



Glenn Youngkin  
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# COMMONWEALTH of VIRGINIA

Bryan W. Horn  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

December 30, 2022

### MEMORANDUM

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

**FROM:** Kyle Flanders

**SUBJECT:** January 9, 2023 Board of Housing and Community Development Meeting

Enclosed is the agenda and information package for the Board of Housing and Community Development meeting to be held on Monday, January 9, 2023. The full Board will convene at 10:00 a.m.

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 during the meeting.

If you will not be able to attend the Board meeting, please contact me as soon as possible. I can be reached by e-mail at [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) or by telephone at 804-786-6761. Please let me know if you have any questions or if I can be of assistance. I look forward to seeing you at the meeting.

Enclosure



# AGENDA

## BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Monday, January 9, 2023

Virginia Housing Center

4224 Cox Road, Glen Allen, VA

Public Comment before the Board will begin at 10:00 a.m.

**In addition to in-person public comment, there will be a virtual public comment option.**

Please contact [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) to sign up for the virtual comment forum.

### **Virtual Information (Public Comment period only)**

Video call link: <https://meet.google.com/iyr-kuih-fzn>

Or dial: (US)+1 219-281-4784

PIN: 490 996 527#

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|-------|--|----------------|
| I.    | OPENING  |                |
|       | a. Call to Order                                 | Chairman       |
|       | b. Roll Call                                     | Kyle Flanders  |
|       | c. Public Comment                                | Chairman       |
| II.   | CONSENT AGENDA                                   | Chairman       |
|       | o <i>Approval of Minutes</i> : December 12, 2022 |                |
| III.  | ELECTRONIC MEETING POLICY                        | DHCD Staff     |
| IV.   | PRIVATE ACTIVITY BOND UPDATE                     | DHCD Staff     |
| V.    | REPORTS AND INFORMATION                          |                |
|       | a. Virginia Housing Report                       | Susan Dewey    |
|       | b. Report of the Virginia Fire Services Board    | Claudia Cotton |
|       | c. Report of the Director                        | Bryan Horn     |
| VI.   | UNFINISHED BUSINESS                              | Board members  |
| VII.  | NEW BUSINESS                                     | Board members  |
| VIII. | BOARD MATTERS                                    | Board members  |
|       | o COIA Filing                                    |                |
| IX.   | FUTURE BOARD MEETING DATES                       | Bryan Horn     |
|       | o March 13, 2023                                 |                |
| X.    | ADJOURNMENT                                      | Chairman       |

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**December 12, 2022**

**10:00 A.M.**

**Glen Allen, Virginia**

**Public Comment Link - <https://youtu.be/h5fBUqHnDV0>**

Members Present

Louie Berbert  
Claudia Cotton  
Susan Dewey  
Sean Farrell  
Richard Gregory  
Sylvia Hallock (arrived late)  
Keith Johnson  
Brett Meringoff  
Larry Murphy (arrived late)  
Patricia “Patty” Shields  
J.M. Snell  
Mark Trostle

Members Absent

Mark Jackson  
Abigail Johnson

Call to Order

Mr. Brett Merignoff, Chairman of the Board of Housing and Community Development, called the meeting of the Board to order at 10:00 am.

Roll Call

The roll was called by Mr. Kyle Flanders of the Department of Housing and Community Development’s (DHCD) Policy Office. Mr. Flanders reported that a quorum was present.

Public Comment

Mr. Meringoff indicated that virtual comment would be offered first, followed by in-person comment and that each speaker would have one minute to speak with one half hour total allotted for virtual comment. Mr. Meringoff noted the order of meetings.

Mr. Ross Shearer spoke in support of proposals for residential energy efficiency and changes to incorporate sprinklers.

Ms. Judy Gayer spoke in support of adopting energy efficiency proposals to help reduce greenhouse gas and improve long term cost savings.

Ms. Allison Cook of Arlington spoke against adoption of the single staircase proposal.

Ms. Meredith Haines, of the Virginia Grassroots Coalition, spoke in support of energy efficiency proposals and solar and EV readiness proposals.

Mr. Mike Trauberman, of the City Falls Church Environmental Sustainability Council, spoke in support of energy efficiency proposals and recommended adoption of the 2021 IECC without amendment.

Mr. Andrew Milliken, Chairman of the Fire Services Board Codes and Standards Subcommittee, spoke in opposition to the Board's decision not to consider certain non-consensus items at their October meeting.

Mr. Jeff Shapiro, speaking on his own behalf, spoke in opposition to the Board's decision not to consider certain non-consensus items at their October meeting, and voiced concerns in how non-consensus items are considered.

Mr. Dan Wilham spoke in opposition to the single staircase proposal and in support of energy efficiency proposals.

Mr. Lee Stoermer spoke in favor of adopting the changes to the State Fire Marshal's office fees and in support of adopting changes regarding residential sprinklers. He spoke in opposition to the single staircase proposal.

Mr. Keith Brower spoke in support of the comments of Mr. Shapiro and Mr. Milliken.

Ms. Olivia Jurcisin spoke on behalf of energy efficiency proposals and electric ready homes.

Mr. Meringoff noted the conclusion of virtual comment and opened the in-person comment portion.

Mr. Robby Dawson, of the National Fire Protection Association (NFPA), noted how the current code update process erodes the NFPA ecosystems cog regarding government responsibility and expressed that the Board should reconsider the actions of October.

Ms. Susan Stillman spoke in opposition to proposals below the model energy code standards for manufacturing and warehouse buildings.

Mr. Bill Penniman, representing the Virginia Sierra Club, spoke in support of energy efficiency proposals. He indicated the long term cost and environmental impacts of adopting the proposed regulations with amendments to the model energy codes.

Mr. Eric Lacey, representing Responsible Energy Codes Alliance, spoke in support of adoption of the 2021 IECC, specifically noting opposition to appendix CB for manufacturing and warehouses.

Mr. Bob Shippee, speaking on behalf of himself, spoke in support of adopting energy efficiency proposals for the benefit of future generations and long term cost savings.

Mr. Glen Besa, spoke on behalf of adopting proposals at least to the level of the model code, noting the rebates that may be available via the Inflation Reduction Act. He also supported changes to support EV readiness.

Mr. John Walser spoke on behalf of Fairfax County in support of comments of Mr. Dawson and Mr. Milliken and noted public safety concerns with not hearing all the non-consensus proposals.

Ms. Page Wessaling spoke in support of affordable and safe homes and in opposition to fossil fuel appliances and infrastructure.

Mr. Brad Creasy, Executive Director of the Department of Fire Programs, spoke in support of adopting changes to the fees for the State Fire Marshal's Office.

Adjournment

A motion was made and seconded to adjourn the meeting until the conclusion of the committees. The meeting was adjourned at 10:33 a.m.

Reconvene

Mr. Meringoff, reconvened the meeting of the Board at 12:06 p.m.

Approval of Minutes

A motion was made and properly seconded to approve the minutes of the October 3, 2022, meeting of the Board; the motion passed on a voice vote.

Report of the Codes and Standards Committee

Mr. Rick Gregory, Chairman of the Codes and Standards Committee, summarized the recommendations of the Codes and Standards Committee for the Board.

The committee recommendation in the form of a standing motion to approve the proposed regulations for the Statewide Fire Prevention Code, to include the repeal of Chapter 51 and the adoption of Chapter 52, was presented. The motion passed with 11 yeas, 0 nays, and 1 abstention.

The committee recommendation in the form of a standing motion to approve the proposed regulations for the Uniform Statewide Building Code, was presented. The motion passed with 11 yeas, 0 nays, and 1 abstention.

The committee recommendation in the form of a standing motion to approve the proposed regulations for the Industrialized Building Safety Regulations, was presented. The motion passed with 12 – yeas, 0 nays, and 0 abstentions.

The committee recommendation in the form of a standing motion to approve the proposed regulations for the Virginia Amusement Device Regulations, was presented. The motion passed with 12 – yeas 0 nays, and 0 abstentions.

Housing and Community Development Committee Report

Mr. Meringoff provided a summary of the work of the Housing and Community Development Committee.

The committee recommendation in the form of a standing motion to approve the amendments to the Annual Action Plan was presented. The motion passed on a voice vote.

The committee recommendation in the form of a standing motion to initiate a periodic review for the Enterprise Zone regulations was presented. The motion passed on a voice vote.

The committee recommendation in the form of a standing motion to approve the amendments to the Private Activity Bond Guidelines was presented. The motion passed on a voice vote.

- VFSB Report Ms. Claudia Cotton noted that the Fire Services Board met in December for a retreat of the Board. She noted that the Board requested an update on the status of the MOU and that the Board also plans to draft a letter to the Secretary regarding the code update process.
- Virginia Housing Report Ms. Susan Dewey, CEO of Virginia Housing, reported that Virginia Housing would begin utilizing the next iteration of the State Housing Opportunity Tax Credit soon.
- Report of the Director Mr. Bryan Horn, Director of DHCD, noted that the Governor would be releasing his budget soon and that the next Board meeting would be in January.
- Unfinished Business There was no unfinished business to be discussed.
- New Business There was no new business to be discussed.
- Board Matters Assistant Attorney General Representative Justin Bell indicated he could provide the Board information on virtual meetings at the next meeting.
- Future Meetings The next meeting of the Board will be January 9, 2023.
- Adjournment Upon a motion duly made and seconded, the meeting was adjourned.

**THE [INSERT BOARD] 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 [INSERT Board, Authority, Commission] or any committee, subcommittee, or other entity of the [Board, Authority, Commission].

b. “**Member**” means any member of the [BOARD].

c. “**All-virtual public meeting**”, means a public meeting conducted by the [BOARD] 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 25 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 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.

**THE [INSERT BOARD] 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 [INSERT Board, Authority, or Commission] or any committee, subcommittee, or other entity of the [Board, Authority, or Commission].

b. “**Member**” means any member of the [BOARD].

c. “**Remote participation**” means participation by an individual member of the [BOARD] by electronic communication means in a public meeting where a quorum of the [BOARD] 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, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) 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)—(iii) 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, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location 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.