



Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
Director

August 12, 2024

MEMORANDUM

TO: Board of Housing and Community Development Members

FROM: Chase Sawyer

SUBJECT: Board of Housing and Community Development Meeting – August 19, 2024

Enclosed is the agenda and information package for the Board of Housing and Community Development meeting to be held on **Monday, August 19, 2024**. 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.

Please contact me as soon as possible to let me know whether you will or will not be able to attend. I can be reached at chase.sawyer@dhcd.virginia.gov or at 804-310-5872. Please let me know if you have any questions or if there is anything I can do to be of assistance.

Enclosure



AGENDA
BOARD OF HOUSING and COMMUNITY DEVELOPMENT
Monday, August 19, 2024
10:00 AM
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. Each speaker will be limited to one minute of speaking time and there will be one half-hour total for public comment on a first come first served basis. Please contact chase.sawyer@dhcd.virginia.gov to sign up for public comment.

Electronic Meeting Access Information

Microsoft Teams Joining Information: [Click here to join the meeting](#)
Call in (audio only) +1 434-230-0065 | Phone Conference ID: 685 919 127#

- | | | |
|-------|--|---------------|
| I. | OPENING | |
| | a. Call to Order | Chair |
| | b. Roll Call | DHCD Staff |
| | c. Introduction of New Board Members | Chair |
| | d. Annual Election of Officers | Bryan Horn |
| | e. Public Comment | Chair |
| II. | CONSENT AGENDA | Chair |
| | o <i>Approval of Minutes</i> : May 13, 2024 | |
| III. | AMUSEMENT DEVICE TECHNICAL ADVISORY COMMITTEE (ADTAC) APPOINTMENTS | DHCD Staff |
| IV. | ELECTRONIC MEETING POLICY UPDATE | DHCD Staff |
| V. | LEGISLATIVE AND REGULATORY UPDATE | DHCD Staff |
| VI. | REPORTS AND INFORMATION | |
| | a. Virginia Housing Report | Tammy Neale |
| | b. Report of the Virginia Fire Services Board | J.M. Snell |
| | c. Report of the Director | Bryan Horn |
| VII. | UNFINISHED BUSINESS | Board members |
| VIII. | NEW BUSINESS | Board members |
| IX. | BOARD MATTERS | Board members |

X. FUTURE BOARD MEETING DATES

Bryan Horn

- September 16, 2024
- October 21, 2024
- December 9, 2024

XI. ADJOURNMENT

Chair

**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.



Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Bryan W. Horn
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

June 1, 2024

Memorandum

To: Board of Housing and Community Development Members

From: Bryan W. Horn, Director

RE: ADTAC Reappointment – Casey Littlefield

The Amusement Device Technical Advisory Committee (ADTAC) is a board-appointed committee created under §36-98.3 of the Code of Virginia. The term for one member of the ADTAC expires in June on the committee: for a code enforcement community position. The BHCD's policy (attached) directs staff to seek advisory members, as guided by stakeholder organizations, for the applicable category. The policy outlines that two of the five positions on the ADTAC are to represent the code enforcement community.

DHCD staff contacted Casey Littlefield, whose term expires June 20, 2024, inquiring whether he was interested in reappointment. Mr. Littlefield desires to be reappointed. DHCD staff also contacted the Virginia Building Code Officials Association (VBCOA) and confirmed the organization wishes to have Mr. Littlefield continue to represent them on the ADTAC. DHCD staff has advised the applicant of the upcoming Board of Housing and Community Development meeting where the reappointment will be considered. Staff has also advised the applicant that he is welcome to attend and express his interest in continuing to serve as an ADTAC member.

The ADTAC has made a recommendation to the Board to reappoint Casey Littlefield

Enclosures





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

June 1, 2024

Memorandum

To: Board of Housing and Community Development Members

From: Bryan W. Horn, Director

RE: ADTAC Appointment – Brian Rath

The Amusement Device Technical Advisory Committee (ADTAC) is a board-appointed committee created under §36-98.3 of the Code of Virginia. Currently, there is a vacancy for an operator position on the committee. The vacancy is due to the resignation of the representative from King's Dominion. The BHCD's policy (attached) directs staff to seek advisory members, as guided by stakeholder organizations, for the applicable category. The policy outlines that two of the five positions on ADTAC are to represent amusement parks or private operators of amusement devices. The committee has historically had one park operator and one small event operator. Currently, there are no park operators on the committee so it would be appropriate to appoint a park operator.

DHCD staff, in coordination with the ADTAC, solicited applications from park operators who have been participating in the Virginia Amusement Device Regulations (VADR) update process. One park operator submitted his biography/resume; the biography/resume is attached for the Board's consideration. The ADTAC has made a recommendation to the Board to appoint Brian Rath. DHCD staff has advised the applicant of the upcoming Board of Housing and Community Development meeting where the appointment will be considered. Staff has also advised the applicant that he is welcome to attend and express his interest in serving as an ADTAC member.

Based on the ADTAC recommendation, staff recommends the Board appoint Brian Rath.

Enclosures

Partners for Better Communities



www.dhcd.virginia.gov

Brian Rath
Director, Park Operations
Kings Dominion
Brian.Rath@KingsDominion.com
804.876.5851

Brian Rath began his career in the amusement park industry at Kings Dominion in 1991 as a ride operator at the Rebel Yell, the park's racing wooden coaster. While in high school and college, he worked his way up the seasonal supervisory ladder, spending time managing locations both in the amusement park and water park. In 1996, he accepted a full-time Assistant Manager position in Operations where he focused on the safe and efficient operation of the water park while assisting with the day-to-day operation of the Rides & Park Services Departments. In 2004, after a park reorganization, Brian volunteered to take on the management of the Entertainment Department in addition to his Rides and Aquatics responsibilities. In 2008, Brian was promoted to Manager of Operations and in 2013, he accepted the position of Director of Park Operations. As Director, Brian has had responsibility for the overall management of the Rides, Aquatics, Park Services, Entertainment, Admissions, Safety, and Security Departments.

Brian has been actively involved for over a decade with leading the process of standardization of operational policies and procedures for the 14 amusement parks and 4 stand-alone water parks within Cedar Entertainment Company. Brian is the committee chair for Cedar Fair's Ride Admission Policy group which focuses on rider safety and accessibility as well as compliance with manufacturer, ASTM, and industry standards. He is very competent at working with other disciplines such as Maintenance and Safety to advance standardization efforts as they relate to rider safety and responsibility. Additionally, he developed a standard audit process and documentation to allow the management team within the Cedar Fair group of parks to review operational and park policies and procedures for all rides and aquatic attractions.

Over the years, Brian has trained or been responsible for training thousands of ride operators and lifeguards. He is currently an Instructor for International Ride Training's Ride Operator Certification Program and has been a Lifeguard Instructor with Jeff Ellis & Associates Aquatics Rick Management Program, a Lifeguard Instructor with the American Red Cross, and a Lifeguard Instructor Trainer for the National Aquatic Safety Company (NASCO). Brian has also completed the Level 1 Certified Operations Technician certification through the Amusement Industry Manufacturers and Supplies Association (AIMS). Additionally, Brian is active with the International Association of Amusement Parks and Attractions' (IAAPA). He has served on the Facility Operations Committee and currently sits on the Exhibitor Awards Committee.

Brian graduated from James Madison University in Harrisonburg, VA with a Bachelor's Degree in Management concentrating in Human Resources.

APPENDIX

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT STANDING ADVISORY COMMITTEES BOARD POLICY FOR COMMITTEES

The Board of Housing and Community Development (the "Board") currently has two permanent advisory committees established by statute to advise the Board. These are the Building Code Academy Advisory Committee and the Amusement Device Technical Advisory Committee. This document provides the Board policy governing the appointments and terms of service for these Boards. These advisory committees have different statutory requirements and therefore have different requirements.

I. Amusement Device Technical Advisory Committee (ADTAC) is established by section 36-98.3 of the Code of Virginia, which provides that "To assist the Board in the administration of this section, the Board shall appoint an Amusement Device Technical Advisory Committee, which shall be composed of five members who, by virtue of their education, training or employment, have demonstrated adequate knowledge of amusement devices or the amusement industry. The Board shall determine the terms of the Amusement Device Technical Advisory Committee members. The Amusement Device Technical Advisory Committee shall recommend standards for the construction, maintenance, operation and inspection of amusement devices, including the qualifications of amusement device operators and the certification of inspectors, and otherwise perform advisory functions as the Board may require." The purpose of the ADTAC is to advise the Board of Housing and Community Development (the "Board") and the Director of the Department of Housing and Community Development on matters related to amusement devices and the Virginia Amusement Device Regulations (13 V AC 5-31).

Composition of ADTAC:

The ADTAC shall be comprised of five (5) representatives of code enforcement personnel and amusement device industry professions affected by the provisions of the amusement device regulations. The committee shall consist of:

- a. two (2) members representing the code enforcement community,
- b. two (2) members representing amusement parks or private operators of amusement devices, and
- c. one (1) member representing third-party amusement device inspectors.

Terms of ADTAC Service:

- a. Representatives will be appointed as members of the ADTAC for four-year terms. There is no limit to the number of terms that a member may serve. The Board may replace any member appointed for the balance of the appointee's term.
- b. The ADTAC members may continue to serve after the expiration of their term until new appointments or reappointments are made.

Appointment of ADTAC:

- a. The Department of Housing and Community Development shall notify appropriate organizations of any vacancies on the ADTAC. The Department also shall contact organizations that may have representation or an interest in membership participation on the advisory committee. Applications shall be directed to and coordinated by the Department. Staff will present

the names and background information of all applicants to the Board for consideration. The Board will consider appointment after a review of information presented.

b. The Board may ask Department staff for additional names for consideration. The Department may request an organization to submit nominations to replace a current ADTAC member for any reason, including but not limited to lack of attendance at Committee meetings.

c. The Board will fill vacancies occurring for the balance of any vacating committee member's term using the same procedure by which the original appointment was made (see above).



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COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
Director

Memorandum

To: Board of Housing and Community Development

From: Bryan Horn, DHCD Director

Subject: 2024 Electronic Meeting Policy Update

Date: August 9, 2024

During the 2024 General Assembly Session, [HB894](#) and [SB734](#) were approved by the General Assembly and signed by the Governor (2024 Acts of Assembly Chapters 56 and 129, respectively). The identical bills amend [§ 2.2-3708.3](#) of the Code of Virginia related to meetings held through electronic communications means. The primary changes as a result of the legislation are 1) the number of all-virtual public meetings allowed in a calendar year increased to 50 percent; and 2) the Board's electronic meeting policy must be adopted annually.

Enclosed for the Board's review and approval are the Board's Policy for Remote Participation of Members (Hybrid Policy) and the Board's Policy for All-Virtual Public Meetings. Suggested revisions to the policies are denoted in red.

Enclosure



**THE BOARD OF HOUSING AND COMMUNITY DEVELOPMENT 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 Board of Housing and Community Development or any committee, subcommittee, or other entity of the Board of Housing and Community Development.

b. “**Member**” means any member of the Board of Housing and Community Development.

c. “**Remote participation**” means participation by an individual member of the Board of Housing and Community Development by electronic communication means in a public meeting where a quorum of the Board of Housing and Community Development 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, or (iii) 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)—(ii) 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, or 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.

REVIEW AND APPROVAL

This BOARD policy was reviewed and approved on [insert date].

**THE BOARD OF HOUSING AND COMMUNITY DEVELOPMENT 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 Board of Housing and Community Development or any committee, subcommittee, or other entity of the Board of Housing and Community Development.

b. **“Member”** means any member of the Board of Housing and Community Development.

c. **“All-virtual public meeting”**, means a public meeting conducted by the Board of Housing and Community Development 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 2550 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, in consultation with staff, 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.

REVIEW AND APPROVAL

This BOARD policy was reviewed and approved on [insert date].



Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
Director

Memorandum

To: Board of Housing and Community Development

From: Bryan Horn, DHCD Director

Subject: Legislative Update – HB368/SB195 Stakeholder Advisory Group

Date: August 9, 2024

During the 2024 General Assembly Session, [HB368](#) and [SB195](#) were approved by the General Assembly and signed by the Governor (2024 Acts of Assembly Chapters 384 and 385, respectively). The identical bills direct the Board of Housing and Community Development to convene a workgroup to provide recommendations for allowing a single stair exit for Group R-2 (multifamily residential) structures up to six stories in height. The legislation further directs the advisory group to submit its findings and recommendations to the Board and General Assembly by December 1, 2024.

Currently, the Uniform Statewide Building Code (USBC) prohibits the construction of residential buildings taller than three stories to be built with a single staircase. A code change proposal was submitted and considered during the 2021 code cycle that would have allowed a single exit staircase for Group R-2 occupancies with no more than five stories. The proposal was not approved, however, the Board agreed to further evaluate single-staircase proposals during the next code update cycle.

The stakeholder advisory group established by HB368 and SB195 (referred to as the Single-staircase Advisory Group) is only directed to make recommendations for the Board to consider. No regulatory actions are required. DHCD staff has received recommendations and will continue to solicit recommendations from relevant entities for potential members to serve on the Single-staircase Advisory Group. In order to facilitate meetings in a timely manner and meet the December 1, 2024 deadline, it is recommended that the Board authorize the Board Chair, in consultation with DHCD staff, to appoint members to the Single-staircase Advisory Group pursuant to HB368/SB195.



VIRGINIA ACTS OF ASSEMBLY -- 2024 SESSION

CHAPTER 385

An Act to direct the Board of Housing and Community Development to convene a stakeholder advisory group to evaluate and recommend revisions to the Uniform Statewide Building Code to permit Group R-2 occupancies to be served by a single exit.

[S 195]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Board of Housing and Community Development (the Board) shall convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions to the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia) to permit Group R-2 occupancies to be served by a single exit, provided that the building has not more than six stories above grade plane. The advisory group shall submit its findings and recommendations to the Board and to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than December 1, 2024.*