

**Minutes of the
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
May 13, 2024
11:17 AM
Virginia Housing Center
4224 Cox Road
Glen Allen, VA**

Members Present

Louie Berbert, Chair
Claudia Cotton
Sean Farrell (Virtual)
Lynne Goldberg (Virtual)
Rick Gregory, Vice Chair
Sylvia Hallock
Abigail Johnson (Virtual)
Keith Johnson (Virtual)
Roger Jones
Larry Murphy
Tammy Neale
J.M. Snell
Scott Stosser

Members Absent

Mark Trostle

DHCD staff present for all or part of the meeting:

Lyndsi Austin, Associate Director
Justin Bell, Assistant Attorney General
Cindy Davis, Deputy Director of Building and Fire Regulations
Bryan Horn, Director
Trisha Lindsey, Policy and Legislative Services Director
Andrew Malloy, Policy Analyst
Sandra Powell, Senior Deputy Director of Community Development and Housing
Chase Sawyer, Senior Policy Analyst
Grace Wheaton, Senior Policy Analyst
Todd Weinstein, Chief Deputy Director

Call to Order

Mr. Berbert, Chair of the Board of Housing and Community Development, called the meeting of the Board to order at 11:17 a.m. following the conclusion of the Housing and Community Development Committee.

Roll Call

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

- Virtual Participation A motion was made by Ms. Neale and seconded by Ms. Hallock to approve the virtual participation of Mr. Farrell, Ms. A. Johnson, Mr. K. Johnson, and Ms. Goldberg. The motion passed on a unanimous voice vote (YEAS: Berbert, Cotton, Gregory, Hallock, Jones, Murphy, Neale, Snell, Stosser; NAYS: None).
- Public Comment Mr. Berbert opened the floor for public comment. After seeing no speakers, Mr. Berbert closed public comment.
- Approval of Minutes A motion was made by Ms. Hallock and seconded by Mr. Jones to approve the minutes of the March 11, 2024, meeting of the Board. The motion passed on a unanimous voice vote (YEAS: Berbert, Cotton, Farrell, Goldberg, Gregory, Hallock, A. Johnson, K. Johnson, Jones, Murphy, Neale, Snell, Stosser; NAYS: None).
- Housing and Community
Development Committee
Report Mr. Berbert, as Chair of the Housing and Community Development Committee, reported that the Committee made two recommendations in the form of standing motions for the Board to consider.
- Mr. Berbert presented the standing motion from the Committee to approve the Consolidated and Annual Action Plan. There was no discussion. The motion passed on a voice vote (YEAS: Berbert, Cotton, Farrell, Goldberg, Hallock, A. Johnson, K. Johnson, Jones, Murphy, Neale, Snell, Stosser; NAYS: Gregory).
- Mr. Berbert presented the standing motion from the Committee related to Local Housing Authority (LHA) Private Activity Bonds (PAB) guidelines. The motion was to approve the revised LHA PAB guidelines as amended to strike “endorsing the project and” from page 6 of the guidelines (section 3.2 under “Threshold Requirements,” item #7, after “the project is located,”) and to require review of the revised guidelines prior to the start of the 2026 program year. There was no discussion. The motion passed on a voice vote (YEAS: Berbert, Cotton, Farrell, Goldberg, Gregory, Hallock, A. Johnson, K. Johnson, Jones, Murphy, Neale, Snell, Stosser; NAYS: None).
- Legislative Update Mr. Sawyer updated the Board on noteworthy legislation passed by the General Assembly and signed by the Governor during the 2024 Session.

Agritourism Event
Structure Technical
Advisory Committee
Update

Mr. Sawyer provided an update regarding the Agritourism Event Structure Technical Advisory Committee (AGTAC). Mr. Sawyer informed the Board that the State Building Code Technical Review Board (TRB) issued an interpretation that building officials are not responsible for enforcing the provisions of State Code discussed during the 2023 AGTAC meetings [§36-99(B)(1-3)].

The Board discussed the TRB interpretation and asked clarifying questions of staff. Staff explained that the enforcement limitation is due to State Code as farm buildings and structures are exempt from complying with the Uniform Statewide Building Code (USBC). The TRB determined that building officials have the authority to enforce only the provisions of the building code that are promulgated by the Board and not requirements that are only established in State Code such as §36-99(B)(1-3). Staff confirmed that there is currently no enforcement mechanism for the requirements of §36-99(B)(1-3). Mr. Farrell and Mr. K. Johnson concurred that the TRB interpretation is consistent with the 2023 AGTAC findings and recommendations.

Virginia Housing Report

Ms. Neale updated the Board on the public comment and recommendations to the Qualified Allocation Plan, detailing the selection criteria and application requirements for housing credits and tax-exempt bonds.

The Board discussed the volume of projects under Virginia Housing's tax credit programs.

VFSB Report

Mr. Snell updated the Board on the VFSB efforts to have a prototype live fire training structure ready prior to the VFSB June meeting. On June 1, 2024, a service for fallen firefighters will be held at the Richmond Raceway.

Report of the Director

Mr. Horn invited Ms. Davis to report on Building Safety Month. Ms. Davis shared that the International Code Council (ICC) celebrates code professionals during May with local events. There will be an event on May 20th at the Henrico Sports and Entertainment Authority.

Ms. Davis also informed the Board that the Insurance Institute for Building and Home Safety (IBHS) ranked Virginia #1 in its 2024

report. The ranking is based on residential building code adoption, enforcement, training, education, and contractor licensing.

Mr. Horn announced Ms. Davis's retirement at the end of the month. The Board thanked and applauded the improvements to the building code process under Ms. Davis's leadership.

Unfinished Business

Mr. Bell updated the Board on legislation passed by the General Assembly regarding the number of virtual meetings allowed under the Freedom of Information Act (FOIA). Amending and reenacting the Board's virtual meeting policy will be an action item for the Board during its July meeting.

New Business

There was no new business to be discussed.

Board Matters

Mr. Sawyer reminded the Board that July 1 begins a new fiscal year and a new Board term. Mr. Sawyer stated that there will likely be new board members and the election of officers will take place at the July meeting.

Mr. Farrell expressed his thanks in his final Board meeting, and he introduced Jenna Goodman, Virginia Building and Code Officials Association's recommendation to fill his seat on the Board.

Future Meetings

The next meeting of the Board will be Monday, July 15, 2024.

Adjournment

A motion was made by Mr. Jones and seconded by Mr. Stosser to adjourn the meeting of the Board. The motion passed on a unanimous voice vote (YEAS: Berbert, Cotton, Farrell, Goldberg, Gregory, Hallock, A. Johnson, K. Johnson, Jones, Murphy, Neale, Snell, Stosser; NAYS: None). The meeting adjourned at 12:07 p.m.