

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
Statewide Fire Prevention Code Development Committee
December 12, 2022
10:42 a.m.
Glen Allen, VA

Members Present

Claudia Cotton (BHCD)
Keith Johnson (VFSB)
Sean Farrell (BHCD)
Brett Meringoff (BHCD)

Members Absent

Ernie Little (VFSB)
Scott Garber (VFSB)

Call to Order

Mr. Brett Meringoff, Chairman of the Statewide Fire Prevention Code Development Committee called the meeting to order at 10:42 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 October 3, 2022, meeting of the Committee; the motion passed on a voice vote.

Code Change Proposals

Ms. Cindy Davis, Deputy Director of Building and Fire Regulation at DHCD gave an overview of the materials presented to the Committee and explained how the code update process would proceed over the next few months. She noted that the Statewide Fire Prevention Code included a repeal of Chapter 51 and promulgation of Chapter 52; this change is occurring to accommodate the formatting of the Fire Code within the Virginia Administrative Code.

A motion was made and properly seconded to recommend approval of the proposed regulations for the Statewide Fire Prevention Code to include the repeal of Chapter 51 and the promulgation of Chapter 52.

Mr. Keith Johnson provided a statement to be included for the record (the statement is attached to these minutes).

Mr. Farrell responded to Mr. Johnson's remarks noting affordability is a key consideration for the Board in their deliberations.

Ms. Cotton noted the responsibility to balance various factors in adopting regulations and highlighted that it was an open, transparent, and robust process.

Mr. Johnson indicated interest in reconsidering a proposal regarding the State Fire Marshal Office fees. No motion was made.

A vote on the main motion was called, it passed with 3 yeas, 0 nays, and 1 abstention.

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.

BHCD Meeting Statement – December 12, 2022
Keith H. Johnson

I am here today as the sole representative of the Virginia Fire Services Board and as a representative of Virginia's Fire Service. As a member of this Board of Housing and Community Development, I wish to provide the following statement to be entered into the meeting minutes of the December 12, 2022, Board of Housing and Community Development Meeting.

At our past Board of Housing and Community Development meeting on October 3, 2022, Board of Housing members met to consider code proposals for the 2021 Virginia Code adoption process. Today, I am here representing the Virginia Fire Services Board to strongly object to the process that was used to get us to this point in the 2021 code process. As such, I and other members of the Virginia Fire Services Board who chose not to come, because quite frankly their voice doesn't matter, abstain from any vote, codifying the 2021 Uniform Statewide Building Code and the Statewide Fire Prevention Code as the process used, silenced the voices and work of Virginia's Fire Service.

In the Commonwealth of Virginia, the Governor delegates substantial powers to boards and commissions to make decisions regarding some of Virginia's most crucial issues. The Board of Housing and Community Development oversees Virginia's codes including the Uniform Statewide Building Code and the Statewide Fire Prevention Code. As Fire Chief of Loudoun County and Chair of the Virginia Fire Services Board, I reside on the Board of Housing and Community Development to be the voice of Virginia's fire service and suggest and promulgate code improvements, to keep the residents and visitors in the Commonwealth of Virginia safe from fires and other emergencies. I am proud of my service on these boards, as any action we can take at the state level around the prevention of fires will indeed save lives and property and keep my fellow firefighters out of harm's way.

Unfortunately, the current process for amending the fire and building codes through the Department of Housing and Community Development Board is flawed and disrespectful to the 556 registered fire departments and over 10,000 firefighters across the Commonwealth who risk their lives each day. Industry and special interest groups which do not represent the fire service have the vast majority of votes on this board and dominate meetings in an effort to keep their construction costs low by neglecting fire and life safety.

As the sole Fire Services representative on this board, I spent countless hours during the 2021 code process thoroughly researching and preparing my comments on each item that was to come before this board to include adding requirements around Carbon Monoxide detectors, requirements for residential sprinklers in townhouses, in-building communications, requirements for energy storage systems, and requirements for electrical vehicle charging stations which is a growing life safety issue in the Commonwealth of Virginia, and other extremely important life safety codes. Some of these proposals have been in the national model codes for years but are removed by the advocates of special interest groups during the Virginia Code process. Despite the prepared agenda allowing for discussion of these proposals, one member of the Board of Housing motioned to halt consideration and dialogue on 49 code proposals. Many of these 49 code proposals were extremely important to the fire service and the citizens of the Commonwealth. Workgroup members and safety advocates spent countless days and hours working together to reach a consensus, ultimately bringing these items before the Board for needed discussion and deliberation. But instead, members of this board, voted to bypass discussion and not allow the voice of Virginia's Fire Service to be heard surrounding the many common sense safety measures. And the Fire Service was not alone, many other proponents of code proposals were silenced, simply because you didn't want to sit through the testimony. If your reasoning was that these codes were considered "non-consensus", let me remind you that it only takes one person in a sub-workgroup for a code proposal to be considered non-consensus. With no opportunity for deliberation between the members of this board on these non-consensus items, that hardly represents a consensus process, where one person can force a life safety code proposal to not be voted upon.

This meeting and vote by this board was a watershed moment, but it was not unique. I ask each of you to reflect on your individual reason to vote to not allow even discussion on a life safety item, as only you can stand-up to you reason. As board members representing our profession or area of the Commonwealth, the decisions we make on this board quite literally can be the difference between life and death for someone involved in a residential fire, perhaps a member of one of our families. The process is broken, and the members of the Board of Housing and Community Development should show some respect for the men and women of the fire service, both career and volunteer, who walk into danger every day to save lives and protect the citizens of the Commonwealth of Virginia. You may have silenced the voice of Virginia's Fire Service on October 3rd, but I can assure you, we remain Fire Service Strong.