

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT MEETING
June 17, 2002
Richmond, Virginia

Members Present

Mr. Richard Ahuja
Mr. Don Bosserman
Ms. Nancy Bright
Ms. Susan Dewey
Mr. Michael Gelardi
Mr. John Kilgore
Ms. Rene Miller
Mr. Phillip Paquette
Mr. Evans Thomas
Mr. William Thompson

Members Absent

Mr. James Benson
Mr. Gary Bowman

Call to Order

Ms. Nancy Bright, Chairman, called the meeting of the Board of Housing and Community Development to order.

Roll Call

The roll was called by Mr. Stephen Calhoun of the Department's Policy Office. A quorum was present.

Approval of Minutes

A motion was made to approve the minutes of the April 15, 2002 meeting of the Board. The motion was seconded and passed unanimously.

Public Comment

The Chairman opened a public comment period for persons wishing to address the Board. Several persons had signed up to speak.

The first speaker was Mr. Lynn Underwood of Arlington County. Mr. Underwood recommended that the Board continue to move forward with the adoption of the International Building Code. The next speaker was Ms. Nancy McNabb of National Fire Protection Association (NFPA) in Dallas, Texas. Ms. McNabb reviewed the arrangement and advantages of the NFPA5000 Building Code. Ms. McNabb indicated that the NFPA 5000 would be published in July.

The next speaker was Mr. Greg Revels of Henrico County. Mr. Revels, a member of the State Building Code Technical Review Board (TRB), reviewed a recent resolution adopted by the TRB requesting the Board of Housing and Community Development to expedite the incorporation of the International Codes into Virginia building and fire regulations. Mr. Revels reviewed the role and membership of the TRB.

The next speaker was Mr. Steven Shaprio of Hampton, Virginia. Mr.

Shaprio spoke about the adoption of the International Codes throughout the county and encouraged the Board to continue to move forward to adopt the codes in Virginia. Mr. Charles Gerber of Henrico County and Mr. Bill Dupler of Chesterfield County also spoke in favor of the Board adopting the International Codes. Mr. Dupler reported that Virginia has been a key participant in the development of the International Building Code. Mr. Mike Toalson of the Home Builders Association of Virginia also spoke in favor of the International Building Code.

Mr. Jack Proctor, Deputy Director of the Division of Building and Fire Regulation for the Department, provided an overview of the model building code issues presented by speakers. Mr. Proctor reviewed the process of adoption of regulations and the work of Department staff and outside interest groups during the past year.

Ms. Bright thanked each of the speakers for the information they provided on building codes. Ms. Bright requested that, once the NFPA5000 is published and available, DHCD staff conduct a thorough comparative study between the International Building Code and the NFPA5000. This study would show the differences between the two codes as well as how the codes would impact or interact with other regulations in Virginia. Ms. Bright requested that the study include input from interest groups throughout Virginia.

Ms. Bright recommended that, for the current code update cycle, the Board continue to move forward with the building code amendment process that was started last year. The Board agreed with the recommendation and the request for a comparative study.

Introductions

Mr. Bill Shelton, Director of the Department of Housing and Community Development, introduced Mr. Bill Diamond of the Office of the Attorney General. Mr. Diamond will be working with the Board on various legal issues. Mr. Shelton also introduced Mr. Basil Gooden, the Principal Deputy Director of the Department. Mr. Gooden briefly spoke about his background and his interests in housing and community development.

Report of the Housing Committee

Mr. Richard Ahuja, chairman of the Housing Committee, provided an overview of the morning meeting of the Committee. Mr. Ahuja provided information and a brief history of the Virginia Housing Partnership Fund (VHPF) and reviewed the proposed allocation of

VHPF money for this year. A motion was made to adopt the proposed allocations. The motion was seconded and passed unanimously. A copy of the approved allocation is attached to and made a part of these minutes as Appendix 1.

Mr. Ahuja also reported on the Consolidated Plan Action Plan. A motion was made for the Department staff to approve the draft Action Plan and for staff to continue efforts and public hearings to complete the Plan. The motion was seconded and passed unanimously.

Report of the Code
and
and Standards
Committee

Ms. Bright reported on the morning meeting of the Codes Standards Committee. During the April meeting of the Committee, staff was directed to conduct research on several building and fire code issues. Department staff researched these issues and received input from the Office the Attorney General on several concerns. This information was presented to and reviewed by the Committee.

The Committee recommended amendments to the Statewide Fire Prevention Code relating to fireworks. The amendments were made to comply with state legislation enacted during the 2002 General Assembly session. A motion was made to adopt the regulatory amendments. The motion was seconded and passed unanimously. A copy of the adopted amendments is attached to and made a part of these minutes as Appendix 2.

The Committee also recommended that the Board approve the proposed schedule of adoption of building and fire prevention regulations. A motion was made to approve the schedule. The motion was seconded and passed unanimously. A copy of this approved schedule is attached to and made a part of these minutes as Appendix 3.

Virginia Manufactured
Housing Board

Mr. Curtis McIvor, Associate Director in the Division of Building and Fire Regulations, presented information on the Virginia Manufactured Housing Board. Mr. McIvor provided information on manufactured housing in Virginia and the role of the Virginia Manufactured Housing Board.

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Report of the Director	<p>Mr. Shelton reported on the Governor's recent announcement of Community Improvement Grant Awards under the Community Development Block Grant Program (CDBG). Mr. Shelton also reported on recent efforts to increase housing opportunities for the disabled and a study on issues related to housing for the disabled to be conducted this year. Mr. Shelton provided an update on the work of the Governor's Economic Crisis Strike Force and the opening of a Coordinated Economic Relief Center in Southwest Virginia.</p> <p>Mr. Shelton reminded Board members of the Virginia Housing Conference 2002 to be held in Roanoke, Virginia September 11-13, 2002. Mr. Shelton also provided an update on the Central Sprinkler Glass Bulb O-ring Sprinkler recall. Mr. Ed Altizer, State Fire Marshal, reported that sprinkler testing is currently underway in Virginia.</p>
VHDA Report	<p>Ms. Susan Dewey, Executive Director of the Virginia Housing Development Authority (VHDA), reported that funding for the federal Low-Income Housing Tax Credit Program will be presented to the VHDA Board on Tuesday June 18, 2002. Ms. Dewey also provided an update on the VHDA Strategic Plan and key areas identified in the Housing Needs Assessment that will be addressed.</p>
Report of the Virginia Fire Services Report	<p>Mr. Phillip Paquette provided a report of the Virginia Fire Service Board (VFSB). Mr. Paquette reported on the recent meeting of the VFSB Board in Colonial Heights, Virginia. Mr. Paquette, also reported on the work of the Code Change Committee and a recent Firefighter memorial service.</p>
Board Matters	<p>Mr. Richard Ahuja provided an overview of a recent meeting of the Virginia Association of Housing Counselors in Norfolk, Virginia. Mr. Ahuja was a speaker at this meeting.</p>
Unfinished Business	None
New Business	None
Future Meetings	<p>The next Board meeting will be held on Monday, July 15, 2002 in Richmond, Virginia.</p>
Adjournment	<p>Upon a motion duly made and seconded, the meeting was adjourned.</p>

Appendix 1
VIRGINIA HOUSING PARTNERSHIP FUND

Based on VHDA's report for operations of the Virginia Housing Partnership Fund through March 31, 2002, it appears that approximately \$6.0 million in revenues will be generated for the fiscal year. These revenues are split between interest earnings (1/3) and principal payments (2/3).

The Department recommends that \$500,000 remain unreserved to cover VHDA management fees and DHCD operation costs, and that the remaining balance of approximately \$5.5 million be used for program allocations as follows:

Affordable Housing Production and Preservation (AHPP) - \$ 3.5 million to be used for multifamily rental housing, congregate housing, and other special-needs or elderly rental housing projects.

Single Family Regional Loan Fund (SFRLF) - \$2.0 million to be combined with VHDA Housing Fund money to create a pool of below-market-rate loans for lower-income (60% AMI), first-time homebuyers.

Appendix 2

CHAPTER 51 VIRGINIA STATEWIDE FIRE PREVENTION CODE

13 VAC 5-51-11. Chapter 1, Administration, Section F-101.0. Scope.

A. F-101.1. Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code (SFPC), hereinafter referred to as "this code" or "SFPC." The term "chapter" means a chapter in the SFPC. The SFPC was cooperatively developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development.

B. F-101.2. Scope: The SFPC prescribes regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and provides for the administration and enforcement of such regulations. The SFPC requires manufacturers of fireworks or explosives, as defined in the SFPC, to register and report information concerning their manufacturing facilities and methods of operation within this Commonwealth in accordance with the SFPC. The SFPC also establishes regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. Inspections under the SFPC are a governmental responsibility.

C. F-101.3. Purpose: The purposes of the SFPC are to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, including fireworks, explosives and blasting agents, wherever located.

D. F-101.4. Validity: To the extent that any provisions of the SFPC or the referenced codes or standards are not within the scope of this chapter, those provisions are considered to be invalid. When any provision of the SFPC is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid.

E. F-101.5. Local regulations: Any local governing body may adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations are not more restrictive than the USBC and do not affect the manner of construction or materials to be used in the erection, alteration, repair, or use of a building or structure.

F. F-101.6. Exemption: Farm structures not used for residential purposes are exempt from the SFPC. Exception: Inspections or reinspections of farm buildings, structures, property, or premises under search warrants issued pursuant to §27-98.2 of the Code of Virginia are not exempt from the SFPC. When they are based upon a demonstration that, for the protection of life and property from the hazards of fire or explosion, the alleged unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, are probably occurring on such premises.

13 VAC 5-51-180. BNFPC Section F-3101.0 General.

A. Change subsection F-3101.1 to read:

F-3101.1. Scope: The manufacture, display, sale and discharge of fireworks shall comply with the provisions of this chapter ~~and §59.1-148 of the Code of Virginia.~~

B. Change subsection F-3101.2 to read:

F-3101.2 Approval required: Approval shall be required for the display, sale or discharge of fireworks. Unless prohibited by a local ordinance, the provisions of this chapter pertaining to fireworks shall not apply to the sale of or to any person using, igniting or exploding permissible fireworks on private property with the consent of the owner of such property.

Exceptions:

1. Any officer or member of the armed forces of this Commonwealth, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.

2. The sale or use of materials or equipment, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

C. Change subsection F-3101.3 to read:

F-3101.3 Approval issuance for fireworks displays: Application for approvals shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The sale, possession, discharge and distribution of fireworks for such display shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any such approval be extended beyond the dates set out therein. Approvals shall not be issued to any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

D. Add subsection F-3101.4 to read:

F-3101.4 Fireworks manufactures: Manufacturers of fireworks or explosives shall register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with the SFPC.

Exception: The manufacturers of permissible fireworks.

13 VAC 5-51-181. BNFP Section F-3102.0. Definitions.

Change subsection F-3102.1 to read:

F-3102.1. General: The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this code, have the meanings shown herein.

~~Fireworks: Fireworks include any combustible or explosive composition, and any substance and combination of substances and articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. Fireworks shall include any firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, is intended or commonly known as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than sparks.~~

~~The term "fireworks" shall not include items such as sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels, commonly known as whirligigs or spinning jennies, when used, ignited or exploded on private property with the consent of the owner of such property. Any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any~~

explosive or inflammable compound or substance, and is intended, or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air. Permissible fireworks: Any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

13 VAC 5-51-182. BNFPC Section F-3103.0. Sale and discharge.

A. Change subsection F-3103.1 to read:

The rules and regulations for fireworks shall be in accordance with NFPA 1123 and 1124 listed in Chapter 44. The rules and regulations for pyrotechnics shall be in accordance with NFPA 1126 listed in Chapter 44.

B. Change subsection F-3103.2 to read:

F-3103.2. Violations: A person shall not manufacture, store, offer or expose for sale, sell at retail or discharge any fireworks, except for the approved supervised display of fireworks and legal fireworks on private property with the consent of the owner of such property.

C. Change subsection F-3103.5 to read:

F-3103.5 Sale of fireworks: ~~Any~~ Unless prohibited by a local ordinance, any resident wholesaler, dealer or jobber shall not be prohibited from selling at wholesale such fireworks as are not herein prohibited, or the sale of any fireworks under any one of the following conditions:

1. Fireworks shipped directly out of state.
2. Fireworks utilized by railroads or other transportation agencies for signal purposes or illumination.
3. Blank cartridges utilized for a show or theater.
4. Fireworks utilized for signal or ceremonial purposes at athletic events.
5. Fireworks utilized by the military.

The storage of fireworks by such wholesalers, dealers and jobbers shall comply with Section F-3004.0.

Appendix 3
ESTIMATED PROPOSED TIME SCHEDULE (4/30/02)
Amendment of Building and Fire Related Regulations

<u>WHAT</u>	<u>WHO</u>	<u>WHEN</u>
1. Obtain Secretary and DPB approval (NOIRA)	Secy./DPB	February 20, 2002
2. Obtain Governor approval (NOIRA)	Governor	April 29, 2002
3. File NOIRA w/ Registrar and Town Hall	Staff	April 30, 2002
4. VA Register published (start 30 day NOIRA comment period)	Code Commission	May 20, 2002
5. NOIRA public comment period ends (max. 180 days to file proposed w/ DPB)	Staff	June 21, 2002
6. Send BHCD Package	Staff	July 5, 2002
7. Review NOIRA comment and adopt proposed regs.	Board	July 15, 2002
8. Send proposed regs. to ATG	Staff	July 22, 2002
9. Obtain ATG's approval	Attorney General	July 29, 2002
10. Send proposed regs. DPB (max. 180 days from close NOIRA comment period)(max. 45 days analysis)	Staff	July 31, 2002
11. Obtain DPB, Secretary and Governor's approval	DPB/Sec./Governor	September 16, 2002
12. File proposed regs. w/ Registrar and Town Hall (NLT 14 days after approval)	Staff	Before noon September 18, 2002
13. VA Register published (start comment period, min. 60 day)	Code Commission	October 7, 2002
14. Hold Public Hearing	Board	November 18, 2002
15. Public comment period ends	Staff	December 9, 2002
16. Send BHCD package	Staff	January 9, 2003
17. Send summary to public commenters	Staff	January 9, 2003
18. Review public comment and adopt final regs	Board	January 21, 2003
19. Send final regs. to ATG	Staff	February 4, 2003
20. Obtain ATG's approval	Attorney General	February 12, 2003
21. Submit to Secretary	Staff	February 19, 2003
22. File final regs. w/ Registrar and Town Hall	Staff	February 19, 2003
23. Virginia Register published	Code Commission	March 10, 2003
24. Gubernatorial/Legislative/Citizen review ends	Governor/GA/Citizen	April 9, 2003
25. Final regs. become effective	Board	July 1, 2003