Through preliminary research, R-2.9 rigid board insulation was regularly available at retail chains such as Lowes and Home Depot. For this reason, R-15 with 2.9 continuous was added as an option for builders who prefer to build with 2x4 studs, and use R-15 insulation.

# Public Comments (PCH) for: REC-R402.1.2-24

## Discussion by Mark Graver

Dec 23, 2025 19:58 UTC

Building technology continues to result in creative and intelligent solutions to the core challenges related to construction. New technologies and materials are created to move the industry forward. One of these core challenges is insulation and related to this, environmental effects related to moisture, air flow, and heat loss/gain. Despite the many methods of construction, conventional framing is generally where "cavity" insulation occurs. Voids have to be filled to address heat loss/gain, moisture has to remain on the outside and expelled from the building interior. Industrial processes have brought us a wide range of insulation types, constantly being refined to create better thermal resistance. The industry has adapted for 100 years from the times of filling these voids with newspaper, straw, and other flammable and inefficient materials. Those days are well behind us, and insulation products continue to advance in new and unexpected ways. However, the basics have not changed for decades. Rigid insulation panels have been in use for over 40 years. Fiberglass batts have been in use for even longer.

Because this proposal does not seek to incorporate an new and affordable technology, and because this proposal is not based on better production standards, leading to more thermally resistant products, there are only two possible explanations as to how such a proposal came to be: fear or overreach. Fear, because there's an ICC standard that VA is not keeping pace with. Or overreach, because of the principle known as mission creep. It is like a combination of the two. However, this does not change the core duty that code professionals must uphold: regulation must be measured and calculated. A standard that continues to change due to mission creep is not a standard at all, it's a moving target based on ever changing opinions of regulators. Regulations are made for the benefit of the persons served. As such, a regulation such as this, with such a high initial cost for conventionally framed structures would increase the cost of a home to a degree that would not serve the average citizens of the Commonwealth of VA. Regulations are most effectively administered and accepted when they represent minimum standards. If the initial cost is too high, the industry and the citizens of the Commonwealth will be harmed. As a counterweight, the building industry could be subsidized to temporarily stabilize a market in the event that a regulation creates too much pressure, but creating a need for subsidies is not proper stewardship.

Retaining a standard that has been in place since the 2012 edition should not be seen as a problem, but should be seen as a sign of stability. Though the building industry is forced to adapt to other irrational standards, stability, where it can be maintained, is preferred. The amended VA code that is in effect is the correct, rational standard that meets the intended and stated purpose of the VA USBC for minimum standards. At this time, adopting a different standard is nothing more than mission creep.

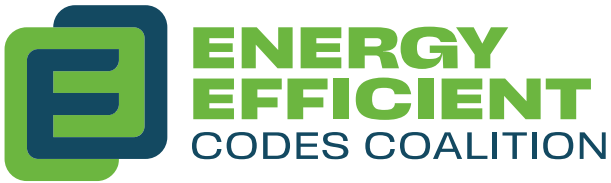
## Comment by DeAnthony Pierce

Jan 5, 2026 5:28 UTC

This proposal would align the ceiling and wall insulation values with the 2009 IRC, for Climate Zone 5, and the 2012 IRC for Climate Zones 3 and 4. This is in anticipation of ceiling insulation values returning to R-38 in Climate Zone 3, and R-49 in Climate Zones 4 and 5, based on the Model 2024 IRC and Residential section of the IECC. Virginia now has Climate Zones 3 and 5, starting with the current 2021 Virginia USBC. This proposal leaves R-15 wall insulation in-place, which was first introduced as an amendment beginning in the 2012 VRC, when all of Virginia was recognized as Climate Zone 4 only. The continuous insulation value added to the R-15 in this proposal, was determined to be the rough equivalent of R-13+5 or R-20 batt in 2x6 framed walls. This proposal also resolves a likely unknown hazard for moisture forming in walls built with R-13+1 continuous insulation. This is particularly true in Climate Zone 5, and during colder periods for the majority of the state in Climate Zone 4. Overall, adding continuous insulation for homes constructed with 2x4 wall framing, increases a home's ability to retain both heat and cooling, on the interior, which conserves more energy and saves money from lower heating and cooling needs.

At the request of the VBCOA Energy Conservation Committee, data was provided from the Polyisocyanurate Insulation Manufacturers Association (PIMA), that clarified a continuous insulation equivalent for R-15 batt when compared to R-13+5, and the most optimal level of continuous insulation that can work in all Climate Zones, when R-15 batt is used, to prevent moisture forming in walls. To reiterate: a home built using R-13+1, as currently amended, has a high chance of moisture forming in wall cavities during colder months, and in colder climates. R-15 alone does not conserve the same amount of energy within a home, when compared to a home that has continuous insulation.

Proposal # 1408



March 31, 2026

Virginia Department of Housing and Community Development  
Division of Building and Fire Regulation  
State Building Codes Office

**RE: 2024 Code Development Cycle  
Support for proposal number REC-R402.1.2-24 as modified (IRC/IECC)  
Modification of U-factors and R-values for insulation in frame walls**

Sent via email to: [codedevelopment@dhcd.virginia.gov](mailto:codedevelopment@dhcd.virginia.gov)

Dear Board of Housing and Community Development members,

The Energy Efficient Codes Coalition (EECC) supports code change proposal REC-R402.1.2-24 as modified (and originally submitted) by the Virginia Building and Code Officials Association (VBCOA) and we encourage you to adopt it.

The proposal would improve the prescriptive minimum insulation requirements for residential frame walls in all climate zones. This change would result in energy savings that would lower the operating costs for homes built to the new requirements for the entire life of the homes.

It would also decrease the likelihood of moisture issues that could result from the current VA energy code requirements due to the potential for unseen condensation and potentially even harmful mold within wall cavities.

We urge your consideration of **REC-R402.1.2-24 as modified**. It would dramatically increase energy savings, occupant health and durability.

Please contact me at [amy@energyefficientcodes.org](mailto:amy@energyefficientcodes.org) or (989) 513-2169 if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink that reads 'Amy J. Schmidt'.

Amy Schmidt  
Executive Director, EECC

March 31, 2026

**2024 Virginia Code Development Cycle  
Proposal # REC-R402.1.2-24 as modified (IRC/IECC)**

**PIMA letter of support for modification of U-factors and R-values for insulation in frame walls**

Dear Board of Housing and Community Development members,

The Polyisocyanurate Insulation Manufacturers Association (PIMA) respectfully requests the Board of Housing and Community Development (Board) to **approve code change proposal number REC-R402.1.2-24 as modified** (and originally submitted) by the Virginia Building and Code Officials Association (VBCOA).

In summary, the VBCOA proposal would increase the prescriptive minimum insulation requirements for residential frame walls in all climate zones. While insulation requirements can often be viewed through the one-dimensional lens of energy savings, the proposed modifications to the frame wall insulation requirements are also needed to increase the durability of residential homes. Specifically, REC-R402.1.2-24 addresses the following issues and gaps in the current Virginia Residential Code:

- **Reduce Moisture Risk:** Current minimum insulation requirements for frame walls create the risk for moisture accumulation within the wall assembly.
- **Address Thermal Bridges:** Improved frame wall requirements for continuous insulation will reduce energy loss by reducing the negative impacts of thermal bridges and air leakage and improve the comfort and resiliency of residential homes.
- **Constructable Solution:** The continuous insulation requirements as proposed provide constructable and flexible options for homebuilders.

For the reasons outlined above and explained in more detail below, we urge the Board to approve REC-R402.1.2-24 as modified.

**1. Current Virginia Residential Code minimum insulation requirements for frame walls create the risk for moisture accumulation within the wall assembly.**

The current Virginia Residential Code requires a minimum of R-15 or R13+1ci (continuous insulation). The lack of adequate continuous insulation creates a significant risk for moisture accumulation in cold climates in Virginia (climate zones 4 and 5, and to a lesser extent climate zone 3). In particular, the R13+1ci prescriptive option runs contrary to well-accepted building science principles and falls outside of the model requirements of the International Residential Code for vapor control in wall assemblies for the State's colder climates.

In cold climates, exterior walls without adequate continuous insulation can experience interstitial condensation on the backside of sheathing during cold weather. The risk is highest in climate zone 5, where winter design temperatures are low enough that the sheathing temperature can drop below the dew point of the interior air temperature resulting in condensation within the assembly. Even in climate zones 3 and 4, short periods of extreme cold or high interior humidity can produce condensation within the assembly if the wall is not protected by adequate levels of continuous insulation.<sup>1</sup> Moisture accumulation in frame walls can lead to the premature failure of the assembly as well as mold and mildew growth.

**SOLUTION: REC-R402.1.2-24 as modified would establish minimum insulation requirements that significantly reduce the risk for moisture accumulation in frame walls and protect homebuilders, homeowners, and occupants from the severe consequences of wall assembly failures.**

Importantly, research supported by the National Association of Home Builders verifies this conclusion:

“Vladimir Kochkin presented results from monitoring sheathing moisture contents in a broad survey of houses (20+ homes in multiple climate zones), and test hut monitoring work in Maryland (Zone 4A). Many of these walls had exterior foam, to meet requirements in the 2012 IECC. One general pattern that "safer" designs (more exterior continuous insulation/less cavity insulation) generally had lower wintertime moisture contents, but with some exceptions. The results also allay builder concerns that exterior foam impedes drying; drying to the interior was in evidence.”<sup>2</sup>

## **2. Improving frame wall requirements for continuous insulation will reduce energy loss by reducing the negative impacts of thermal bridges and air leakage and improve the comfort and resiliency of residential homes.**

In traditional construction, frame walls are insulated with cavity insulation only. This allows increased energy loss through thermal bridges—primarily uninsulated wood framing members. Installing adequate levels of continuous insulation significantly reduces energy loss through thermal bridges by separating the framing members from outside conditions.

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<sup>1</sup> For additional explanation, see International Residential Code Table R601.3.1 or Building Science Corporation’s technical bulletin, *BSD-163: Controlling Cold-Weather Condensation Using Insulation*, available at: <https://buildingscience.com/documents/digests/bsd-controlling-cold-weather-condensation-using-insulation>.

<sup>2</sup> Building Science Corporation, *Guidance on Modeling Enclosure Design in Above Grade Walls: Expert Meeting Report* (June 14, 2014), available at: <https://buildingscience.com/documents/bareports/ba-1403-guidance-modeling-enclosure-design-above-grade-walls-expert-meeting/view>.

Legacy building practices often have higher air leakage rates due to poorly installed, inadequate, or missing air control layers. Air-impermeable continuous insulation products can serve as an excellent air control layer when detailed with sealed or taped joints. Air leakage accounts for 25 to 40 percent of energy used for heating and cooling in a typical residential building.<sup>3</sup> Reducing air leakage through air sealing techniques such as installing continuous insulation can return significant savings to homeowners. Moreover, air leaks are a significant source for moisture transport through building envelope assemblies. Minimizing air leakage can also reduce the risk for moisture accumulation and the associated problems explained above.

Beyond these energy savings and technical justifications, continuous insulation also increases the thermal comfort of residential homes. Occupant comfort, typically considered in the context of daily living, becomes substantially more critical during extreme weather events, power outages, or situations in which severe conditions coincide with power disruptions. According to the Pacific Northwest National Laboratory, homes constructed to modern energy codes (i.e., 2021 International Energy Conservation Code or higher standards) increase the passive survivability for occupants.<sup>4</sup>

For example, researchers found that a home in Atlanta, Georgia (climate zone 3) constructed to the 2021 IECC can maintain habitable conditions during a heat event for 7.0 days and a cold event for 2.3 days. Compare that to an existing home built to less stringent standards, which researchers determined can only maintain habitable conditions during a heat event for 2.7 days and a cold event for 1.4 days.

**SOLUTION: REC-R402.1.2-24 as modified would dramatically increase energy savings by minimizing thermal bridges and air leakage as well as provide occupants with a more comfortable and resilient home.**

### **3. The continuous insulation requirements as proposed in REC-R402.1.2-24 provide constructable and flexible options for homebuilders.**

Across the country and as the standard building practice in several regions, continuous insulation is used and has been applied effectively and reliably for more than a decade. As modified, REC-R402.1.2-24 would increase prescriptive minimum R-value requirements for assemblies with continuous insulation to R13+5ci or R15+4ci. These options are consistent with the minimum

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<sup>3</sup> [https://www.energystar.gov/ia/home\\_improvement/home\\_sealing/AirSealingFS\\_2005.pdf](https://www.energystar.gov/ia/home_improvement/home_sealing/AirSealingFS_2005.pdf)

<sup>4</sup> Pacific Northwest National Laboratory, *Enhancing Resilience in Buildings Through Energy Efficiency* (July 2023), available at: [https://www.energycodes.gov/sites/default/files/2023-07/Efficiency\\_for\\_Building\\_Resilience\\_PNNL-32727\\_Rev1.pdf](https://www.energycodes.gov/sites/default/files/2023-07/Efficiency_for_Building_Resilience_PNNL-32727_Rev1.pdf).

requirements enforced in other jurisdictions, which demonstrates the viability of these insulation assemblies as constructable solutions for residential homes. Importantly, the proposal preserves an option for R-15 cavity insulation plus continuous insulation, which we understand is a preferred option for homebuilders in Virginia.

The proposal also establishes consistent requirements across all climate zones in Virginia. This will reduce confusion and ease compliance for homebuilders and trades that work across the State or in multiple regions. Moreover, consistent requirements help product manufacturers, distributors, and other building material sellers to stock appropriate products and ensure homebuilders have ready access to necessary building materials.

**SOLUTION: REC-R402.1.2-24 as modified delivers significant benefits to homeowners and occupants while providing homebuilders with constructable and flexibly options for more energy efficient home construction.**

#### 4. Conclusion

PIMA strongly encourages the Board to approve REC-R402.1.2-24 as modified. The proposal corrects an important deficiency in the current code requirements for frame wall insulation and provides homebuilders with workable solutions that are consistent across all climate zones in Virginia. Most importantly, continuous insulation installed at the time of initial construction enhances the month-to-month affordability of homeownership by lowering energy consumption and utility bills, the cost of which continues to rise at an unpredictable pace.<sup>5</sup>

Please contact me at [jkoscher@pima.org](mailto:jkoscher@pima.org) or (703) 224-2289 should additional information be helpful to Virginia's 2024 code development cycle.

Sincerely,



Justin Koscher  
President

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<sup>5</sup> <https://www.wtkr.com/news/why-is-my-dominion-energy-bill-so-high-whats-behind-the-2026-increase>



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Submitted Via Email to [codedevelopment@dhcd.virginia.gov](mailto:codedevelopment@dhcd.virginia.gov)

April 3, 2026

Louie Berbert, Chair  
Virginia Board of Housing and Community Development  
600 East Main Street, Suite #300  
Richmond, VA 23219

**RE: RECA Comments Supporting the Adoption of the 2024 *IECC* for Residential and Commercial Construction in Virginia and Recommending Additional Improvements**

Dear Chairman Berbert,

The Responsible Energy Codes Alliance<sup>1</sup> submits these comments in support of the proposed incorporation of the 2024 International Energy Conservation Code (*IECC*) into Virginia's Uniform Statewide Building Code (USBC) for residential and commercial construction. We have been active participants in the current and previous USBC updates and we support the important work of the Department of Housing and Community Development (DHCD) to help ensure safe, affordable, and efficient construction and renovation in the Commonwealth. **As with the 2021 update, the 2024 *IECC* provides cost-effective, energy saving improvements that will benefit Virginians for generations.**

In addition to our general support for the improvements approved through the stakeholder process, we write specifically to recommend two additional changes that have been part of the model energy code for several cycles, but which Virginia has never adopted: (1) We recommend adopting the full wall insulation requirements of the 2024 *IECC*, or at a minimum, the proposed compromise advanced by the Virginia Building Code Officials Association (VBCOA); and (2) we recommend an incremental improvement to envelope air tightness requirements to bring long-term energy saving and comfort benefits to homeowners.

**Energy and Cost Savings of the 2024 *IECC***

Adopting the 2024 *IECC* residential provisions will make homes more affordable and comfortable for Virginians, and adopting the *IECC* commercial provisions (including the

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<sup>1</sup> RECA is a national coalition of building products manufacturers, trade associations, environmental groups, regional efficiency advocates and other organizations that support the adoption of the latest model energy codes across the country.

alternative to comply with *ASHRAE* Standard 90.1-2022) will help protect businesses against unprecedented increases in energy costs. For the last two decades, the *IECC* has improved in efficiency with every new edition. According to the U.S. Department of Energy, the 2024 *IECC* will reduce energy bills by an average of 6.6% over the 2021 *IECC*.<sup>2</sup> Likewise, buildings constructed to *ASHRAE* Standard 90.1-2022 will cost an average of 8.9% less to operate than buildings constructed to *ASHRAE* Standard 90.1-2019.<sup>3</sup> (Standard 90.1 is incorporated as a compliance option in the commercial chapter of the *IECC*, and the energy savings figures for the *IECC*-Commercial Provisions and Standard 90.1 are typically similar.) As indicated in the summary table of DOE findings below, the owners and occupants of both residential and commercial buildings in Virginia stand to benefit from substantial cost savings with the adoption of the most recent editions of the model codes.

Comparison of Unamended Model Code Energy Cost Savings					
Residential (2024 <i>IECC</i> ) <sup>4</sup>			Commercial ( <i>ASHRAE</i> 90.1-2022) <sup>5</sup>		
Climate Zone	Energy Cost Savings over 2021 <i>IECC</i>	30-year Cost Savings over 2021 <i>IECC</i>	Climate Zone	Energy Cost Savings over 90.1-2019	30-year Cost Savings over 90.1-2019
3	6.08%	\$2,509	3	8.9%	\$1.35/sq.ft.
4	6.79%	\$3,790	4	9.8%	\$1.32/sq.ft.
5	5.53%	\$2,496	5	10.1%	\$1.38/sq.ft.

**Efficient Homes are Affordable Homes.** Home affordability is an important consideration in any code update process, and it is well-documented that homes constructed to the full 2021/24 *IECC* requirements—including the insulation and air sealing requirements—will provide more comfort and lower energy bills for occupants, and these codes have been repeatedly demonstrated to be cost-effective to the consumer.<sup>6</sup> Unlike some

<sup>2</sup> See U.S. Dep’t of Energy, *Energy Savings Analysis: 2024 IECC for Residential Buildings*, at iv (Dec. 2024).

<sup>3</sup> See U.S. Dep’t of Energy, *ANSI/ASHRAE/IES Standard 90.1-2022: Energy Savings Analysis*, at vii (Feb. 2024), available at [https://energycodes.gov/sites/default/files/2024-02/Standard\\_90.1-2022\\_Final\\_Determination\\_TSD.pdf](https://energycodes.gov/sites/default/files/2024-02/Standard_90.1-2022_Final_Determination_TSD.pdf).

<sup>4</sup> See U.S. Dep’t of Energy, *Energy Savings Analysis: 2024 IECC for Residential Buildings*, at iv (Dec. 2024), available at [https://energycodes.gov/sites/default/files/2024-12/2024\\_IECC\\_Determination\\_TSD.pdf](https://energycodes.gov/sites/default/files/2024-12/2024_IECC_Determination_TSD.pdf).

<sup>5</sup> See U.S. Dep’t of Energy, *ANSI/ASHRAE/IES Standard 90.1-2022: Energy Savings Analysis*, at 24, 27 (Feb. 2024), available at [https://energycodes.gov/sites/default/files/2024-02/Standard\\_90.1-2022\\_Final\\_Determination\\_TSD.pdf](https://energycodes.gov/sites/default/files/2024-02/Standard_90.1-2022_Final_Determination_TSD.pdf).

<sup>6</sup> See, e.g., U.S. Dep’t of Energy, *National Cost-Effectiveness of the Residential Provisions of the 2024 IECC* (Jan. 2025) (finding an average of \$2,954 in savings over 30 years in new residential homes constructed to the 2024 *IECC*, with an average simple payback period of 2.5 years).

equipment and other components of the building that must be replaced on a regular basis, elements of the thermal envelope such as insulation will last many decades, providing long-term benefits for homeowners. Although we acknowledge the interest of homebuilders and developers in keeping costs low during construction, that interest must be balanced against the owner/occupant's interest in keeping operating costs low over the next 100 years. The most cost-effective time to insulate homes and commercial buildings is at construction, and it is crucially important that Virginia set efficiency requirements that make sense over the expected lifetime of each new home, and not just at the construction phase.

**RECA Recommendation 1: Update Residential Wall Insulation Requirements Consistent with the *IECC*.**

**Virginia currently allows 75% less efficient walls than the 2021/24 *IECC*.** In the 2012 USBC update cycle, Virginia elected to not adopt the wall insulation requirements of the 2012 *IECC*, and has not made any improvements in wall insulation requirements since then. Based on U.S. Census data, we estimate that over 250,000 single family homes have been constructed in Virginia since 2012,<sup>7</sup> and all of these homes were not subject to the insulation requirements set through the consensus-based national model code development process. Wall insulation efficiency improved in both the 2012 and 2021 *IECC* updates—neither of which has been adopted by Virginia, despite proposals submitted by RECA and other stakeholders in every code update cycle to meet the national standard.

**We recommend that the Board approve Proposal REC-R402.1.2(2)-24 to incorporate the full wall insulation requirements of the 2024 *IECC*.** If the Board would prefer to phase in these requirements over multiple code cycles, we recommend adopting Proposal **REC-R402.1.2-24 (as modified)**, which was submitted by VBCOA and is supported by a wide range of stakeholders. This proposal would allow Virginia to catch up to the 2012 *IECC* insulation requirements and would also correct a technical flaw in Virginia's current wall insulation requirement that could lead to durability issues over time.<sup>8</sup> It is important that Virginia act now to improve the thermal envelope of new homes before another 250,000 homes are built to a lesser standard.

**RECA Recommendation 2: Update Residential Envelope Air Tightness Requirements Consistent with the *IECC*.**

In the 2018 USBC update, Virginia adopted a requirement that each new home receive a blower door test  $\leq 5$  ACH50, which had not been required in previous editions of the USBC.

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<sup>7</sup> See <https://www.census.gov/construction/bps/index.html>.

<sup>8</sup> Virginia's current prescriptive wall insulation requirement includes an option for an R-13+1c.i. wall assembly, which could increase the risk for condensation within the wall cavity. We believe either the 2024 *IECC* wall insulation R-value options or the modified proposal REC-R402.1.2-24 would adequately address this technical problem.

While this was a substantial improvement, it was still weaker than the full *IECC* requirement of  $\leq 3$  ACH50. Every edition of the *IECC* since 2012 has required new homes to be tested to  $\leq 3$  ACH50, but the 2024 *IECC* provides a number of exceptions and workarounds for smaller dwelling units and multifamily buildings that we believe will allow additional flexibility to help homebuilders achieve the improved efficiency. We recommend that the Board approve Proposal **REC-R402.4.1.2-24 to incorporate the full air leakage testing requirements of the 2024 *IECC*.**

In reality, the only significant cost of meeting the envelope air leakage target has already been incorporated into Virginia's USBC—the cost of the test itself. As code users have become more experienced with air sealing techniques and best practices, we have observed improvements in envelope tightness across the country. We are confident that Virginia code users will have no problem achieving  $\leq 3$  ACH50 at little to no extra cost, and for smaller dwelling units or complicated designs, the 2024 *IECC* provides several alternatives.<sup>9</sup> We recommend that Virginia adopt the air tightness testing requirement as published in the 2024 *IECC*.

### **Conclusion**

RECA's members and supporters have been involved in energy code development and adoption for decades, and we offer our assistance and experience as you work to maximize energy efficiency in residential and commercial buildings. Please contact us if you have any questions or would like to discuss how RECA can be of assistance.

Sincerely,

Eric Lacey  
RECA Chairman

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<sup>9</sup> See Section R402.5.1.3 of the 2024 *IECC*.

*RECA is a broad coalition of energy efficiency professionals, regional efficiency organizations, product and equipment manufacturers, trade associations, and environmental organizations with expertise in the development, adoption, and implementation of building energy codes nationwide. RECA is dedicated to improving the energy efficiency of homes throughout the U.S. through greater use of energy efficient practices and building products. It is administered by the Alliance to Save Energy, a non-profit coalition of business, government, environmental and consumer leaders that supports energy efficiency as a cost-effective energy resource under existing market conditions and advocates energy-efficiency policies that minimize costs to society and individual consumers. Below is a list of RECA Members that endorse these comments.*

Air Barrier Association of America

Alliance to Save Energy

American Chemistry Council

American Council for an Energy-Efficient Economy

CertainTeed LLC

EPS Industry Alliance

Extruded Polystyrene Foam Association

Institute for Market Transformation

Johns Manville Corporation

Knauf Insulation

National Fenestration Rating Council

Natural Resources Defense Council

North American Insulation Manufacturers Association

Owens Corning

Polyisocyanurate Insulation Manufacturers Association



April 6, 2026

Dear Members of the Board of Housing and Community Development,

I am writing on behalf of the Virginia Building and Code Officials Association (VBCOA) to express our strong support for the Board's ongoing code adoption process and to commend your continued commitment to ensuring a safe, resilient, and sustainable built environment across the Commonwealth.

The development and adoption of building and fire codes is a fundamental responsibility that directly impacts the health, safety, and welfare of our communities. Your deliberate and transparent approach, grounded in stakeholder input and technical expertise, ensures that Virginia's codes remain both effective and practical in their application.

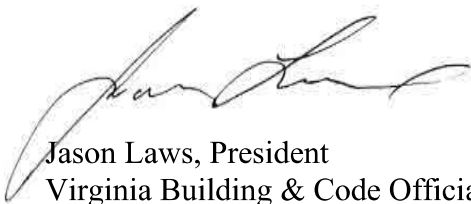
We particularly appreciate the Board's continued engagement with local officials, industry professionals, and community stakeholders throughout this process. This collaborative effort strengthens the final code provisions and promotes consistency in enforcement across jurisdictions, ultimately benefiting citizens, businesses, and code officials alike.

As the built environment continues to evolve in response to emerging technologies, innovative construction methods, and increasing environmental challenges, your leadership is critical in striking the appropriate balance between safety, affordability, and innovation. Your work not only protects lives and property but also supports economic development and long-term community resilience across the Commonwealth.

VBCOA fully supports all consensus proposals as presented, as well as most non-consensus proposals. We respectfully request the Board's careful consideration of proposals B105.2.1-24 and REC-R402.1.2-24 as you finalize your decisions as VBCOA is in full support of both.

Thank you for your dedication, professionalism, and continued service to the Commonwealth of Virginia.

Respectfully,



Jason Laws, President  
Virginia Building & Code Officials Association

## REC-R402.1.2-24 – Staff Summary

**Proponent:** DeAnthony Pierce, City of Roanoke, representing Virginia Building & Code Officials Association .

**Brief Description:** Increases wall insulation requirements across all three Virginia Climate Zones from R-15 (or R-13+1c.i.) to R-20 (or R-13+5c.i. or R-15+4c.i.). Adjusts U-factors accordingly.

### STUDY GROUP OR SUB-WORKGROUP INFORMATION

The proposal was reviewed and discussed by the Energy Sub-Workgroup members and other interested stakeholders in attendance at the second Energy Sub-Workgroup meeting on September 29, 2025.

The proposal was also included on the agenda for the third Sub-workgroup meeting, November 14, 2025; however, the proponent informed the group that they are collaborating with stakeholders offline and would like to carry the proposal over to the General Stakeholder Workgroup meeting without additional discussion during this meeting.

### Energy Sub-Workgroup Membership and Representation

- DeAnthony (D.A.) Pierce – Virginia Building and Code Officials Association (VBCOA)
- Corian Carney – International Alliance of the Electrical Industry, VA Chapter (IAEI-VA)
- Andrew Clark – Home Builders Association of Virginia (HBAV)
- Sarah Thomas – Virginia Association for Commercial Real Estate (VACRE)
- Steven Shapiro – Virginia Apartment Management Association, Apartment & Office Building Association of Metropolitan Washington (AOBA/VAMA)
- Hana Nguyenky – American Institute of Architects, VA Chapter (AIA-VA)
- Chelsea Harnish – Virginia Energy Efficiency Council (VAEEC)
- Sydney Roberts – Southeast Energy Efficiency Alliance (SEEA)
- Eric Lacey – Responsible Energy Codes Alliance (RECA)
- Michael Rhodes or Justin Koscher – Polyisocyanurate Insulation Manufacturers Association (PIMA)
- Bill Penniman – Sierra Club (VA Chapter)
- Andrew Green – Viridiant
- Mason Trimble – Virginia Department of Energy (VA Energy)
- Dennis Hart – Virginia Plumbing and Mechanical Inspectors Association (VPMIA)
- Mike O'Connor – Virginia Propane Gas Association, Virginia Petroleum and Convenience Marketers Association (VPCMA)
- William Drumeller – Responsible House
- Ashish Kapoor – The Piedmont Environmental Council
- Dwayne Smith – Department of General Services/Division of Engineering and Buildings (DGS/DEB)

**Sub-Workgroup members in attendance — September 29, 2025:**

- Corian Carney
- Mason Trimble
- Dwayne Smith
- D.A. Pierce
- Steve Shapiro
- Andrew Clark
- Dennis Hart
- Bill Penniman
- Chelsea Harnish
- Eric Lacey
- Andrew Grigsby – Viridiant, Sitting in for Andrew Green
- Justin Koscher

**Other stakeholders in attendance — September 29, 2025:**

- Mike Hamilton – Virginia Building and Code Officials Association (VBCOA)
- Ross Shearer – Virginia Citizen
- Susan Stillman – Sierra Club, VA Chapter
- Stuart Nuckols – Viridiant
- Ron Clements – Chesterfield County
- Kyle Kratzer – Virginia Citizen
- Monica Rokicki – Better Building Works
- Christopher Leyen – Piedmont Environmental Council

**Discussion:**

**D.A. Pierce** presented his proposal to increase prescriptive wall insulation values (while ceiling insulation would default to R-49 under the 2024 IECC unless separately amended).

**Andrew C** thanked **D.A. Pierce** and asked whether any ceiling-insulation change would require a separate proposal. **Pierce** confirmed that, absent an amendment, Virginia will automatically move to R-49 for ceilings.

**Monica R** voiced support.

**Justin K** described the measure as the sort of incremental improvement needed to phase out older weakening amendments.

**Bill P** and **Eric L** preferred full adoption of the 2024 IECC wall values statewide but accepted this as a partial step. **Bill P** suggested including a separate option for single-family detached dwellings; **Eric L** noted Virginia has missed two successive national upgrades and that more than 250,000 homes have been built with sub-par insulation since 2012.

**Andrew G** asked how the change would affect the Performance path baseline.

**Florin Moldovan** (DHCD staff) replied that it is premature to provide an answer given that there is still time in the process to submit code change proposals, and the Board will not take a position on any of the proposed changes and the existing amendments until later in the process.

**D.A. Pierce** clarified that builders must choose one of three compliance paths—Prescriptive, Total Building Performance (Performance), or ERI. His proposal alters only the Prescriptive path; ERI still references the 2006 baseline, and Total Building Performance references the current model code.

**Bill P** questioned whether the ERI and Performance paths indirectly reference the same insulation table; **Eric L** and **Dennis H** answered that ERI does not, but the Performance (Simulated Building Performance) path does, meaning a companion proposal might be needed.

**Dennis H** said VPMIA fully supports the proposal.

**Chelsea H** appreciated the effort and, while withholding a formal position, reiterated her organization’s desire for higher wall insulation overall.

*Participants agreed to continue offline discussions, with **Bill P** requesting resolution by October 3rd.*

## GENERAL STAKEHOLDER WORKGROUP INFORMATION

### Third GSW Meeting — 01/05/2026

**Support:** Justin Koscher, Polyisocyanurate Insulation Manufacturer’s Association (PIMA); Dennis Hart, Virginia Plumbing and Mechanical Inspectors Association (VPMIA) and VBCOA PMG Code Committee; Jason Vandever, North American Insulation Manufacturers Association (NAIMA); Eric Lacey, Responsible Energy Codes Alliance (RECA); Corian Carney, York County and Independent Alliance of the Electrical Industry (IAEI) - Virginia Chapter; Sydney Roberts, Southeast Energy Efficiency Alliance (SEEA).

**Opposition:** William “Rick” Hinson, American Council of Engineering Companies (ACEC); Mark Graver, City of Waynesboro and VBCOA Region III; Andrew Clark, Home Builders Association of Virginia (HBAV).

#### **Discussion:**

**D.A. Pierce** provided an overview of the proposal.

**Jeff Brown** (DHCD staff) announced that there was a floor modification to this proposal, which was shared on the screen.

- a. **Justin K** spoke in support of the floor modification and raised the concern that the existing requirement for R-13+1 does not provide enough exterior continuous insulation to avoid condensation issues in a wall cavity. Related to the cost of construction, he noted that using continuous insulation offers builders the opportunity to optimize their design, whether it be using continuous insulation that can also function as the air and water barrier, using

that continuous insulation to offset the need for wood sheathing, or employing other wall bracing techniques. He acknowledged that the proposal would increase the cost of construction but offered that there are ways to address the increase. He further noted that, from a consumer standpoint, the proposal is cost effective for Virginia climate zones.

- b. **Eric L** commented that the current wall insulation requirements have been in place since the 2012 code cycle. Single family home permits in Virginia since the 2012 code cycle are around a quarter million. Meaning that many homes have been built to a standard that is well behind the model codes and will cost more to heat and cool. Wall insulation is also unlikely to be upgraded at any point during home's useful life.
- c. **Rick H** responded that this increases costs and that nobody has died due to homes having less stringent insulation requirements than the current model codes.
- d. **Mark G** added that this would have a huge impact on the cost of a home because it would force builders to use 2x6 construction.
- e. **D.A Pierce**, speaking for himself, acknowledges that the proposal would increase the cost of construction, but the cost of energy would decrease over the life of the house.

***DHCD Staff Notes:***

- This proposal was originally included on the agenda for the second General Stakeholder Workgroup (GSW) meeting. The proponent requested that it be carried over to the third GSW meeting to allow for additional collaboration with interested stakeholders.
- This proposal conflicts with proposals REC-R402.1.2(2)-24, REC-R402.1.2(4)-24, and EC-1301-24, all of which delete the Virginia amendment to the wall insulation requirement and revert to the 2024 IECC requirements.



Abigail Spanberger  
Governor

Carrie Chenery  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Tamarah Holmes, PhD  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### **Memorandum**

**To:** Board of Housing and Community Development

**From:** DHCD Staff

**Subject:** Electronic Meeting Policy Annual Adoption

**Date:** July 2, 2026

Code of Virginia [§2.2-3708.3](#) outlines the requirements and procedures by which public bodies may utilize electronic (virtual) meetings to transact public business. One such requirement is that the public body must annually re-adopt any such electronic meeting policies. The Board's electronic meeting policies were last approved on July 15, 2025 and require re-approval to remain in effect.

Enclosed for the Board's review and approval are the Board's Policy for Remote Participation of Members (Hybrid Policy) and the Board's Policy for All-Virtual Public Meetings. Staff does not have any recommended revisions to these policies at this time.

Enclosure



**THE BOARD OF HOUSING AND COMMUNITY DEVELOPMENT POLICY  
FOR THE REMOTE PARTICIPATION OF MEMBERS**

1. **AUTHORITY AND SCOPE**

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

2. **DEFINITIONS**

a. “**BOARD**” means the Board of Housing and Community Development or any committee, subcommittee, or other entity of the Board of Housing and Community Development.

b. “**Member**” means any member of the Board of Housing and Community Development.

c. “**Remote participation**” means participation by an individual member of the Board of Housing and Community Development by electronic communication means in a public meeting where a quorum of the Board of Housing and Community Development is physically assembled, as defined by Va. Code § 2.2-3701.

d. “**Meeting**” means a meeting as defined by Va. Code § 2.2-3701.

e. “**Notify**” or “**notifies**,” for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

3. **MANDATORY REQUIREMENTS**

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

a. A quorum of the BOARD must be physically assembled at the primary or central meeting location; and

b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

4. **PROCESS TO REQUEST REMOTE PARTICIPATION**

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the BOARD Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, or (iii) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the BOARD staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i)—(ii) above.

d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.

e. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. **PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION**

When a quorum of the BOARD has assembled for the meeting, the BOARD shall vote to determine whether:

a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. **RECORDING IN MINUTES:**

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, or a family member's medical condition that requires the member to provide care to the family member, the BOARD shall record in its minutes (1) the BOARD's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. **CLOSED SESSION**

If the BOARD goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. **STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.

**REVIEW AND APPROVAL**

This BOARD policy was reviewed and approved on ~~July 14, 2025~~ July 13, 2026.

**THE BOARD OF HOUSING AND COMMUNITY DEVELOPMENT POLICY**  
**FOR ALL-VIRTUAL PUBLIC MEETINGS**

1. **AUTHORITY AND SCOPE**

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

2. **DEFINITIONS**

a. **“BOARD”** means the Board of Housing and Community Development or any committee, subcommittee, or other entity of the Board of Housing and Community Development.

b. **“Member”** means any member of the Board of Housing and Community Development.

c. **“All-virtual public meeting”**, means a public meeting conducted by the Board of Housing and Community Development using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Va. Code § 2.2-3701.

d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.

e. **“Notify”** or **“notifies,”** for purposes of this policy, means written notice, including, but not limited to, email or letter, but does not include text messages or messages exchanged on social media.

3. **WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED**

An all-virtual public meeting may be held under the following circumstances:

a. It is impracticable or unsafe to assemble a quorum of the BOARD in a single location, but a state of emergency has not been declared by the Governor or Board of Supervisors; or

b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and

c. The BOARD has not had more than two all-virtual public meetings, or more than 50 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and

- d. The BOARD's last meeting was not an all-virtual public meeting.

4. **PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING**

a. The BOARD may schedule its all-virtual public meetings at the same time and using the same procedures used by the BOARD to set its meetings calendar for the calendar year; or

b. If the BOARD wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the BOARD Chair, in consultation with staff, may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

5. **ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS**

The following applies to any all-virtual public meeting of the BOARD that is scheduled in conformance with this Policy:

a. The meeting notice indicates that the public meeting will be all-virtual and the BOARD will not change the method by which the BOARD chooses to meet without providing a new meeting notice that comports with VFOIA;

b. Public access is provided by electronic communication means that allows the public to hear all participating members of the BOARD;

c. Audio-visual technology, if available, is used to allow the public to see the members of the BOARD;

d. A phone number, email address, or other live contact information is provided to the public to alert the BOARD if electronic transmission of the meeting fails for the public, and if such transmission fails, the BOARD takes a recess until public access is restored;

e. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the BOARD;

f. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and

g. There are no more than two members of the BOARD together in one physical location.

6. **RECORDING IN MINUTES:**

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

7. **CLOSED SESSION**

If the BOARD goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

8. **STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

**REVIEW AND APPROVAL**

This BOARD policy was reviewed and approved on ~~July 14, 2025~~ July 13, 2026.



Abigail Spanberger  
Governor

Carrie Chenery  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Tamarah Holmes, PhD  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### **Memorandum**

**To:** Board of Housing and Community Development

**From:** DHCD Staff

**Subject:** Urban Public-Private Partnership Redevelopment Fund Guidelines (SB285)

**Date:** July 2, 2026

Chapter 1001 of the 2026 Acts of Assembly ([SB285](#)) directs the Board in consultation with stakeholders to review and develop criteria and guidelines for the administration of the Urban Public-Private Partnership Redevelopment (UPPPR) Fund established by Chapter 24.1 of Title 15.2 of the Code of Virginia ([§15.2-2414](#) et seq.).

This Fund was created in 2000 for making grants or loans to local governments to finance the assembling, planning, clearing, and remediation of sites for redevelopment. No previous funding has been provided by the General Assembly for the Fund.

The Board is directed to develop criteria and guidelines that 1) prioritize awards based on fiscal and assessment challenges and 2) defines local matching expectations. The Chair of the Board is directed to submit a report on any findings and criteria developed to the General Assembly by November 1, 2026.

Staff recommends that the Board direct staff to consult the relevant stakeholders and create draft program guidelines for the Board's consideration.

Enclosure



# VIRGINIA ACTS OF ASSEMBLY - 2026 RECONVENED SESSION

## CHAPTER 1001

*An Act to require the Board of Housing and Community Development to review and develop appropriate criteria and guidelines for the administration of the Urban Public-Private Partnership Redevelopment grant program.*

[S 285]

Approved April 22, 2026

**Be it enacted by the General Assembly of Virginia:**

**1.** *§ 1. That the Board of Housing and Community Development shall review and develop criteria and guidelines for the administration of the Urban Public-Private Partnership Redevelopment grant program established by Chapter 24.1 (§ 15.2-2414 et seq.) of Title 15.2 of the Code of Virginia in consultation with the Virginia Association of Counties, the Virginia First Cities Coalition, the Virginia Municipal League, and the Virginia Economic Developers Association. Such criteria shall include (i) award prioritization for (a) localities experiencing an above average and high level of fiscal stress as designated by the Commission on Local Government in its most recent Report on Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia's Cities and Counties and (b) localities experiencing a significant decrease in commercial real estate assessments and (ii) the amount and type of local matches with consideration of both monetary and non-monetary contribution requirements. The chair of the Board of Housing and Community Development shall submit a report on any findings and criteria developed to the Chairs of the Senate Committee on Finance and Appropriations, the Senate Committee on General Laws and Technology, the House Committee on Appropriations, and the House Committee on General Laws no later than November 1, 2026.*



Abigail Spanberger  
Governor

Carrie Cheney  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Tamarah Holmes, PhD  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### **Memorandum**

**To:** Board of Housing and Community Development

**From:** DHCD Staff

**Subject:** Agritourism Related Items

**Date:** July 2, 2026

The Board has considered in recent years issues related to farm buildings and structures used for agritourism activities. These farm buildings are exempt from the Uniform Statewide Building Code (USBC) and are subject to unique safety requirements in [§36-99.B.1-3](#) of the Code of Virginia. The Agritourism Event Structure Technical Advisory Committee (AGTAC) was convened to review these requirements and it developed a [report](#) outlining best practices for complying with these requirements in State Code.

There are two items related to agritourism topics that require the Board's attention:

1. Chapters 416 and 417 of the 2026 Acts of Assembly ([HB735/SB132](#)) direct the Board to review and consider amending the Statewide Fire Prevention Code (SFPC) to allow temporary tents used for agritourism purposes to remain in place for up to 12 months on a single site. Under the current SFPC, temporary tents cannot be erected for more than 180 days within a 12-month period on a single premise. Enclosed is a copy of the legislation.
2. An April 17, 2026 letter from State Building Code Technical Review Board (SBCTRB) recommends that the Board consider amending the USBC to include "agritourism activity" in the list of defined uses of farm buildings or structures. The SBCTRB hears appeals from enforcement actions of the USBC, provides interpretations, and may make recommendations to the Board for code modifications. Enclosed is a copy of the letter.

Staff recommends that the Board authorize the Chair to appoint stakeholders to a workgroup to review these items and direct staff to report on the considerations and recommendations from the workgroup.

Enclosures



# VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

## CHAPTER 417

*An Act to direct the Board of Housing and Community Development to review and consider amending regulations for temporary tents used for agritourism purposes.*

[S 132]

Approved April 8, 2026

**Be it enacted by the General Assembly of Virginia:**

**1.** *§ 1. That the Board of Housing and Community Development shall review 13VAC5-52-360 of the Virginia Administrative Code and any other relevant provisions of the Virginia Statewide Fire Prevention Code, 13VAC5-52 of the Virginia Administrative Code, to consider amending such regulations to allow temporary tents used for agritourism purposes to remain in place for up to 12 months on a single site.*



Abigail Spanberger  
Governor

Carrie Cheney  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Tamarah Holmes, PhD  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### STATE BUILDING CODE TECHNICAL REVIEW BOARD

April 17, 2026

Mr. Louie Berbert, Chair  
Board of Housing and Community Development  
600 East Main Street, Suite 300  
Richmond, VA 23219

RE: Virginia Uniform Statewide Building Code – Farm Building Exemption

Dear Mr. Berbert,

The State Building Code Technical Review Board (SBCTRB) has heard multiple appeals over the years regarding farm buildings and structures. The primary driver of the appeals has been the ambiguity in the application of the Virginia Uniform Statewide Building Code (VUSBC) and the Code of Virginia.

The addition of *agritourism activity* to the Code of Virginia § 36-99. *Provisions of Code; modifications* without corresponding changes to the VUSBC has increased the ambiguity. As a result, Building Officials are applying the VUSBC as written, while the SBCTRB has the latitude to fully consider the Code of Virginia. For additional information, please refer to the SBCTRB Interpretations, Final Orders, and Position Paper (attached).

The SBCTRB recommends that the Board of Housing and Community Development consider amending the VUSBC as soon as practicable to support Virginia's vision of a consistent and uniform application of the VUSBC. The SBCTRB has drafted proposed changes to the VUSBC for your consideration and deliberation (attached).

Sincerely,

James R. Dawson, Chair  
State Building Code Technical Review Board

#### Attachments:

Interpretation: 1/2026

Interpretation: 31/78

Interpretation: 71/75

Interpretation: 80/84



Interpretation: 4/2022  
Interpretation: 3/2024  
Review Board Position Paper (1999)  
Appeal 80-04 *David E. Laird, Jr. (representing Lairds Nurseries, Inc.)*  
Appeal 93-03 *Green Thumb Enterprises, Inc.*  
Appeal 97-09 *Jamie Lewis (Totier Creek Winery)*  
Appeal 00-14 *Wesley Stewart*  
Appeal 02-07 *Dr. Judson Booker, III, et al.*  
Appeal 04-08 *Anna R. White*  
Appeal 05-11 *Ber Lam Company*  
Appeal 14-01 and 14-10 *Mary Ann Capp*  
Appeal 16-09 *Isle of Wight County*  
Appeal 17-06 *Deborah Caldwell-Bono and Benny Bono*  
Appeal 20-02 *Sidney Harris*  
Appeal 24-03 *George and Carrie Schiano*  
Appeal 25-11 *Poole, Brooke, and Plumlee (Dieffenbach)*  
Proposed VUSBC Code Change – Farm Buildings and Structures



## **Virginia Uniform Statewide Building Code – Farm Building Exemption Recommended Code Changes**

### **VUSBC, Section 202 Definitions, amend the following:**

**FARM BUILDING OR STRUCTURE.** A *building* or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or *equipment* or maintenance or storage of vehicles, machinery or *equipment* on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.
7. Agritourism Activity as defined in § 3.2-6400 of the Code of Virginia.



VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

**Interpretation Number:** 1/2026

**Code:** USBC, Part I, Virginia Construction Code/2021

**Section No:** Section 202 Definitions

**Section 202 Definitions**

**FARM BUILDING OR STRUCTURE.** A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.

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**QUESTION:** Does a building or structure located on property where farming operations take place and used for "agritourism activity", as referenced in § 36-99 B of the Code of Virginia and defined in § 3.2-6400 of the Code of Virginia, meet the definition of farm building or structure in the USBC

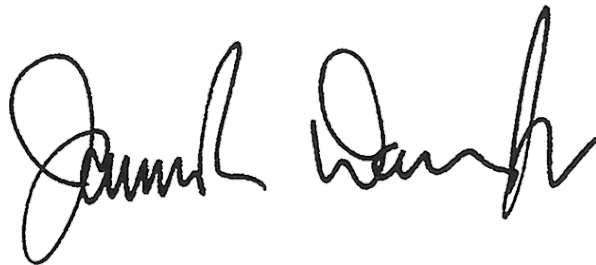
**ANSWER:** Yes, although the Virginia Construction Code does not explicitly list agritourism activity within the Farm Building or Structure definition, the Code of Virginia §36-99 has incorporated agritourism activity as defined in § 3.2-6400 and complies with the Virginia Construction Code definition for farm building or structure.

Additional Information:

Code of Virginia 36-99. Provisions of Code; modifications

"B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association. Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to floodproofing regulations or mudslide regulations, as applicable. However, any farm building or structure (i) where the public is invited to enter for an agritourism activity, as that term is defined in § 3.2-6400, for recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:..."

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of April 17, 2026.

A handwritten signature in black ink, appearing to read "James D. Darr". The signature is fluid and cursive, with a large initial "J" and "D".

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Chair, State Building Code Technical Review Board

Interpretation 31/78

Issued April 25, 1980  
Section 210-8, National Electrical Code/1978 Edition

- Q. Is ground fault protection required on outlets located in a farm storage building that has a dirt floor?
- A. Pursuant to Section 36-97(12) as cited in the 1978 Accumulative Supplement to the Uniform Statewide Building Code, and a supplemental ruling by the Attorney General's Office, the Board concludes that the structure indicated in this interpretation request is exempt from the provisions of the Uniform Statewide Building Code.
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Interpretation 71/75

Issued December 16, 1977  
Section 201.0, Definitions, BOCA Basic Building Code/1975 Edition

- Q. Would a greenhouse which distributes its products either retail or wholesale be classified as "Commercial", "Industrial", or would it qualify for exemption as a "farm building" or "structure" under the 1975 supplement to the Uniform Statewide Building Code?
- A. Greenhouses are only exempt from the provisions of the Uniform Statewide Building Code when they are used as an accessory building on a farm. Section 36-97-(12) Code of Virginia refers. If a greenhouse is accessible to the public, then it is classified as Group M, Mercantile. If not, it is classified as Group S, Storage.
- 

Interpretation 80/84

Issued August 21, 1987  
Section 100.7, USBC, Volume I/1984 Edition

- Q. Where a hog operation is being constructed utilizing five different hog farms with thirteen hog buildings and one office building per farm; would the office building be exempt from the Virginia Uniform Statewide Building Code? This building consists of the following uses: shop area, dispensary, laundry room, sanitary office, and break room for employees.
- A. Yes.

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

Interpretation Number: 4/2022

Code: USBC, Part I, Virginia Construction Code/2018

Section No(s): Section 102.3 and 202

**102.3 Exemptions**

The following are exempt from this code:

1. Equipment and wiring used for providing utility, communications, information, cable television, broadcast or radio service in accordance with all of the following conditions:
  - 1.1. The equipment and wiring are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
  - 1.2. Buildings housing exempt equipment and wiring shall be subject to the USBC.
  - 1.3. The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.
  
2. Support structures owned or controlled by a provider of publicly regulated utility service or its affiliates for the transmission and distribution of electric service in accordance with all of the following conditions:
  - 2.1. The support structures are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
  - 2.2. The support structures exempted by this section shall not create an unsafe condition prohibited by the USBC.
  
3. Direct burial poles used to support equipment or wiring providing communications, information or cable television services. The poles exempted by this section shall not create an unsafe condition prohibited by the USBC.
  
4. Electrical equipment, transmission equipment, and related wiring used for wireless transmission of radio, broadcast, telecommunications, or information service in accordance with all of the following conditions:

4.1. Buildings housing exempt equipment and wiring and structures supporting exempt equipment and wiring shall be subject to the USBC.

4.2. The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

5. Manufacturing, processing, and product handling machines and equipment that do not produce or process hazardous materials regulated by this code, including those portions of conveyor systems used exclusively for the transport of associated materials or products, and all of the following service equipment:

5.1. Electrical equipment connected after the last disconnecting means.

5.2. Plumbing piping and equipment connected after the last shutoff valve or backflow device and before the equipment drain trap.

5.3. Gas piping and equipment connected after the outlet shutoff valve.

Manufacturing and processing machines that produce or process hazardous materials regulated by this code are only required to comply with the code provisions regulating the hazardous materials.

6. Parking lots and sidewalks that are not part of an accessible route.

7. Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located.

8. Industrialized buildings subject to the Virginia Industrialized Building Safety Regulations (13VAC5-91) and manufactured homes subject to the Virginia Manufactured Home Safety Regulations (13VAC5-95); except as provided for in Section 429 and in the case of demolition of such industrialized buildings or manufactured homes.

9. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (§35.1-11 et seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

10. Federally owned buildings and structures unless federal law specifically requires a permit from the locality. Underground storage tank installations, modifications and removals shall comply with this code in accordance with federal law.

11. Off-site manufactured intermodal freight containers, moving containers, and storage containers placed on site temporarily or permanently for use as a storage container.

12. Automotive lifts.

## SECTION 202 DEFINITIONS

**FARM BUILDING OR STRUCTURE.** A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.

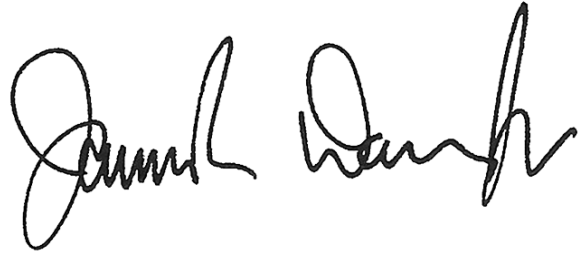
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**QUESTION #1:** Is a building located on a farm where hemp is grown and harvested, that operates as a laboratory to enhance or extract by-product of this hemp, exempt from the building code in accordance with the 2018 Virginia Construction Code Section 102.3 Exemptions and Section 202 Definitions?

**ANSWER:** Yes.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting on September 16, 2022.

A handwritten signature in black ink, appearing to read "James W. Smith". The signature is fluid and cursive, with the first name "James" being larger and more prominent than the last name "Smith".

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Chairman, State Building Code Technical Review Board

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

Interpretation Number: 3/2024

Code: Code of Virginia §36-99

Section No: Section B (1-3)

Code of Virginia 36-99. Provisions of Code; modifications

B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association. Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to floodproofing regulations or mudslide regulations, as applicable. However, any farm building or structure (i) where the public is invited to enter for an agritourism activity, as that term is defined in § 3.2-6400, for recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:

1. Portable fire extinguishers for the purpose of fire suppression;
2. A simple written plan in case of an emergency, but such plan shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any other local requirements; and
3. A sign posted in a conspicuous place upon entry to the farm building or structure that states that "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies." Such sign shall be placed in a clearly visible location near the entrance to such farm building or structure. The notice shall consist of a sign no

smaller than 24 inches by 36 inches with clearly legible black letters, with each letter to be a minimum of one inch in height.

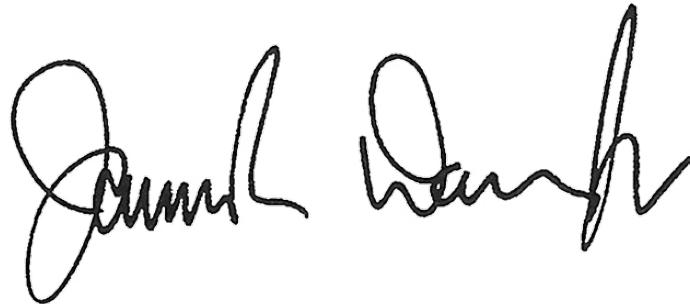
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**QUESTION:** Is the Building Official responsible for enforcing §36-99(B) (1-3)?

**ANSWER:** No, because the scope of the VUSBC and the authority of the building official are limited to those codes and regulations promulgated by the Board of Housing and Community Development.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of April 19, 2024.

A handwritten signature in black ink, appearing to read "James H. Hensley". The signature is fluid and cursive, with the first name "James" being more prominent and the last name "Hensley" following in a similar style.

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Chair, State Building Code Technical Review Board

**STATE BUILDING CODE TECHNICAL REVIEW BOARD**  
In the Virginia Department of Housing and Community Development

**Members**

Michael A. Conner, Sr., Chairman  
J. Robert Allen, Vice-Chairman  
Jeffrey W. Ainslie  
Marvin J. Cantor  
Dennis B. Clark  
J. C. Hawkins  
W. O. Jones, III  
Patricia O'Bannon  
R. Shaefer Oglesby  
Gregory H. Revels

Office of the Review Board  
Vernon W. Hodge, Secretary

Counsel  
John B. Purcell, Jr.  
State Attorney General's Office

**POSITION PAPER ON THE REGULATION OF  
FARM BUILDINGS UNDER THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE**

Pursuant to House Joint Resolution No. 809 of the 1999 Session of the Virginia General Assembly, the State Building Code Technical Review Board (Review Board) states its position as follows:

**Historical Precedent**

The historical exemptions afforded to farmers which enabled farm buildings and structures to be constructed and used without requiring compliance with building regulations is well established. The scope of the original exemptions in both the law governing the state building code and the law governing professional design of buildings clearly recognized the need to limit the exemptions to only those buildings used in traditional farming operations and not intended to be open to the public. The terminology used in the original state building code law exemption was, "farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees." The terminology used in the professional design law exemption is, "farm structures used primarily in the production, handling or storage of agricultural products or implements, including, but not limited to, structures used for the handling, processing, housing or storage of crops, feeds, supplies, equipment, animals, or poultry."

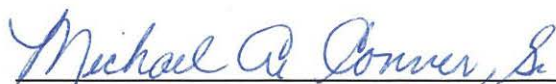
**Consistent Application of the Farm Exemptions**

The building code process in Virginia provides mechanisms to achieve fair and consistent application and interpretation of the general wording used in the initial exemptions for farm buildings and structures. The Virginia Uniform Statewide Building Code (USBC) is a state regulation enforced by the cities, counties and towns. The Review Board interprets the provisions of the USBC and hears appeals concerning its application. The interpretations give guidance to the USBC enforcing agencies. Owners of property affected by USBC enforcement activity may appeal first to the local government's USBC appeals board and then to the Review Board, thus affording due process and achieving a consensus determination of the correct application of the USBC to any given situation. These safeguards eliminate the need for complicated, lengthy or confusing legislative language addressing the exemption for farm buildings and structures from the USBC.

**Recommendation**

The Review Board's position is to use the original legislative language (Chapter 622 of the 1974 Acts of Assembly) to address the exemption for farm buildings and structures from the USBC. To effect this change, the last two sentences in current § 36-99(B) of the Code of Virginia would simply be replaced with: "Notwithstanding the provisions of this section, farm buildings and structures not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from the provisions of the Building Code, but such buildings and structures lying within flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable." The definition of "farm building or structure" in current § 36-97 of the Code of Virginia is unnecessary and would be deleted.

Respectfully Submitted:



October 22, 1999

Chairman, State Building Code Technical Review Board



# COMMONWEALTH of VIRGINIA

State Building Code  
Technical Review Board

Walter R. Nexsen, A.I.A.  
Chairman  
Norfolk

Sidney W. Galloway  
Vice-Chairman  
Richmond

Herman F. Blake, Jr.  
Richmond

Bernard E. Cooper  
Richmond

Harry E. Diezel  
Virginia Beach

Philip O. Shepherd, Jr.  
Arlington

Oliver P. Strawn, Jr.  
Blacksburg

Fourth Street Office Building  
205 North Fourth Street  
Richmond, Virginia 23219

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### BEFORE THE STATE BUILDING CODE TECHNICAL REVIEW BOARD IN RICHMOND, VIRGINIA

David E. Laird, Jr., representing  
LAIRDS NURSERIES, INC.,

Appellant,

vs.

Board of Adjustments and Appeals  
for Hanover County, Virginia,

Appellee.

CASE NO. 80-4

This matter is before the State Building Code Technical Review Board on the appeal of David E. Laird, Jr., representing LAIRDS NURSERIES, INC., from a decision of the Board of Adjustments and Appeals for Hanover County, Virginia, on June 26, 1980. In accordance with §36-114 Code of Virginia (1950) as amended, this appeal was heard on Friday, July 25, 1980, in the Seventh Floor Conference Room of the Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia.

This appeal concerns whether or not an 18' x 12' room to be used for seasonal farm sales of nursery products and contained within a 2,304 square foot building defined as a "farm use building", is required to have a building permit, pursuant to Section 112 of the Uniform Statewide Building Code.

The Technical Review Board finds as facts from the evidence submitted that although the structure may be classified as a farm building under certain definitions and terms, the portion of the building used for farm sales to the general public is required to have a building permit.

Therefore, based upon the evidence, the State Building Code Technical Review Board hereby affirms the decision of the Board of Adjustments and Appeals for Hanover County, Virginia.

Decision on Appeal  
Case No. 80-4  
Page Two

This Decision has been entered this \_\_\_\_\_ day of \_\_\_\_\_,  
1980 A.D.

*Walter R. Nexsen*

Walter R. Nexsen, Chairman

*Sidney W. Galloway*

Sidney W. Galloway, Vice-Chairman

*Herman F. Blake, Jr.*

Herman F. Blake, Jr.

*Bernard E. Cooper*

Bernard E. Cooper

*Harry E. Diezel*

Harry E. Diezel

*Philip O. Shepherd, Jr.*

Philip O. Shepherd, Jr.

*Oliver P. Strawn, Jr.*

Oliver P. Strawn, Jr.

COPY TESTEE:

*C. Sutton Mullen*

C. Sutton Mullen, Secretary  
State Building Code Technical Review Board



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT

State Building Code  
Technical Review Board

The Jackson Center  
501 North Second Street  
Richmond, Virginia 23219-1321  
(804) 371-7170

## BEFORE THE STATE BUILDING CODE TECHNICAL REVIEW BOARD IN RICHMOND, VIRGINIA

Curtis R. Jennings, Jr.  
Chairman  
Stanley C. Harris  
Vice-Chairman  
Michael Connor, Sr.  
Bill Dupler  
W. O. Jones, III  
Terrell D. Moseley  
Ronald E. Ponzio  
Jack A. Proctor  
Secretary

**Green Thumb Enterprises, Inc.** vs.  
**Gerard Chauvin, President**  
**Route 1, Box 200**  
**Chantilly, Virginia 22021**

**County of Loudoun**  
**Building Department**  
**18 N. King Street**  
**Loudoun, Virginia 22075**  
**Attention: Dennis Mitchell**

### Case No. 93-3

This matter is before the State Building Code Technical Review Board on the appeal of Green Thumb Enterprises, Inc., Gerard Chauvin, President. In accordance with § 36-114 of the Code of Virginia, this appeal was heard on Friday, September 17, 1993, in the First Floor Conference Room of the Department of Housing and Community Development, located at 501 North Second Street, in Richmond, Virginia.

The appeal concerned a structure located at 42461 John Mosby Highway in Chantilly, Virginia, owned by Green Thumb Enterprise Inc., Gerard Chauvin, President. The Loudoun County Building Code and Appeals Board ruled that the structure is not a farm building, and therefore subject to the building code.

Based on the testimony and evidence submitted, the Technical Review Board hereby rules to affirm the decision of the Loudoun County Building Code and Appeals Board because the structure does not meet the building code definition of a farm building.

This Decision has been entered this 21st day of September, 1993 A.D.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

  
Stanley C. Harris, P.E., Vice-Chairman



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT

State Building Code  
Technical Review Board

The Jackson Center  
501 North Second Street  
Richmond, Virginia 23219-1321  
(804) 371-7170

Curtis R. Jennings, Jr.  
Chairman  
Stanley C. Harris  
Vice-Chairman  
Michael Connor, Sr.  
Bill Dupler  
W. O. Jones, III  
Terrell D. Moseley  
Ronald E. Ponzio  
Jack A. Proctor  
Secretary

## BEFORE THE STATE BUILDING CODE TECHNICAL REVIEW BOARD IN RICHMOND, VIRGINIA

Green Thumb Enterprises, Inc. vs.  
Gerard Chauvin, President  
Route 1, Box 200  
Chantilly, Virginia 22021

County of Loudoun  
Building Department  
18 N. King Street  
Loudoun, Virginia 22075  
Attention: Dennis Mitchell

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Based on the testimony and evidence submitted, the Technical Review Board hereby rules to affirm the decision of the Loudoun County Building Code and Appeals Board because the structure does not meet the building code definition of a farm building.

This Decision has been entered this \_\_\_\_ day of September, 1993 A.D.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

---

Stanley C. Harris, P.E., Vice-Chairman

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jamie Lewis (Totier Creek Winery)  
Appeal No. 97-9

Decided: November 21, 1997

DECISION OF THE REVIEW BOARD

PROCEDURAL BACKGROUND

In the process of constructing a new building on the winery property, Jamie Lewis, president of Totier Creek Winery, was issued a stop work order under the Virginia Uniform Statewide Building Code ("USBC") by the building official of Albemarle County for not having obtained a building permit.

Lewis believed no permit was necessary due to the building being considered a farm building or structure and, as such, exempt from the USBC.

The stop work order was appealed to the Albemarle County Board of Building Code Appeals ("local appeals board"). The local appeals board ruled to deny the appeal determining the building to be subject to the USBC.

Lewis further appealed to the Review Board. An informal fact-finding conference was held by Review Board staff resulting in

stipulated facts and issues for resolution by the Review Board. A formal hearing was conducted by the Review Board where those involved presented testimony and evidence concerning the merits of the appeal.

#### FINDINGS OF THE REVIEW BOARD

1. Lewis proposes to use the building for a variety of winery related activities and Lewis stipulates the uses to be as follows:

- a) Sales of wine produced at the winery to customers. Sales of jellies, jams and other farm products produced at the winery.
- b) Tasting of wine produced at the winery by prospective purchasers.
- c) Use of the library area and bathrooms by customers or prospective purchasers of wine. The reading or library area will contain a single bookshelf measuring six feet in height and eight feet in length. There will not be any tables, chairs or desks for customers to sit down.
- d) Offices for the winery business, storage and employee bathrooms. The offices will be used for general administrative functions, including clerical, record keeping, accounting, shipping and coordination of all winery activities, storage of wine and other items used in the production of wine at the winery.
- e) Use of an exterior deck area by customers or prospective purchasers of wine produced at the winery. The deck will be used only in connection with the other activities which take place inside the building.

2. In addition, while stipulating the building is only to be used for the above uses, Lewis requests the Review Board to rule whether the following uses have any impact on the classification of the building as a farm structure:

- a) Wine master dinners for marketing wine produced at the winery where food brought in by caterers will be served along with wine produced at the winery to prospective purchasers. The food would be warmed or kept warm in the kitchen of the building where there is a dishwasher for cleaning and washing the dishes and utensils.
- b) Wedding receptions, banquets or small parties where wine produced at the winery would be consumed by guests and hosting of promotional tasting events where guests sample the products produced at the farm.

In conjunction with the above, Lewis stipulates all food served at the additional functions will be prepared by caterers off-site and will simply be served on-site and at all functions, wines and other products produced at the farm winery will be served to guests with the intent to induce the guests to purchase products of the farm winery.

3. Both the building official and Lewis agree whether Lewis' building is exempt from the USBC is determined by applying the USBC definition of farm structure to the building. The definition reads in pertinent part:

A structure . . . utilized for either the storage, handling or production of agricultural, horticultural or floricultural products . . . which products are normally intended for sale to domestic

or foreign markets.

4. The building official argues Lewis is incorrect in asserting the phrase "which products are normally intended for sale to domestic or foreign markets" permits the building to be used for sale of the winery's products. The building official further argues uses of the building involving occupancy by the public are outside of the scope of storage, handling or production of agricultural products.

5. Lewis argues the Review Board's emphasis should be on the activities to be conducted and whether they are encompassed by the handling, storage and production of the farm's product and the fact that these activities may be open to the general public should not control the Review Board's decision.

6. The Review Board finds the phrase "utilized for either the storage, handling and production" to be the determining factor in whether the building is exempt from the USBC. There is no dispute that Lewis' products are "agricultural products . . . which are normally intended for sale to domestic or foreign markets." The terms "storage," "handling" and "production" are not defined in the USBC. The term "storage" is self-explanatory. If Lewis was solely using the building for storage of his products, it would clearly be exempt from the USBC. The Review Board relies on the common, ordinary, accepted meaning of the terms "handling" and

"production," set out in Webster's Collegiate Dictionary, Tenth Edition, as follows:

**handle** vb han·dled; han·dling \ˈhan(d)-liŋ, ˈhan-dəl-iŋ\ vt (bef. 12c) 1 **a:** to try to examine (as by touching, feeling, or moving) with the hand <~silk to judge its weight> **b:** to manage with the hands <~a horse> 2 **a:** to deal with in writing or speaking or in the plastic arts **b:** to have overall responsibility for supervising or directing: MANAGE<a lawyer ~s all my affairs> **c:** to train and act as second for (a boxer) **d:** to put up with: STAND<can't ~ the heat> 3: to act on or engage in the buying, selling, or distributing of (a commodity) ~ vi: to act, behave, or feel in a certain way when handled or directed <a car that ~s well>-han·dle·able \-dəl-ə-bəl\adj

**pro·duc·tion** \prə-ˈdʌk-shən, prō-\ n (15c) 1 **a:** something produced: PRODUCT **b** (1): a literary or artistic work (2): a work presented on the stage or screen or over the air **c:** something exaggerated out of proportion to its importance 2 **a:** the act of process of producing **b:** the creation of utility; esp: the making of goods available for use 3: total output esp. of a commodity or an industry - pro·duc·tion·al \-shnəl,-shə-nəl\adj

7. The Review Board finds the use of the building for selling and providing public access for buying Lewis' products falls within the definition of "handling." In addition, the use of the building for the winery offices falls within the definitions of "handling" and "production."

8. Also, based on the above definitions, the remaining uses stipulated by Lewis and the additional uses Lewis requests the Review Board to rule on are not encompassed by the phrase "storage, handling or production of agricultural products" and therefore would require the building to be subject to the USBC.

9. Lewis' position that all stipulated uses of the building must be considered simultaneously and that a de minimis use which is not storage, handling or production of the farm's products is not sufficient to bring the building within the application of the USBC is considered. However, the Review Board finds the scope of the tasting use planned by Lewis containing a full bar and congregation area, the library area and bathrooms for the public and the exterior deck areas exceed what would be considered de minimis use.

10. Lewis also requests the Review Board to overturn the stop work order based on his agreement to limit the uses of the building to those which the Review Board determines are exempt from the USBC. Lewis may forward any stipulation to limit the uses of the building to those determined by the Review Board to be exempt from regulation under the USBC to the building official for appropriate action. However, within the scope of this appeal, as filed by Lewis, the Review Board finds the stop work order to be valid.

#### FINAL ORDER

The appeal having been given due regard, and in consideration of the "Findings of the Review Board" set out above, the Review Board orders the decision of the Albemarle County building official in issuing a stop work order, which decision was affirmed by the

local appeals board, to be, and hereby is, upheld. Notwithstanding the upholding of the stop work order, the Review Board hereby confirms the stipulated uses of Lewis' building outlined in ¶ 1 (a) [Sales] and (d) [Offices] of the "Findings of the Review Board" to fall within the exemption for farm structures in the USBC. The appeal is denied.



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Chairman, State Technical Review Board



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Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jamie Lewis (Totier Creek Winery)  
Appeal No. 97-9

DISSENTING OPINION

COME NOW, Review Board members Anne S. Pierce, W. O. Jones, III and Gregory H. Revels, Chairman, and enter the following dissenting opinion in the above-referenced appeal:

1. Insofar as the basis for the decision in the appeal is the definition of "handling," as set out in the Review Board's final order, we opine the term to be limited to that described under meanings numbered 1a (to try to examine with the hand) and 1b (to manage with the hands).

2. The basis for this dissenting opinion is § 201.4 (Terms not defined) of the Uniform Statewide Building Code, which states undefined terms shall have ordinarily accepted meanings such as the context implies.

3. We believe meaning number 3 (to act on or engage in the buying, selling, or distributing of [a commodity]) to be outside of the ordinary use and meaning of the term.

  
\_\_\_\_\_  
Chairman, State Technical Review Board

  
\_\_\_\_\_  
Date entered

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Wesley Stewart  
Appeal No. 00-14

Decided: November 16, 2001

DECISION OF THE REVIEW BOARD

I. CASE HISTORY

In enforcing the Virginia Uniform Statewide Building Code ("USBC"), the City of Suffolk USBC official ("code official") issued a notice of violation directing Wesley Stewart ("Stewart"), owner of property at 213 Turlington Road, to remove all obstructions from the rear door of his house and to paint and repair a detached garage.

Stewart filed an appeal to the City of Suffolk Board of Building Code Appeals ("City USBC board") requesting the board to nullify the notice, refund appeal fees, provide compensation for lost time and expenses and additional demands and stated in the appeal submission that there were no obstructions blocking the rear door of the house and that the garage was an old farm structure and therefore exempt from the USBC.

The City USBC board met and determined Stewart's garage was not a farm structure.

Stewart then filed an appeal to the Review Board.

Review Board staff conducted an informal fact-finding conference attended by Stewart and the code official resulting in the stipulation of issues for resolution by the Review Board. A subsequent hearing was held before the Review Board attended by Stewart and the code official. At the hearing, in addition to presenting arguments on the merits of his appeal, Stewart informed the Review Board members that he had not been properly notified of the City USBC board's hearing and was not in attendance at the meeting. Stewart requested the Review Board to issue an order directing the City USBC board to rehear the appeal with all parties present.

## II. FINDINGS OF THE REVIEW BOARD

The Review Board finds the issue of whether the USBC notice of violation should have been issued for Stewart's garage/shed to be a proper issue for appeal. Since there is disagreement over whether Stewart was present at the hearing before the City USBC board and minutes of the City USBC board meeting are not provided as part of the record of the appeal to the Review Board, the Review Board finds Stewart's request for this issue

to be remanded to the City USBC board for a proper hearing with all parties present to be appropriate.

The Review Board finds the issue of whether to overturn the issuance of the USBC notice of violation ordering Stewart to remove obstructions from the rear door of the house to be moot as the code official states there is no current USBC violation present. Stewart's appeal of this issue is therefore dismissed.

The Review Board finds the issues of whether to impose sanctions, punitive actions, disciplinary action, award the reimbursement of costs and any other issues raised by Stewart other than whether the issuance of the USBC notice of violation for the garage/shed is a correct application of the USBC are outside the purview of the USBC appeals process and are therefore dismissed.

### III. REMAND/DISMISSAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the appeal of whether the USBC notice of violation should have been issued for Stewart's garage/shed to be, and hereby is, remanded to the City USBC board for a proper hearing with all parties present. In addition, and for the reasons set out herein, the Review Board orders all issues in Stewart's appeal other than the proceeding remanded issue, to be, and hereby are, dismissed.

The appeal is remanded in part with the remainder dismissed.

*Michael A. Bonner, Sr.*

Chairman, State Technical Review Board

*01-25-2002*

Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Dr. Judson Booker, III, et al.  
Appeal No. 02-7

Decided: January 24, 2003

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

## II. CASE HISTORY

In May of 2002, the Wythe County building official, who is charged with enforcement of the USBC, determined that the proposed construction of a livestock market building was exempt from the requirements of the USBC. The decision was based on § 101.4 of the USBC, which contains an exemption for certain farm buildings and structures.

An appeal of the decision was made to the Wythe County Board of Building Code Appeals ("County USBC board") by several adjacent landowners (Dr. Judson Booker, III, Mimi Booker, J. Elton Walters, Judy H. Walters, Ray Walters, Sr. and Genevieve K. Walters, hereinafter referred to as the "appellants.>").

The County USBC board met in October of 2002 and ruled to dismiss the appeal, finding that the appellants were not proper parties to bring an appeal under § 122.5 of the USBC<sup>1</sup>.

Further appeal was made to the Review Board.

In consideration that the County USBC board only ruled on the standing issue and did not rule on the whether the livestock market building is or is not a farm building, Review Board staff scheduled a preliminary hearing to consider only the standing issue. The appellants, the Wythe County building official and representatives of the livestock market (hereinafter referred to

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<sup>1</sup>The actual section cited by the County USBC board was § 122.7, which addresses hearing procedures, however the substance of the decision relates to the list of persons having a right to appeal, which is covered by § 122.5; so it is assumed that the County USBC board's order meant to reference § 122.5.

as the "parties") and their legal counsel were notified of the preliminary hearing and were given an opportunity to submit evidence and written arguments to the Review Board. The preliminary hearing was conducted on January 24, 2003 and was attended by the parties and their legal counsel.

### III. FINDINGS OF THE REVIEW BOARD

The decision of a building official that proposed construction is exempt from the USBC because of the USBC farm building and structure exemption is an application of the USBC subject to appeal. See prior Review Board decision in Appeal No. 97-9 (Appeal of Jamie Lewis (Totier Creek Winery)). However, such a decision must be appealed by a person or entity having a right to appeal.

The right of appeal under the USBC is established by § 122.5, which states in pertinent part as follows:

"122.5 Application for appeal: The owner of the structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure ... may appeal the code official's decision concerning application of the USBC ..."

The list of persons authorized to appeal a decision under the USBC appears to be limited to those persons who are typically regulated by the USBC and who therefore could be cited with a USBC violation and held responsible for a USBC violation.<sup>2</sup> The appellants clearly do not fall into this category and therefore have no right to

appeal. See also the prior Review Board decision in Appeal No. 95-2 (Appeal of Stephen Seldon and Others.).

The appellants argue that the pertinent wording in § 122.5 of the USBC is superceded by state law in § 36-105 of the Code of Virginia, which states in pertinent part that, "Appeals from the local building department concerning application of the [USBC] ... shall first lie to the local board of building code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of [USBC] appeals."

The Review Board finds that this provision of state law emphasizes that a USBC appeal is "concerning application" of the USBC and is therefore consistent with § 122.5 of the USBC, which gives a list of persons to which the USBC is applied and who therefore have a right to appeal.

The Review Board further finds that § 36-105 of the Code of Virginia empowers the Board of Housing and Community Development ("Housing Board") to establish the "composition, duties and responsibilities" of the local USBC appeals boards through the provisions of the USBC. Therefore, the Housing Board has the authority to establish that the duties and responsibilities of the local USBC appeals boards only include hearing appeals from persons or entities being regulated under the USBC.

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<sup>2</sup>Violators of the UBSC may be charged with a criminal misdemeanor under § 36-106 of the Code of Virginia.

As a further argument, the appellants cite § 36-114 of the Code of Virginia, and assert that the language, "The Review Board shall have the power and duty to hear all appeals arising under application of the [USBC] . . .," means that standing cannot be questioned. The Review Board disagrees. Section 36-114 of the Code of Virginia must be read in conjunction with § 36-105 of the Code of Virginia. When read together, it is clear that appeals to the local USBC appeals boards and to the Review Board are both subject to the provisions of the USBC in determining issues of standing. Therefore, § 112.5 of the USBC is determinative in deciding whether there is standing to both the local USBC appeals boards and to the Review Board.

#### IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the appeal to be, and hereby is, dismissed since the appellants do not have standing to bring the appeal.

  
\_\_\_\_\_  
Vice-Chairman, State Technical Review Board

Mar. 21, 2003  
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Anna R. White  
Appeal No. 04-8

Decided: November 19, 2004

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

## II. CASE HISTORY

In May of 2004, Mrs. Anna R. White, a property owner in Warren County, obtained a USBC building permit to construct a swimming pool near her house. The swimming pool was constructed by a contractor and was approved by the Warren County USBC department ("building official"). However, Mrs. White was informed that final approval could not be obtained without constructing a barrier or fence around the pool.

Mrs. White informed the building official by letter that she believed the USBC only applied to pools on lots and that her pool was not on a lot and therefore was exempt from the requirements for a barrier.

The building official responded in writing to Mrs. White's letter addressing it as a modification request under the USBC and denying its approval.

Mrs. White appealed the disapproval to the Warren County Building Code Appeals Board ("County USBC board"), which upheld the decision of the building official. Mrs. White then further appealed to the Review Board.

## III. FINDINGS OF THE REVIEW BOARD

The statutory and regulatory provisions addressing whether swimming pools are governed by the USBC are contained in §§ 36-

97 and 36-99 of the Code of Virginia and §§ 101.2 and 202 of the USBC. Both § 36-97 of the Code of Virginia and § 202 of the USBC define a structure as "an assembly of materials forming a construction for occupancy or use including [...] swimming pools," and both § 36-99 of the Code of Virginia and § 101.2 of the USBC contain explicit language that all structures are subject to the USBC. The USBC does contain an exemption for farm structures; however, the term is narrowly defined and is not applicable to a swimming pool. Therefore, it is clear that all swimming pools are regulated under the USBC.

The language Mrs. White relies upon in asserting that her swimming pool is not subject to the USBC is contained in Appendix G of the International Residential Code (the "IRC"), a nationally recognized model code is incorporated by reference to be an enforceable part of the USBC in § 108.1. The provision states that "this appendix shall control the design and construction of swimming pools , spas and hot tubs installed in or on the lot of a one- and two-family dwelling." The IRC, in § R202, defines a lot as "[a] portion or parcel of land considered as a unit." Appendix G of the IRC also contains the requirements for fences or barriers which must be used to protect a swimming pool.

The Review Board finds that the limiting language in Appendix G of the IRC is not that a swimming pool is required to

be on a lot, but rather that the swimming pool must be on the lot of a one- and two-family dwelling. This is to distinguish between a residential swimming pool and swimming pools serving occupancies other than one- and two-family dwellings, such as an apartment complex or a commercial pool. The USBC sets out separate standards for such swimming pools in Chapter 31 of the International Building Code (the "IBC"), a nationally recognized model code for the construction of structures other than, or not associated with, one- and two-family dwellings. The IBC is also incorporated by reference to be an enforceable part of the USBC in § 108.1.

Therefore, as Mrs. White's swimming pool is located on a lot and the lot also contains her one-family dwelling, the IRC provisions are applicable to her swimming pool. In addition, the IRC provisions are consistent with the statutory and regulatory provisions which establish that swimming pools in general are subject to the USBC.

#### IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decisions of the building official and the County USBC board, such decisions being that Mrs. White's pool is subject to the barrier requirements of the USBC, to be, and hereby are, upheld.

The appeal is denied.

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Chairman, State Technical Review Board

1-21-05  
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Ber Lem Company  
Appeal No. 05-11

Decided: May 19, 2006

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Statewide Fire Prevention Code ("SFPC") and other regulations of the Department of Housing and Community Development. Enforcement of the SFPC in other than state-owned buildings is by local city, county or town fire prevention departments, when such localities choose to enforce the code. See § 27-98 of the Code of Virginia. An appeal under the SFPC is first heard by a local board of appeals and then may be further appealed to the Review Board. (Ibid.) The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

## II. CASE HISTORY

In September of 2005, the City of Chesapeake's Office of the Fire Marshal (the "fire official") issued a notice of violation to Joanne and Edward Falk (the "Falks"), owners of property located at 521 John Etheridge Road. The notice cited the Falks for operating a wrecking yard, junk yard and waste material handling facility without an operational permit and having accumulations of wood, weeds or combustible or flammable waste or rubbish. In addition, the notice informed the Falks that they would be liable for any costs incurred by the City in mitigating a public nuisance.

The Falks appealed the notice to the City of Chesapeake Local Board of Fire Prevention Code Appeals (the "City appeals board"), which ruled to uphold the notice. Further appeal was then made to the Review Board.

## III. FINDINGS OF THE REVIEW BOARD

The Review Board first finds that it has no jurisdiction to rule on applications of local fire prevention regulations and therefore declines to consider the citation made by the fire official concerning whether the Falks may be liable for any expenses incurred by the City.

Secondly, the Review Board finds that the fire official's request for the Falks to develop an action plan is not an application of the SFPC since it is not a mandate but a request. Therefore, the Review Board declines to rule on that matter.

The Review Board finds the two issues which are properly before it are (i) whether an operational permit is required and (ii) whether a violation of the SFPC is present in relation to accumulations of wood, weeds, combustible or flammable waste or rubbish.

With respect to the first issue, the Review Board finds that the Falks are not operating a wrecking yard, junk yard or a waste material handling facility. Therefore, no operational permit is required under the SFPC. The Review Board further finds that the fire official was not clear on whether his position was that the Falks were conducting three operations simultaneously or whether it was only a junk yard. In the Review Board staff document, which reflects informal fact-finding proceedings, it is indicated that the fire official stipulated the citation was only for a junk yard. Also, the record contains the text portions of a presentation given by the fire official to the City appeals board and in Slide No. 5 it states that the nature of the original complaint was that the Falks were operating a junk yard.

Notwithstanding the above, in written arguments submitted by the fire official, it is asserted that the citation is for "the operation of a junk yard and/or for the operation of a wrecking yard, and for the operation of a waste material handling facility."

With respect to whether the Falks are operating a wrecking yard or a waste material handling facility, the Review Board finds that § 201.4 of the SFPC addresses the meaning of those terms and provides that they are to have an ordinarily accepted meaning such as the context implies. Therefore, the Review Board finds that the ordinary meaning of a wrecking yard is a business operation which accepts materials for crushing or dismantlement or for metal recycling similar to a scrap yard. Similarly, the Review Board finds that the ordinary meaning of a waste material handling facility is a business operation for the sorting of recyclable or other materials for resale. The evidence and testimony presented clearly indicates that the Falks are not operating either.

With respect to whether the Falks are operating a junk yard, again using § 201.4 of the SFPC<sup>1</sup>, the Review Board finds

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<sup>1</sup> The 2000 edition of the SFPC was in effect when the citation was made. The 2003 SFPC, which is currently applicable, contains identical requirements for operational permits and definitions, except that § 201.4 of the 2003 SFPC specifies that Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings. In determining the meaning of the term "junk yard," the Review Board considered definitions from Merriam-Webster's Collegiate Dictionary, Tenth Edition, the American Heritage Dictionary of the English Language, Fourth Edition and Princeton University's WordNet, 2003.

that the ordinary meaning of the term "junk yard" is a business operation for the resale of car parts, scrap metal or other previously used materials. While the Falks have a number of vehicles and different types of equipment at the site, there is no evidence that they have a business involving resale of any parts of the vehicles or equipment or that they have any operations which would qualify as junk yard operations.

In consideration of the second issue, the Review Board finds that the fire official, in his citation of § 304.1.1 of the SFPC for the accumulations of wood, weeds, combustible or flammable waste or rubbish, failed to give proper deference to the charging provision, § 304.1, in applying § 304.1.1. Section 304.1 states as follows:

"304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. (Emphasis added.)

As § 304.1.1 is a subsection of § 304.1, those materials identified in § 304.1.1 are only prohibited to the extent that they are creating a fire hazard in accordance with § 304.1.

The Review Board finds that the fire official did not specifically identify the materials that he considered to be creating a fire hazard at the site. Additionally, on review of the pictures of the site and in consideration of the testimony presented, the Review Board does not find any concentration of

materials or vegetation which create a fire hazard. Evidence was presented that the land has been used for farming in the past and it currently appears to have only the normal weed growth associated with fields sitting fallow. In addition, the various materials and vehicles on the property are placed in a fairly orderly and non-cluttered manner and are surrounded by ample open space. Furthermore, the areas of the property in question are not in close proximity to residential, commercial or industrial areas where there would be an immediate concern of the spread of fire.

#### IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the fire official's citations for the lack of an operational permit and for a violation of § 304.1.1 of the SFPC to be, and hereby are, overturned.

The appeal is granted.

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Chairman, State Technical Review Board

7/21/06

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Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Mary Ann Capp  
Appeal Nos. 14-1 and 14-10

Hearing Date: March 20, 2015

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

Mary Ann Capp (Capp), the owner of property in Montgomery County, appeals decisions of William Yeager (Yeager), the County building official, under Part I of the Virginia Uniform Statewide Building Code, known as the Virginia Construction Code, or VCC.

A private road on Capp's property crosses a creek and serves as an access to several properties, one of which is owned by Norman and Susan Gray (Grays), at 3000 Sugar Grove Road, in Christiansburg.

There was a private road agreement between Capp and the Grays permitting the Grays to use that road to access their property. In early 2013, a flood washed out the culverts used to cross the creek. Subsequent to the flood, Capp rescinded the private road agreement. Court action between the Grays and Capp ensued and injunctive relief was granted to the Grays to restore access across the creek while the right to use the road was litigated.

In May of 2013, Susan Gray filed a building permit application to Yeager under the VCC to install new culverts across the creek. A building permit was issued. Capp filed an appeal of the issuance of the permit. Before an appeal hearing to the Montgomery County Local Board of Building Code Appeals (local board) could be scheduled, Susan Gray withdrew the permit application and Norman Gray filed a permit application, listing himself as the contractor, for a bridge to be constructed across the creek. A building permit was issued by Yeager using the same building permit number that had been assigned to Susan Gray's permit. Capp then appealed the issuance of Norman Gray's permit to the local board, which conducted a hearing in November

of 2013 and ruled to uphold Yeager's decision. Capp further appealed the local board's decision to the Review Board and Review Board staff designated the appeal to the Review Board as Appeal No. 14-1.

Prior to a hearing before the Review Board on Appeal No. 14-1, in January of 2014, based on a letter from an engineer issued in November of 2013, Yeager approved the bridge as complying with the VCC. Capp appealed Yeager's approval of the bridge to the local board.

A hearing was conducted in June of 2014 and the local board ruled to uphold Yeager's decision. Capp further appealed the local board's decision to the Review Board and Review Board staff designated the appeal to the Review Board as Appeal No. 14-10.

Review Board staff combined Capp's appeals and a hearing before the Review Board was conducted with Capp and Norman Gray and their respective legal counsel, and Yeager, in attendance.

### III. FINDINGS OF THE REVIEW BOARD

The issue before the Review Board in Appeal No. 14-1 is whether Yeager erred in issuing the permit for the bridge without adequate plans and specifications or in violation of Capp's due process or equal protection rights.

Private bridges, under the VCC, are classified as Group U (Utility) under § 312 of the VCC and § 312.1 states in pertinent part as follows:

"Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy."

Section 109.1 of the VCC requires construction documents to be submitted with the application for a permit. However, the term "construction documents" is defined in Chapter 2 of the VCC as:

"Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit."

In addition, § 109.6 of the VCC addresses the acceptance of construction documents after a permit has been issued as follows:

"109.6 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of the building or structure shall proceed at the holder's risk with the building operation and without assurance that a permit for the entire structure will be granted."

The Review Board finds that the above provisions authorized Yeager to issue the permit for the bridge with the contingency stipulated in the May 30, 2013 correspondence from Yeager's office to Gray to require a professional engineer to perform a post-construction evaluation of the bridge for compliance with the VCC prior to final approval. Therefore, Yeager's decision to issue the permit for the bridge was authorized by the VCC.

The issue before the Review Board in Appeal No. 14-10 is whether Yeager erred in approving the bridge as complying with the VCC based on the professional engineer's post-construction evaluation.

The Review Board finds that Yeager should not have approved the bridge since design loads for the bridge were not adequately established. Section 312.1 of the VCC, as stated above, requires Group U structures to comply with the provisions of the code commensurate with the fire and life hazard. Chapter 16 of the VCC establishes structural requirements for buildings or structures. Section 1604.2 states in pertinent part:

"Loads and forces for occupancies or uses not covered in this chapter shall be subject to the approval of the building official."

Private bridge loads are not established in Chapter 16 of the VCC. Therefore, the VCC required Yeager to determine what loads the bridge would be subject to. Fire department apparatus access and anticipated truck, vehicle or farm equipment traffic

are examples of considerations. Adequate safety factors in the construction of the bridge for such loads would also need to be considered.

The Review Board further finds that the calculations and assessment provided by the professional engineer engaged by the Grays, and relied upon by Yeager in approving the bridge, did not address the actual construction materials used or provide any test results of the materials. Norman Gray testified at the hearing before the Review Board that the metal beams below the bridge deck were obtained from a salvage yard, and the evidence indicated that no concrete strength tests were performed during or after construction. In addition, the professional engineer's statement that "I feel that the construction materials and workmanship is more than adequate for the required usage[]" confirms that no tests or evaluations of the actual construction materials were performed.

Accordingly, Yeager's approval of the bridge was not justified and is contrary to the requirements of the VCC.

#### IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board (i) orders the decision of Yeager to issue the VCC permit for the bridge; and the local board's ruling to uphold that decision, to be, and hereby are,

upheld and (ii) orders the decision of Yeager to approve the bridge; and the local board's upholding of that decision, to be and hereby are, overturned.

  
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Chairman, State Technical Review Board

June 19, 2015  
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

Virginia:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Appeal of Isle of Wight County  
Appeal No. 16-9

Hearing Date: January 20, 2017

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing & Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

Around September of 2016, Chicora Hipp (Hipp) went to the Isle of Wight County Central Permitting office to obtain a

zoning permit for a detached storage building on her property, located at 17271 Mogarts Beach Road in Smithfield. While at the county offices, staff from the Isle of Wight Department of Inspections (County building department), the agency responsible for the enforcement of Part I of the 2012 Virginia Uniform Statewide Building Code (VCC), told Hipp she would be required to obtain a building permit for the construction of the building based on the county's policy on the exemption for farm buildings and structures in VCC Section 102.3(6). The department gave Hipp a copy of the County's policy.

As a result, Hipp filed an appeal in September to the Isle of Wight Board of Building Code Appeals (local appeals board) which heard the appeal in November of 2016 and overturned the decision of the County building department which requires a building permit for the proposed storage building.

The County building department further appealed to the Review Board.

The hearing before the Review Board was attended by a representative of the County building department. Hipp was not in attendance.

#### FINDINGS OF THE REVIEW BOARD

With respect to whether there was an application of the VCC

(i.e. USBC) in this appeal, the Review Board finds there was sufficient evidence to indicate that an application occurred when the County provided Hipp with a copy of its policy.

During testimony, the building department representative testified that the County established a written policy in accordance with VCC Section 102.3 to help clarify and explain what types of buildings and structures were exempt from No. 6 of the section entitled "Farm buildings and structures." The County testified that it used language from several sections of the Code of Virginia relating to farm-related activities in developing its policy.

Section 102.3 of the VCC reads, in part:

"102.3 Exemptions. The following are exempt from this code:"

Furthermore, Section 102.3(6) states in pertinent part:

"Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to floodproofing regulations or mudslide regulations, as applicable."

The Review Board finds that Section 102.3(6) shown above and the definition of "Farm Building or Structure" in found Chapter 2 of

the VCC, and listed below, sufficiently clarify what types of buildings or structures are exempt from the VCC.

From VCC Chapter 2:

"FARM BUILDING OR STRUCTURE. A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations"

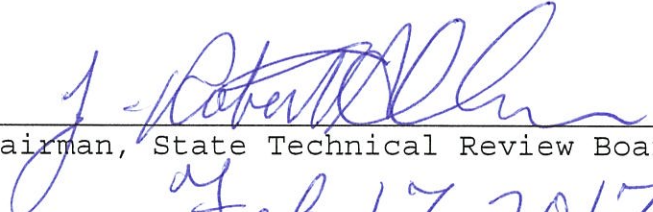
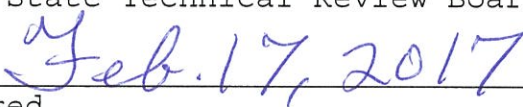
From the documents Hipp submitted, she intends to use the proposed building for sheltering her own horses, an activity clearly exempted under No. 2 in the above section.

The Review Board notes that the farm building or structure exemption in Section 102.3(6) is not based on the amount of income the owner derives from operation of the property, and although zoning ordinances may be predicated on one's income, they are not under the purview of the Review Board. The Review

Board also notes that the definitions for "farmer" and "farm structure" from the Code of Virginia (Code) that the County used in developing its policy do not apply in this matter, as they are pulled from unrelated portions of the Code.

III. FINAL ORDER

The appeal hearing has been given due regard, and for the reasons set out herein, the Review Board orders the decision of the County building department to be overturned, and the City appeals board to be, and hereby is, upheld.

  
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Chairman, State Technical Review Board  
  
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Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Alan McMahan,

Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Deborah Caldwell-Bono and Benny Bono  
Appeal No. 17-6

DECISION OF THE REVIEW BOARD

Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Case History

Deborah Caldwell-Bono and Benny Bono (Bonos) appeal to the Review Board from a decision of the County of Roanoke Building Code Board of Adjustments and Appeals (County appeals board), which upheld a determination of the County of Roanoke building commissioner that a building on property adjacent to property where the Bonos live and across a public road from an equestrian center operated by the Bonos was a farm building and not subject to the Virginia Uniform Statewide Building Code (state building code) due to a statutory exemption for farm buildings under the laws governing the state building code. The building in question is located at 5198 Blacksburg Road and owned by Kimberly Bolden and her mother. In addition to housing farm equipment and supplies, portions of the building are used for wedding events and were alleged by the Bonos to be used for a time as a residence by Ms. Bolden's son.

D In the proceedings before the County appeals board, the building commissioner, through legal counsel, raised two jurisdictional issues; whether the Bonos had a right to appeal and whether they filed a timely appeal. The issue of the Banos' right of appeal was questioned based on the statutory provision governing appeals under the state building code and requiring an appealing party to be aggrieved by the decision being appealed.

The County appeals board considered both jurisdictional issues and ruled that the Bonos were aggrieved and that the appeal was timely filed. In the appeal to the Review Board, the Bonos asserted that the building commissioner was barred from raising those jurisdictional issues since the building commissioner did not appeal the decision of the County appeals board to the Review Board.

B A hearing was held before the Review Board with the Bonos and building commissioner and their respective legal counsel present. Ms. Bolden was present but did not participate in the proceedings.

The Review Board limited its proceedings to only consideration of whether the building commissioner was barred from raising the jurisdictional issues heard by the County appeals board and whether the Banos were aggrieved as required by the statute governing appeals under the state building code.

#### Findings of the Review Board

Relative to the issue of the right of the building commissioner to raise jurisdictional issues in the appeal to the Review Board irrespective of whether the building commissioner further appealed the County appeal board's decision on those issues; proceedings before the Review Board are de novo (see § 36-115 of the Code of Virginia). The building commissioner

appeal the County appeal board's decision to preserve the right to raise the jurisdictional issues in the Bonos' appeal to the Review Board.

With respect to the issue of whether to dismiss the Bonos appeal due to their lack of standing as an aggrieved party, the Review Board finds that Virginia courts have provided guidance in determining whether a party is aggrieved. In Virginia Supreme Court cases, the court has held that to have standing, a person's rights have to be affected by the disposition of the case and that to be an aggrieved party, the party has direct interest in the subject matter and an immediate, pecuniary and substantial interest, and not a remote or indirect interest. In addition, the court has held that to be aggrieved, there is a denial of some personal or property right, legal or equitable, or imposition of a burden or obligation upon a party different from that suffered by the public generally.

The Bonos' concerns are predominately related to noise and activity associated with the zoning approval obtained by Ms. Bolden from the County of Roanoke for wedding events. The Bonos have challenged the County's zoning approval in a separate action and the matter is pending in the courts. The decision of the building commissioner that the building is a farm building has no bearing on those issues; they may continue to the extent that the County's zoning approval stands irrespective of whether the building is exempt or subject to the state building code.

The remaining issue raised by the Bonos is a claim that the building in question is unsafe based on their engagement of an architect to contact the building commissioner with his concerns. The farm building on the adjacent property in question is more than fifty feet (50') from the Bono's property line. Additionally, the Bonos have no existing structures in proximity to the property line. Therefore, while it is true that there are no standards for farm buildings due to the statutory exemption from the state building code, the issue of safety is more applicable to building occupants

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than to the Bonos. Consequently, that issue does not make the Bonos aggrieved by the building commissioner's decision.

Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the County appeals board to be, and hereby is, vacated, and the Bonos' appeal to the Review Board to be, and hereby is, dismissed for lack of standing since the Bonos are not an aggrieved party as required by the statute governing appeals under the state building code.

B  


Chairman pro tem, State Building Code Technical Review Board

Date entered:      /    / 23 / (      )

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon Hodge, Acting Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Sidney Harris  
Appeal No. 20-02

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On March 2, 2020 the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of Part 1 of the 2015 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), performed an inspection of the property owned by Sidney Harris (Harris) located at 5615 Hope Park Road in Fairfax County. The inspection resulted in the issuance of a Stop Work Order (SWO). On April 28, 2020, the County confirmed the violations still existed; On May 15, 2020, the County issued a Notice of Violation (Notice) citing violations to VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals.

Harris filed a timely appeal to the Fairfax County Board of Building Code Appeals (local appeals board) stating, all structures located on the property were code compliant and that the SWO issued referenced a different property. The local appeals board denied the appeal. Harris

further appealed to the Review Board, after receiving the decision of the local appeals board, on August 5, 2020 asserting that the structures were farm buildings used to support farming operations.

A virtual Review Board hearing was held January 22, 2021. Appearing at the Review Board hearing for Fairfax County were Richard Grace, Margaret Delean, Gary Wallace, Dan Willham, Svantje Swider, and Sara Silverman, legal counsel. Sidney Harris, Angela Harris, and Chief Rosa Holmes-Turner attended the hearing on behalf of Sidney Harris.

### III. Findings of the Review Board

- A. Whether the buildings and structures on the property located at 5615 Hope Park Road, identified in the Notice, are farm buildings and structures in accordance with VCC Section 102.3 (Exemptions) #9 and as defined in Chapter 2 of the VCC.
- B. Whether to uphold the decision of the County and the local appeals board that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals exist.

Sidney Harris, through his witness, argued that the property had been a farm since 1895. Harris argued that the stocked fishpond, fruit trees, and chickens on site served as proof that the property was a farm and thus the buildings on the property were farm buildings supporting farm operations. He further argued that the farm was being used for outreach to the youth of Fairfax County ages 12-19 to teach them life skills.

The County, through legal counsel, argued that the property was a junkyard/storage yard. The County pointed out to the Review Board that the building provisions of the Code of Virginia, §36-97, defines farm buildings or structures as not residential and part of farming operations. The County argued that the property was not a farm because no farming operations take place on the

property. The County also pointed out to the Review Board that §36-97 does not define farm operation; however, farm operation is defined in many other places throughout the Code of Virginia. The County argued that in those definitions, the business of farming is discussed and that Mr. Harris had not testified that the farming operations on the property were a business such as selling chickens and/or fruit. The County additionally argued that the size of the buildings on the property were greater than 256 square feet and required permits, inspections, and final approvals.

The Review Board agrees with Sidney Harris that the structures cited in the Notice are farm buildings supporting farming operations in accordance with VCC Section 102.3 (Exemptions) #9 and the definition of “Farm building or structure” in Chapter 2 of the VCC. The Board also finds that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals do not exist. The Review Board notes that the farm building or structure exemption is VCC Section 102.3 (Exemptions) #9 is not based on the amount of income the owner derives from the operation on the property. The Review Board also notes that the definition of farm operations, provided by the County in its argument, do not apply in this matter as they were pulled from unrelated portions of the Code of Virginia.<sup>1</sup>

#### IV. Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

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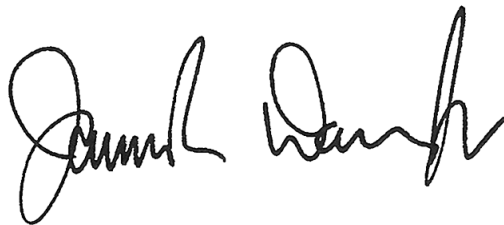
<sup>1</sup> See Review Board Case No 16-9

- A. Whether the buildings and structures on the property located at 5615 Hope Park Road, identified in the Notice, are farm buildings and structures in accordance with VCC Section 102.3 (Exemptions) #9 and as defined in Chapter 2 of the VCC.

The decision by the County and local appeals board that the structures cited in the NOV are not farm buildings supporting farming operations in accordance with VCC Section 102.3 (Exemptions) #9 is overturned.

- B. Whether to uphold the decision of the County and the local appeals board that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals exist.

The decision by the County and local appeals board that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals exist is overturned.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_ March 19, 2021 \_\_\_\_\_

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of George and Carrie Schiano  
Appeal No. 24-03

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On January 16, 2024, the Prince William County Department of Development Services, Building Development Division (County), the agency responsible for the enforcement of Part 1 of the 2018 Virginia Uniform Statewide Building Code (VUSBC), issued a Notice of Violation (NOV) to George and Carrie Schiano (Schiano), for a detached residential accessory structure on the property located at 7480 Falkland Drive, in Prince William County, for construction without the required inspections, citing VUSBC Section 113.3 *Minimum inspections* and providing the following description:

*“Required Inspection Not Obtained - Failure to obtain required Inspections ABANDONED PERMITS BLD2022-03634, PLB2022-02019, & ELE2022-04191 (24.1' x 28.1' EXISTING RELOCATED DETACHED ACCESSORY STRUCTURE TO INCLUDE A HALF-BATH (TOILET AND SINK)).”*

Schiano filed an appeal to the Prince William County Building Code Board of Appeals (local appeals board). The local appeals board found that:

*“The Appellant failed to provide documentation with support information requested by the Building Official upon review of the Appellant’s submission of the Farm Exemption Worksheet that was found to be deficient and incomplete. The information requested by the Building Official included a new Zoning approval consistent with the use of the building/property, evidence that the property is used as a farm, and evidence that the building is supporting the farm. Therefor, the Board found the Notice of Violation BCE2024-00423 to be properly issued and enforceable, and the Board upholds the Building Officials Notice of Violation.”*

Note: The local appeals board finding is provided exactly as presented in the local appeals board decision.

On March 22, 2024, via email, the County issued a final determination stating in part:

*“Based on the testimony provided by Mr. Schiano (See Attached Transcript) during the Building Code Appeal Hearing APL2024-00007, I have determined that you are operating a farm at 7480 Falkland Drive. Furthermore, I have determined that the two-story detached accessory structure is a Farm Building.”*

The County further stated that the violations related to the building and electrical permits had been abated but the plumbing violation for the sewer connection inside the residential house has not been abated.

On March 26, 2024, Schiano further appealed to the Review Board.

Appearing at the Review Board meeting for Schiano was George Schiano. Appearing at the Review Board meeting for the County was Eric Mays, Building Official, and Chad Roop, Deputy Building Official.

### III. Findings of the Review Board

A. Whether to uphold the decision of the County and the local appeals board that the sewer connection inside the residential structure required inspections in accordance with VUSBC Section 113.3 Minimum inspections.

Schiano argued that the sewer line from the exempt farm building was not connected to the basement of his residential structure. Schiano argued that an “investigation of the premises”, as noted on the NOV, never took place because an “investigation of the premises” required a site

visit to his property on or before February 15, 2024 and a site visit never occurred. Schiano further argued that violations could not be “revealed”, as the NOV indicated, without a site visit. Schiano also argued the County was without authorization to issue an NOV based solely on the review of the project file and that a site visit was required to issue the NOV.

The County argued that the sewer line connected to the basement of the residential structure, as identified in the approved sewer lateral inspection on March 15, 2022, is not exempt from the VUSBC and required the minimum inspections in accordance with the VUSBC. The County also argued that an “investigation of the premises” was standard language on the County NOV, approved by the County Attorney. The County further argued that when the County investigates a project, the investigation may include a record review of the project file, review of the project building plans, review of aerial history via the county GIS system, and when necessary, a site visit. The County argued that it made several requests to visit the property and Schiano either ignored or refused the request. The County concluded its argument to this point by stating that often, based on the potential violation, a record review of the project file is a sufficient investigation to address the matter, which was the case with Schiano.

The Review Board found that the sewer connection inside the residential structure required the minimum inspections in accordance with VUSBC Section 113.3 *Minimum Inspections* because the sewer connection inside the residential structure was not exempt from the VUSBC and required a permit in accordance with VUSBC Section 108.1 *When applications are required*; therefore, also requiring minimum inspections in accordance with VUSBC Section 113.3 *Minimum inspections*.

B. Whether to uphold the decision of the County and local appeals board that the building official is authorized to require the specific facts and/or evidence, listed on the Prince William County Farm Building and Structure Building Exemption Worksheet, to determine

whether the detached accessory structure is exempt from the VUSBC pursuant to VUSBC Section 102.3 Exemptions Item #9 and definition of a farm building or structure as defined in VUSBC Section 202.

Schiano argued that the residential accessory structure was originally an exempt farm building which he wanted to convert into an accessory structure for residential use, to become part of his dwelling, due to his growing family. Schiano further argued that he applied for the required permits to change the status of the building from an exempt farm building to a residential accessory structure. Schiano argued that he later abandoned his permits because of his desire for the residential accessory structure to revert to being an exempt farm building. Schiano also argued that the County did not have the authority to request facts and/or evidence to support the conversion of the residential accessory structure back to an exempt farm building.

The County concurred that the accessory structure was originally an exempt farm building and that Schiano wanted to convert the exempt farm building into a residential accessory structure for residential use. The County also concurred that Schiano purchased the required permits for the conversion of the exempt farm building into a residential accessory structure for residential use. The County also confirmed that building plans had been reviewed and approved, and several inspections had been conducted under all permits. The County argued that requests were made, on several occasions, for Schiano to provide facts and/or evidence verifying that the use of the residential accessory structure was being reverted back to an exempt farm building and Schiano refused to provide the requisite facts and/or evidence. Additionally, the County argued that, not only did the building official have the authority to ask for facts and/or evidence related to all permit applications submitted to the building department in order to gain full understanding of the scope of any project, but that it was the duty and responsibility of

the building official to ask questions and/or request facts or evidence when necessary to ensure the full scope of the project was understood by the building official.

During the hearing before the Review Board, the County confirmed that Schiano provided the necessary facts and/or evidence at the local appeals board hearing that the use of the residential accessory structure had been reverted back to an exempt farm building; therefore, after the local appeals board hearing, the County approved the exemption to the VUSBC for the accessory structure deeming it once again a farm building exempt from the VUSBC. Additionally, this issue is no longer ripe for decision at this time.

While this question is no longer ripe for decision, the Review Board orders can be helpful resources for citizens and building officials. Building Officials are generally required establish facts and/or evidence to administer the building code. This includes determining whether a structure is a farm building or structure, exempt from the VUSBC, VUSBC exemptions, including the farm building or structure exemption, is part of the VUSBC and building officials are charged with interpreting and enforcing the VUSBC including the provisions regarding exemptions. Additionally, building officials cannot discharge those statutory responsibilities unless the building official has adequate information regarding the claim of exemption. Furthermore, as an agency of the Commonwealth, the Review Board does not have the same powers as a court of law such as injunctive relief or declaratory judgements. Agencies are generally empowered to make case decisions and thus their decisions typically do not set binding precedent.

C. Whether to uphold the decision of the County and the local appeals board not to provide a refund for the abandonment of the building project in accordance with VUSBC Section 107.1.2 Refunds.

Schiano argued that he received an automatic notice form the County stating that if he did not respond to the notice by a specified date that his permits would be deemed abandoned.

Schiano further argued that he intentionally did not respond to the automatic notice because he wanted to abandon the permits. Schiano also argued that he requested a refund in writing via email to the County.

The County argued that the Schiano never requested in writing for a refund of his permit fees in accordance with VUSBC Section 107.1.2 *Refunds* and the County adopted FY 2024 fee schedule. The County further argued that Schiano did verbally request a refund in the local appeals board hearing. The County further argued that, after the local appeals board hearing, Schiano's verbal request was treated as a written request in accordance with VUSBC Section 107.1.2 *Refunds* and the County adopted FY 2024 fee schedule and that the County processed the request within the parameters of the county adopted FY 2024 fee schedule. Lastly, the County argued that Schiano was not eligible for a refund for abandonment of the building project because of the work already performed for the project, such as plan review, permit issuance, and inspections performed under all issued permits.

The Review Board found that the denial of the refund was in accordance with the VUSBC Section 107.1.2 *Refunds* based on the work completed on the building project and the remaining inspection needing to be performed.<sup>1</sup>

#### IV. Conclusion

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether to uphold the decision of the County and the local appeals board that the sewer connection inside the residential structure required inspections in accordance with VUSBC Section 113.3 *Minimum inspections*.

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<sup>1</sup> VUSC Section 107.1.2 *Refunds* only requires the Building Official to refund monies after deducting for work performed. In this case, the record showed that the costs of the work performed exceeded the balance remaining.

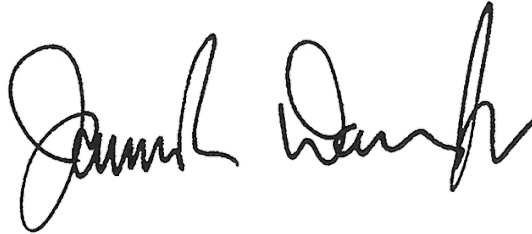
The decision of the County and local appeals board that the sewer connection inside the residential structure required inspections in accordance with VUSBC Section 113.3 *Minimum inspections*, is upheld, because the sewer connection inside the residential structure is not exempt from the VUSBC and required a permit in accordance with VUSBC Section 108.1 *When applications are required*; therefore, also requiring minimum inspections in accordance with VUSBC Section 113.3 *Minimum inspections*.

B. Whether to uphold the decision of the County and local appeals board that the building official is authorized to require the specific facts and/or evidence, listed on the Prince William County Farm Building and Structure Building Exemption Worksheet, to determine whether the detached accessory structure is exempt from the VUSBC pursuant to VUSBC Section 102.3 Exemptions Item #9 and definition of a farm building or structure as defined in VUSBC Section 202.

The decision of the County and local appeals board that the building official is authorized to require specific facts and/or evidence to determine whether the residential accessory structure was exempted from the VUSBC, is upheld, because the building official is authorized to require specific facts and/or evidence to determine whether a structure is a farm building or structure, exempt from the VUSBC, because the list of exemptions, including the farm building or structure exemption, is in the VUSBC and the building official is charged with interpreting and enforcing the VUSBC including the provisions regarding exemptions. Additionally, the building official cannot discharge those statutory responsibilities unless the building official has adequate information regarding the claim of exemption.

C. Whether to uphold the decision of the County and the local appeals board not to provide a refund for the abandonment of the building project in accordance with VUSBC Section 107.1.2 *Refunds*.

The decision of the County and local appeals board not to provide a refund for the abandonment of the building project, is upheld, because the denial of the refund was in accordance with the VUSBC Section 107.1.2 *Refunds* based on the work completed on the building project, and remaining inspection needing to be performed.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_ July 19, 2024 \_\_\_\_

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Poole, Brooke, and Plumlee (Dieffenbach)  
Appeal No. 25-11

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On February 18, 2025, the City of Chesapeake Development and Permits Department (City), the agency responsible for the enforcement of Part 1 of the 2021 Virginia Uniform Statewide Building Code (VUSBC), issued a Notice to Correct for an accessory structure on the property located at 2349 Baum Road, in the City of Chesapeake, for construction without the required permits citing VUSBC Sections 108.1 *When applications are required*, 113.3 *Minimum inspections*, and 116.1 *General; when to be issued* and cited the following requirements to be completed by March 1, 2025:

- a) *“Obtain the applicable building and trade permits for the construction of the building in a timely manner.*
- b) *Complete the necessary inspections and any third-party engineering and/or certifications in a timely manner.*
- c) *Obtain certificate of occupancy for the building as appropriate for its use.”*

On March 5, 2025, the City issued a Notice of Violation (NOV) to Dieffenbach, for construction without the required permits citing VUSBC Sections 108.1 *When applications are required*, 113.3 *Minimum inspections*, and 116.1 *General; when to be issued* and cited the following requirements to be completed by April 6, 2025:

- a) *“Obtain the applicable building and trade permits for the construction of the building in a timely manner.*
- b) *Complete the necessary inspections and any third-party engineering and/or certifications in a timely manner.*
- c) *Obtain certificate of occupancy for the building as appropriate for its use.”*

Jessica Dieffenbach (Dieffenbach), Trustee for the property, through legal counsel Poole, Brooke, and Plumlee, filed an appeal to the City of Chesapeake Local Board of Building Code Appeals (local appeals board). The local appeals board considered both the Notice to Correct and the Notice of Violation and upheld both decisions of the City reflected in its May 22, 2025 decision. On June 20, 2025, Dieffenbach, through legal counsel, further appealed to the Review Board.

Appearing at the Review Board meeting for Dieffenbach were Michael Dieffenbach, Jessica Dieffenbach, and legal counsel, Paul Schmidt. Appearing at the Review Board meeting for the City of Chesapeake were Lee Ostheller, Wendy Tabler, and legal counsel, Jessica Hadley and Joseph Miller, Jr.

### III. Findings of the Review Board

A. Whether to overturn the decision of the City and the local appeals board that a violation of VUSBC Section 108.1 *When applications are required* exists.

B. Whether to overturn the decision of the City and the local appeals board that a violation of VUSBC 113.3 *Minimum inspections* exists.

C. Whether to overturn the decision of the City and the local appeals board that a violation of VUSBC Section 116.1 *General; when to be issued* exists.

Dieffenbach, through legal counsel, argued that the structure is a farm building located on a working farm. Dieffenbach argued that the structure is exempt from the VUSBC pursuant to §36-99(B). Dieffenbach further argued that the structure fits the definition in §36.97 for a farm building or structure as the structure is primarily used for farming operations. Dieffenbach also argued that the structure contains the business office for farm operations and is used to store and maintain farm equipment, store supplies and materials for farming operations, and display and sell produce. Dieffenbach further argued that the building was not a restaurant. Dieffenbach argued that the agritourism events held in the structure were incidental to the primary use of the structure, were acceptable uses of a farm structure, and did not invalidate their exemption as a farm building or change the use of the structure from its primary use as a farm building. Lastly, Dieffenbach argued that the speculative proof of the use of the structure(s) on the property provided by the City was limited to social media posting and testimony by city staff that had never visited the property.

The City, through legal counsel, argued that the structure was originally constructed as a farm building in 2019. The City further argued that the application for the farm exemption filed in 2019 did not indicate the use of the structure as the business or office use for farming operations. The City argued that the structure is no longer being used primarily for farming operations because the owners have fundamentally changed the use of the structure by renting it out as event space; therefore, the structure is no longer a farm building. The City further argued that the structure was currently being used as an assembly building, making it imperative that the City review the structural integrity of the building along with the electrical, plumbing, and mechanical features of the building.

The Review Board found that the use of the structure in question was being used primarily as a farm structure in accordance with the allowable exception in the definition of a farm structure in VUSBC Section 202 and the business office within the structure was used 365 days per year to

support farming operations, farm equipment was stored and maintained within the structure, and the structure was not a residence, restaurant, or structure in the flood plain.

#### IV. Conclusion

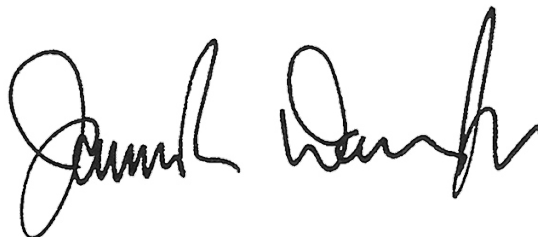
The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether to overturn the decision of the City and the local appeals board that a violation of VUSBC Section 108.1 *When applications are required* exists.

B. Whether to overturn the decision of the City and the local appeals board that a violation of VUSBC 113.3 *Minimum inspections* exists.

C. Whether to overturn the decision of the City and the local appeals board that a violation of VUSBC Section 116.1 *General; when to be issued* exists.

The decision of the City and local appeals board that a violation of VUSBC Sections 108.1.1 *When applications are required*, 113.3 *Minimum inspections*, and 116.1 *General; when to be issued* exists, is overturned, because the use of the structure in question was being used primarily as a farm structure in accordance with the allowable exception in the definition of a farm structure in VUSBC Section 202 and the business office within the structure was used 365 days per year to support farming operations, farm equipment was stored and maintained within the structure, and the structure was not a residence, restaurant, or structure in the flood plain.



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Chair, State Building Code Technical Review Board

Date entered \_\_\_\_\_ February 19, 2026 \_\_\_\_\_

As required by VCC 119.9: “As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.”

As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency.” See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.



Abigail Spanberger  
Governor

Carrie Cheney  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Tamarah Holmes, PhD  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### **Memorandum**

**To:** Board of Housing and Community Development

**From:** DHCD Staff

**Subject:** Private Activity Bond Updates

**Date:** July 2, 2026

The Code of Virginia charges the Board with developing guidelines for allocation of the state's private activity bond allocation to local housing authorities (LHA) and the Governor's Pool (State Allocation). Based on the Board approved guidelines, DHCD processes requests for volume cap allocation from the LHA allocation and the Governor's Pool (as approved by the Governor).

Staff will provide updates on the 2026 LHA and Governor's Pool Allocations to date. Additionally, staff is working on updates to the 2027 draft guidelines which will be presented to the Board for consideration at the October meeting. No action is needed at this time.

Enclosure



# Update on Private Activity Bonds

Peter E. Mahoney  
Senior Advisor  
July 13, 2026



## Executive Summary

- DHCD plays a key role in administering the allocation and issuance of tax-exempt “private activity bonds” supporting Virginia’s housing and industrial development sectors.
- DHCD directly administers the “Local Housing Authority” pool to finance affordable multifamily rental housing funded by tax-exempt bonds issued by local housing and redevelopment authorities. In addition, DHCD reviews and recommends to the Governor applications for bond issuance authority for these localities using the “Governor’s Discretionary Pool.”
- Year-to-date, DHCD has facilitated the creation, rehabilitation or preservation of over 3,000 units of long-term affordable housing through this allocation of tax-exempt issuance authority from the LHA Pool and the Governor’s Discretionary Pool.
- In the recently completed session of the General Assembly, lawmakers increased the percentage of total tax-exempt issuance authority devoted to housing, increasing the LHA Pool as well as the percentage reserved to Virginia Housing.
- The Board approves the published guidelines through which DHCD reviews and decisions applications for LHA Pool allocation. Following DHCD’s engagement with interested stakeholders DHCD intends to bring proposed revisions to these guidelines to the October 2026 meeting to be effective in 2027.

## Background

The federal tax code permits states to authorize issuance of tax-exempt bonds to finance certain permitted “private activities” (Private Activity Bonds, or “PABs”), including financing the construction, rehabilitation or preservation of affordable multifamily rental housing.

The Code of Virginia sets aside specified amounts of the Commonwealth's annual limited PAB issuing authority (for 2026, ~\$1.45 Billion) into four allocation pools, and further requires DHCD to:

- Calculate and publish on an annual basis the Commonwealth's PAB “volume cap” in accordance with Internal Revenue Code guidelines
- Through Board approval, to periodically publish guidelines for the allocation of PAB allocation to Local Housing Authorities (the “LHA Pool”), currently 14% of Virginia's annual cap, and to review and approve qualifying applications for allocation
- To implement administrative procedures to vet applications for allocation and to recommend qualifying applications to the Governor for approval using her discretionary authority (the “Governor's Pool”), currently 18% of Virginia's annual cap
- To cooperate with each of Virginia Housing and the Virginia Small Business Financing Authority (the “IDA Pool”) in administering its portion of annual volume cap, currently 43% and 25% of Virginia's annual cap, respectively
- To facilitate transferring unallocated volume cap from the LHA Pool, the Governor's Pool and the IDA Pool to Virginia Housing for its use as “carryforward” volume cap for future bond issuance

## 2026 LHA and Governor's Pool Allocations

Through two rounds of announced application periods, the first concluding in February and the second in April, DHCD has executed its mandate to promote affordable rental housing:

- DHCD awarded more than \$165 million in tax-exempt allocation directly through the LHA Pool, funding 13 projects in 9 localities across the Commonwealth.
- In addition, DHCD recommended, and the Governor provided approval, for more than \$128 million in tax-exempt allocation through the Governor's Discretionary Pool, funding 9 projects in 5 localities across the Commonwealth.
- The cumulative impact of these allocations is supporting the creation, rehabilitation or preservation of 2,304 units of long-term, affordable rental housing.

As publicly announced, DHCD will accept additional applications for tax-exempt allocation on a rolling basis through the remainder of 2026. Given the LHA Pool is nearly exhausted, we expect to submit recommendations for the \$87 million of remaining allocation in the Governor's Discretionary Pool through the third quarter.

## 2027 Guideline Revisions

DHCD currently plans to bring proposed revision to the published LHA Pool guidelines for the Board's consideration at its October, 2026 meeting.

Revisions are required to reflect the recent revisions to the Code of Virginia increasing the percent of total volume cap allocated to the LHA Pool from 14% to 17% for 2027 and forward.

In addition, staff is considering modifications to the guidelines for the following purposes:

- To simplify the application scoring criteria, which were revised in 2025 to account for federal tax code changes included in HR 1, adopted in 2025 and revising certain qualifying criteria for affordable rental housing financing rules.
- To revise certain documentation requirements for applications, to streamline content and create more ready validation by DHCD of applicant representations.
- To reflect the input of stakeholders that DHCD will elicit through public meetings with local issuers, affordable housing developers, partners in other Commonwealth agencies and interested members of the public.

# THANK YOU



### Contact Us

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