



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 6, 2020

MEMORANDUM

TO: Board of Housing and Community Development Members

FROM: Kyle Flanders

SUBJECT: March 16, 2020 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, March 16. A public hearing on the proposed regulations will be held at 10:00 a.m. The public hearing will be followed by a meeting of the Codes and Standards Committee. Upon conclusion of the Codes and Standards Committee the Housing and Community Development Committee will meet. The last meeting of the day will be the regular meeting of the Board.

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 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
Codes and Standards Committee
Monday, March 16, 2020
Glen Allen, VA

To begin at the conclusion of the Public Hearing; the Public Hearing begins at 10:00 a.m.

- | | | |
|------|---|---------------|
| I. | OPENING | |
| | a. Call to Order | Chairman |
| | b. Roll Call | Kyle Flanders |
| II. | CONSENT AGENDA | Chairman |
| | o <i>Approval of Minutes</i> : December 16, 2019 | |
| III. | FINAL REGULATIONS | Chairman |
| | <i>Actions Item</i> | |
| | o Uniform Statewide Building Code:
Cooling Regulations | |
| IV. | CODE CHANGE SCHEDULE | DHCD Staff |
| | <i>Action Item</i> | |
| V. | UNFINISHED BUSINESS | Board members |
| VI. | NEW BUSINESS | Board members |
| VII. | ADJOURNMENT | Chairman |

AGENDA

BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Housing and Community Development Committee

Monday, March 16, 2020

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 | Kyle Flanders |
| II. | CONSENT AGENDA | | Chair |
| | o | <i>Approval of Minutes</i> : January 28, 2020 | |
| III. | ANNUAL ACTION PLAN UPDATE | | DHCD Staff |
| IV. | NEW BUSINESS | | Board members |
| V. | ADJOURNMENT | | Chair |

AGENDA

BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Monday, March 16, 2020

Glen Allen, VA

Meeting to begin upon conclusion of the Housing and Community Development Committee

- | | | |
|-------|---|-----------------|
| 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> : January 28, 2020 | |
| III. | REPORT of the CODES and STANDARDS COMMITTEE | Committee Chair |
| | <i>Action Items</i> | |
| | o Adopt Final Cooling Regulations | |
| | o Adopt Updated Tentative Code Change Schedule | |
| IV. | LEGISLATIVE UPDATE | DHCD Staff |
| V. | REPORTS AND INFORMATION | |
| | a. VHDA Report | Susan Dewey |
| | b. Report of the Virginia Fire Services Board | Richard Gregory |
| | c. Report of the Director | Erik Johnston |
| VI. | UNFINISHED BUSINESS | Board members |
| VII. | NEW BUSINESS | Board members |
| VIII. | BOARD MATTERS | Board members |
| IX. | FUTURE BOARD MEETING DATES | Erik Johnston |
| | o May 11, 2020 | |
| | o June 26, 2020 (Friday) | |
| X. | ADJOURNMENT | Chairman |

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
Codes and Standards Committee
MEETING
10:15 A.M., December 16, 2019
Glen Allen, Virginia

Members Present

Sonny Abbasi
Sean Farrell
Andrew Friedman
Richard Gregory
Helen Hardiman
Abby Johnson
Keith Johnson
Brett Meringoff (10:22 a.m.)
Earl Reynolds
Jeff Sadler
Steve Semones
Patricia “Patty” Shields

Members Absent

Mimi Elrod

Call to Order	Mr. Sonny Abbasi, Chairman of the Codes and Standards Committee, called the meeting to order at 10:15 a.m.
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.
Approval of Minutes	A motion was made and properly seconded to approve the minutes of the September 16, 2019, meeting of the Committee; the motion passed.
Report of the Statewide Fire Prevention Code	Mr. Steve Semones, Chairman of the Statewide Fire Prevention Code Development Committee reported the committee recommendations. After discussion, Ms. Helen Hardiman seconded the standing motion to adopt the proposed regulations for the Statewide Fire Prevention Code. The motion passed on a 10-1 vote.
Proposed Regulations	A motion was made and seconded to adopt proposed regulations for the Uniform Statewide Building Code. The motion passed unanimously.

A motion was made and seconded to adopt proposed regulations for the Industrialized Building Safety Regulations. The motion passed unanimously.

A motion was made and seconded to adopt proposed regulations for the Virginia Amusement Device Regulations. The motion passed unanimously.

A motion was made and seconded to adopt proposed regulations for the Virginia Certification Standards. The motion passed unanimously.

A motion was made and seconded to adopt proposed regulations for the Manufactured Home Safety Regulations. The motion passed unanimously.

Mandatory Energy
Training

Mr. Abbasi yielded the floor to Ms. Cindy Davis, Deputy Director of Building and Fire Regulation at DHCD to summarize the proposed mandatory energy training.

Ms. Sandra Morris, Director of the Jack A. Proctor Virginia Building Code Academy was recognized. Ms. Morris read aloud an email of support addressed from the Building Code Academy Advisory Committee for the proposed mandatory energy training.

After discussion, a motion was made and seconded to approve the policy change. The motion passed unanimously.

Code Change Schedule

Ms. Davis summarized the status of the code change process and the schedule for the final phase of the process.

A motion was made and seconded to approve the code change cycle schedule. The motion passed unanimously.

Unfinished Business

There was no unfinished business to be discussed.

New Business

There was no new business to be discussed.

Adjournment

Upon a motion duly made and seconded, the meeting was adjourned.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
Housing and Community Development Committee
10:08 A.M., January 28, 2020
Richmond, Virginia

Members Present

Sonny Abbasi
Susan Dewey
Richard Gregory (10:20)
Helen Hardiman
Keith Johnson (10:21)
Brett Meringoff
Steve Semones
Patricia Shields (10:10)

Members Absent

Mimi Elrod
Andrew Friedman
Earl Reynolds

Call to Order	Ms. Helen Hardiman, Chair of the Housing and Community Development Committee, called the meeting to order at 10:08 a.m.
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 not present.
Housing Updates	<p>Ms. Pamela Kestner, Deputy Director of Housing at DHCD provided an overview and update on the US Department of Housing and Urban Development (HUD) required Consolidated Plan and the Annual Action Plan.</p> <p>After discussion, staff indicated to Ms. Hardiman that a quorum was now present.</p>
Approval of Minutes	A motion was made and properly seconded to approve the minutes of the September 16, 2019, meeting of the Committee; the motion passed.
Enterprise Zone Withdrawal	Mr. Flanders gave the committee an overview of the Enterprise Zone Action/Notice of Intended Regulatory Action (NOIRA) that had been posted to Town Hall and the Virginia Register in 2009/2010. He explained that there had not been further action by the Board regarding this item and subsequent, separate changes had been made to the Enterprise Zone regulations. Mr. Flanders recommended that the Action/NOIRA be withdrawn. Mr. Erik Johnston, Director of DHCD, indicated the withdrawal would not impact the current

regulations. A motion was made and properly seconded to withdraw the NOIRA. The motion passed.

Industrial Revitalization
Fund Guidelines

Ms. Rebecca Rowe, Associate Director of Community Development at DHCD provided an overview of the Industrial Revitalization Fund (IRF) program. She noted that the proposed changes to the guidelines were presented at various input sessions and via direct solicitation of previous grantees and applicants. No written feedback had been received and verbal comments were positive or neutral. A motion was made and properly seconded to adopt the amended guidelines. The motion passed.

Unfinished Business

There was no unfinished business to be discussed.

New Business

There was no new business to be discussed.

Adjournment

Upon a motion duly made and seconded, the meeting was adjourned.

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
MEETING
10:25 A.M., January 28, 2020
Richmond, Virginia**

Members Present

Sonny Abbasi
Susan Dewey
Sean Farrell
Richard Gregory
Helen Hardiman
Keith Johnson
Brett Meringoff
Steve Semones
Patricia “Patty” Shields

Members Absent

Mimi Elrod
Andrew Friedman
Abigail Johnson
Earl Reynolds
Jeff Sadler

Call to Order	Mr. Steve Semones, Chairman of the Board of Housing and Community Development, called the meeting of the Board to order at 10:25 a.m.
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	There was no comment.
Approval of Minutes	A motion was made and properly seconded to approve the minutes of the December 16, 2019, meeting of the Board; the motion passed.
Resolution	Mr. Semones presented Mr. John Patrick Carr a resolution thanking him for his tenure and leadership on the Board of Housing and Community Development.
Report of the Housing and Community Development Committee	Ms. Helen Hardiman, Committee Chair, summarized the recommendations of the Housing and Community Development Committee. A standing motion from the committee was properly seconded to approve amended guidelines for the Industrial Revitalization Fund. The motion passed.

A standing motion from the committee was properly seconded to approve the withdrawal of a Notice of Intended Regulatory Action (NOIRA) relating to the Enterprise Zone Program. The motion passed.

Housing and Community Development Ms. Pamela Kestner, Deputy Director of Housing at DHCD provided an overview of homeless programs as well as related data and data collection methods at both the state and local level.

Reports and Information Ms. Susan Dewey, Chief Executive Officer of Virginia Housing, provided an update on the plan to address housing affordability in connection the upcoming construction of Amazon's HQ2 in Northern Virginia. She noted that \$75 million over the next five years is being dedicated by VHDA to affordable housing in Northern Virginia.

Mr. Richard Gregory reported that the next Virginia Fire Services Board meeting is scheduled to take place in February.

Mr. Erik Johnston, Director of DHCD, noted that DHCD staff would provide a full legislative update to the Board during the March meeting. Mr. Johnston also gave an overview of the Governor's announcements related to Housing and Community Development since the last Board meeting.

Unfinished Business Mr. Flanders noted that regulations approved at December's meeting are scheduled to be published in the Virginia Register on February 3. He noted that a public comment forum will be available via Town Hall, email, mail, fax, etc.

New Business There was no new business to be discussed.

Board Matter Mr. Flanders noted that the deadline for completion of conflict of interest disclosure forms was February 3.

Future Meetings Mr. Johnston notified the Board that the next meeting will take place on March 16th and would include a public hearing. The following two meetings will take place on May 11th and June 26th.

Adjournment Upon a motion duly made and seconded, the meeting was adjourned.



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COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 6, 2020

Memorandum

To: Board of Housing and Community Development Members

From: Erik C. Johnston, Director

RE: Cooling Regulations

At the September 2019 meeting, the Board adopted Proposed Cooling Regulations based on a previously approved Emergency Regulation. The change amends 13VAC5-63-540 B 5 of the Virginia Maintenance Code (VMC) to lower from 80 to 77 degrees Fahrenheit, the maximum allowed temperature, where cooling is provided, in R-2 multifamily residences. Since adoption and approval of the Emergency Regulation, the regulation has included the following opportunities for input:

- Public comment through a Notice of Intended Regulation Action (NOIRA)
- A public hearing before the Board on July 22, 2019
- Discussion as a proposal in the combined workgroup on August 15, 2019
- A 60 day comment period for the proposed regulations
- A public hearing in December 2019

To date, there has not been opposition to the change in its current form. To permanently codify the change, staff recommends the Board approve the “final” regulation in its current form (no change from the text of the Emergency or Proposed Regulation). Approval of the final regulation will follow with publication in the Virginia Register and a 30-day final adoption period. Pending any petitions, the regulation will become permanently effective at the close of the final adoption period.

Final regulation:

5. Section 602.4 Cooling supply. Every owner and operator of a Group R-2 apartment building who rents, leases, or lets one or more dwelling units, rooming units, or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than ~~80°F (27°C)~~ 77°F (25°C) in all habitable rooms. The code official may also consider modifications as provided in Section 104.5.2 when requested for unusual circumstances or may issue notice approving building owners to convert shared heating and cooling piping HVAC systems 14 calendar days before or after the established dates when extended periods of unusual temperatures merit modifying these dates.

Exception: When the outdoor temperature is higher than the summer design temperature for the locality, maintenance of the room temperature shall not be required provided that the cooling system is operating at its full design capacity. The summer outdoor design temperature for the locality shall be as indicated in the IECC.

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**2018 Regulatory Cycle
FINAL PHASE**

Tentative Schedule

February 3, 2020	Proposed regulations for SFPC, USBC, VADR and IBSR published in Virginia Register. Public hearing date published with the regulations.
Feb. – April 2020	Public comment period on proposed regulations for SFPC, USBC, VADR and IBSR.
February 2020	Provide notice to the VFSB of the public hearing date.
March 16, 2020	Public hearing for SFPC, USBC, VADR and IBSR (VFSB members to sit with BHCD for public hearing on SFPC).
April 6, 2020	End Proposed Phase public comment period.
April 24, 2020	Deadline for submittal of proposals for 2018 SFPC, USBC, VADR and IBSR.
Mar – June, 2020	Workgroup meetings on proposals and issues.
June 26, 2020	BHCD’s SFPCDC meets to consider proposals for final regulation for the SFPC. BHCD’s CSC meets to consider proposals for final regulations for the SFPC, USBC, VADR and IBSR. Notification to VFSB of September joint meeting.
Sept. 2020	BHCD’s SFPCDC meets to review final regulation for SFPC. BHCD’s CSC meets to review final regulation for SFPC as recommended by SFPCDC and to review final regulations for USBC, VADR and IBSR. Immediately following Committee meetings, the joint meeting of VFSB and BHCD to consider approval of final regulations for SFPC followed by BHCD to consider approval of final regulations for the SFPC, USBC, VADR and IBSR.
Oct. 2020	Obtain statutory authority letter from Office of Attorney General for final regulations and obtain permission from Secretary of Commerce and Trade and Governor’s Office to publish final regulations.
Oct. - Nov. 2020	Final regulations for SFPC, USBC, VADR and IBSR published in Virginia Register.
Jan. – July 2021	2018 SFPC, USBC, VADR and IBSR become effective (pending any petitions received during the 30-day final adoption period following the publishing of the final regulations).



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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

March 6, 2020

Memorandum

To: Board of Housing and Community Development Members

From: Erik C. Johnston, Director

RE: Annual Action Plan

The Board of Housing and Community Development is responsible for the review/approval of the 2020 – 2021 Annual Action Plan. The Annual Action Plan is a component of the Consolidated Plan that is updated yearly. The plans are a HUD requirement that set priorities and goals for the use of HUD program funds that include the Community Development Block Grant (CDBG), Emergency Solution Grant (ESG), HOME Investment Partnership, Housing Opportunities for Persons with AIDS (HOPWA), and the National Housing Trust Fund (NHTF). For more information about the consolidated planning process, please see [DHCD Online](#).

The draft version of the Annual Action Plan is available online – [Action Plan Link](#). Final review/approval of the Annual Action Plan will be included as an action item for the May 11, 2020 Board Meeting agenda; the March meeting is informational/discussion only. The attached PowerPoint slides provide an overview of the Consolidated Plan/Annual Action Plan.

Enclosures

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Consolidated Plan and Annual Action Plan Process

Board of Housing and Community Development

March 16, 2020



What is the Consolidated Plan?

- **Housing and Urban Development (HUD) requirement**
 - **Consolidated Plan completed every 5 years with the following components**
 - **2020/21 Annual Action Plan is year three of the **five-year** plan**
 - **Action Plan and CAPER completed annually**
 - **Needs Assessment**
 - **Housing**
 - **Homelessness**
 - **Non-Homeless Special Needs Housing**
 - **Non-Housing Community Development**
 - **Strategic Plan**
 - **Market Analysis**
 - **Analysis of the Impediments to Fair Housing**

Resources included in the Plan

- **Community Development Block Grant (CDBG)**
- **HOME Investment Partnership (HOME)**
- **Emergency Solutions Grants (ESG)**
- **Housing Opportunities for Persons with AIDS (HOPWA)**
- **National Housing Trust Fund (NHTF)**

Input and Consultation

- **Annual Action Plan Input Sessions (January 2020)**
- **Homelessness Input Sessions (Emergency Solutions Grant) (October 2019)**

Input and Consultation

- **Initial Draft of the 2020/2021 Annual Action will be posted March 2, 2020**
- **Public Comment Period - October 1, 2019 - April 17, 2020**
- **Public Hearing - March 26, 2020 (announced in public legal notice)**
- **DHCD board review draft March 16, 2020**
- **DHCD Board review/approval May 11, 2020**
- **Submit to HUD May 2020**

CITIZEN PARTICIPATION

DHCD values input in developing its Consolidated Planning Process. DHCD's Citizen Participation Plan is listed below, along with a link to provide input.

- [Citizen Participation Plan](#)
- [Submit Feedback](#)



2018 FIVE-YEAR CONSOLIDATED PLAN DOCUMENTS

[Citizen Participation Plan](#)

[Analysis of the Impediments to Fair Housing](#)

[2019-2020 Action Plan](#)

[2018 Consolidated Plan](#)

[Summary of Public Comments](#)

2013 FIVE-YEAR CONSOLIDATED AND ANNUAL ACTION PLAN DOCUMENTS

DHCD's HUD Appropriation

Program	2019/2020	2020/2021	Change
Community Development Block Grant (CDBG)	\$18,152,427	\$18,711,859	+3%
HOME Investment Partnership	\$9,890,363	\$10,662,286	+7.8%
Emergency Solutions Grants (ESG)	\$2,885,391	\$3,008,913	+4.3%
Housing Opportunities for Persons with AIDS (HOPWA)	\$1,087,223	\$1,224,634	+12.6%
National Housing Trust Fund (HTF)	\$4,432,124	*\$4,432,124	TBD
Total	\$36,447,528	\$38,039,816	+4.4%

**Estimate -Allocation amount not yet available.*

CDBG Appropriation 2020 – 2021 Proposed Uses	2019/2020	2020/2021
DHCD's CDBG appropriation	\$18,152,147	\$18,711,859
Program Income	\$0	\$93,436
Recaptured Funds	\$500,000	\$1,400,000
Carry-Over Funds	\$10,717,788	\$11,990,296
Total	\$29,369,935	\$32,195,591
Proposed Uses		
State Administration	\$463,049	\$474,237
State Technical Assistance	\$181,524	\$187,118
Planning Grants	\$1,000,000	\$1,000,000
Prior Year Funding Commitments	\$2,500,000	\$2,143,875
Vibrant Community Initiative	\$1,000,000	\$1,275,000
CDBG Competitive Round	\$14,075,362	\$15,965,360
CDBG Open Submission (including Urgent Need-\$1 million, Regional Water/Wastewater-\$5.5 million)	\$10,150,000	\$11,150,000
Total	\$29,369,935	\$32,195,591

HOME Appropriation 2020-21 Proposed Uses	2019/2020	2020/2021
DHCD's HOME appropriation	\$9,890,363	\$10,662,286
Program Income	\$694,332	*\$650,000
Recaptured (HOME DPA) Funds	\$11,219	\$0
Total	\$10,595,914	\$11,312,286
Proposed Uses		
Affordable and Special Needs Housing Program (ASNH)	\$5,287,445	\$6,526,057
Fostering Futures (TBRA)	\$0	\$0
Homeownership (Down Payment Assistance)	\$1,500,000	\$1,500,000
Indoor Plumbing and Rehab (IPR) Homeowner Rehab	\$500,000	\$0
Rural Homeowner Rehab	\$1,000,000	\$0
CHDO Operating	\$0	\$90,000
Vibrant Community Initiative	\$1,250,000	\$2,000,000
State Administration (ten percent of appropriation and ten percent of program income)	\$1,058,469	\$1,196,229
Total	\$10,595,887	\$11,312,286

**Estimate*

Questions & Answers