

Glenn Youngkin  
Governor

Carren Merrick  
Secretary of  
Commerce and Trade



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

April 28, 2023

## MEMORANDUM

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

**FROM:** Kyle Flanders

**SUBJECT:** May 8, 2023 Board of Housing and Community Development Meeting

Enclosed is the agenda and information package for the Board of Housing and Community Development meeting and public hearing to be held on Monday, May 8, 2023. The full Board will convene at 10:00 a.m. to hold a public hearing on the proposed regulations. The public hearing will be followed by the Housing and Community Development Committee, and last, the regular meeting of the Board. Unless we are advised otherwise, we are planning for board members to attend in person.

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

### Public Hearing

Monday May 8, 2023

Virginia Housing Center

4224 Cox Road, Glen Allen, VA

10:00 am

Microsoft Teams joining info

Link - [https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTRIZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d)

[join/19%3ameeting\\_MTRIZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTRIZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d)

Call in (audio only) +1 434-230-0065 Phone Conference ID: 705 000 841#

Online meeting information is for public listening/public comment. Registration to speak is not required though it is requested that you contact [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) if you wish to speak during the public hearing. Speakers will be limited to two minutes.

### I. OPENING

a. Call to Order

Chairman

### II. PUBLIC HEARING

Chairman

- **Statewide Fire Prevention Code**  
*Joint Hearing with Virginia Fire Services Board*
- **Uniform Statewide Building Code**
- **Virginia Amusement Device Regulations**
- **Industrialized Building Safety Regulations**

### III. ADJOURNMENT

Chairman

# AGENDA

## BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Housing and Community Development Committee

Monday, May 8, 2023

Virginia Housing Center

4224 Cox Road, Glen Allen, VA

To begin at the conclusion of the Public Hearing

Microsoft Teams Joining Info:

[https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTR1ZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d)

[join/19%3ameeting\\_MTR1ZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTR1ZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d)

[5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTR1ZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d)

Call in (audio only) +1 434-230-0065 | Phone Conference ID: 705 000 841#

- |      |  |               |
|------|--|---------------|
| I.   | OPENING  |               |
|      | a. Call to Order                                 | Chair         |
|      | b. Roll Call                                     | Kyle Flanders |
| II.  | CONSENT AGENDA                                   | Chair         |
|      | o <i>Approval of Minutes</i> : December 12, 2022 |               |
| III. | ENTERPRISE ZONE PERIODIC REVIEW                  | DHCD Staff    |
|      | o <i>Action Item</i>                             |               |
| IV.  | CONSOLIDATED PLAN/ANNUAL ACTION PLAN             | DHCD Staff    |
|      | o <i>Action Item</i>                             |               |
| V.   | UNFINISHED BUSINESS                              | Board members |
| VI.  | NEW BUSINESS                                     | Board members |
| VII. | ADJOURNMENT                                      | Chair         |

# AGENDA

## BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Monday, May 8, 2023

Virginia Housing Center

4224 Cox Road, Glen Allen, VA

The meeting will begin at the conclusion of the committee meeting.

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

Please note., the Public Hearing is a separate comment period. Please contact [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) to sign up for the virtual comment forum.

Microsoft Teams Joining Info:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MTRIZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTRIZTEzODQtMWYxOS00YzNkLThiODYtNGMwYzhkZjdiMTE4%40thread.v2/0?context=%7b%22Tid%22%3a%22620ae5a9-4ec1-4fa0-8641-5d9f386c7309%22%2c%22Oid%22%3a%22a56c2956-854a-4de1-b740-35d0799417b4%22%7d)

Call in (audio only) +1 434-230-0065 | Phone Conference ID: 705 000 841#

- |       |   |                 |
|-------|---|-----------------|
| 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> : March 13, 2023                   |                 |
| III.  | REPORT of the HOUSING and COMMUNITY DEVELOPMENT COMMITTEE       | Committee Chair |
|       | <i>Action Items</i>   |                 |
|       | o Periodic Review – Enterprise Zone Regulations                 |                 |
|       | o Consolidated Plan/Annual Action Plan                          |                 |
| IV.   | PRIVATE ACTIVITY BOND UPDATE                                    | DHCD Staff      |
| V.    | AGRITOURISM EVENT STRUCTURE TECHNICAL ADVISORY COMMITTEE UPDATE | DHCD Staff      |
| VI.   | CODE CYCLE UPDATE   | DHCD Staff      |
| VII.  | REPORTS AND INFORMATION   |                 |
| a.    | Virginia Housing Report   | Susan Dewey     |
| b.    | Report of the Virginia Fire Services Board                      | J.M. Snell      |
| c.    | Report of the Director  | Bryan Horn      |
| VIII. | UNFINISHED BUSINESS   | Board members   |
| IX.   | NEW BUSINESS  | Board members   |

- |      |                            |               |
|------|----------------------------|---------------|
| X.   | BOARD MATTERS              | Board members |
| XI.  | FUTURE BOARD MEETING DATES | Bryan Horn    |
|      | o July 17, 2023            |               |
| XII. | ADJOURNMENT                | Chairman      |

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**  
**Housing and Community Development Committee**  
**MEETING**  
**11:10 A.M., December 12, 2022**  
**Virginia Housing Center**  
**Glen Allen, VA**

Members Present

Louie Berbert  
Claudia Cotton  
Richard Gregory  
Keith Johnson  
Brett Meringoff  
Larry Murphy  
JM Snell  
Sylvia Hallock  
Susan Dewey  
Patty Shields  
Mark Trostle

Members Absent

Mark Jackson  
Abigail Johnson

Call to Order

Mr. Brett Meringoff, Chairman of the Board of Housing and Community Development (BHCD) called the meeting of the Committee to order at 11:10 a.m.

Roll Call

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

Consent Agenda

A motion was made and properly seconded to approve the minutes of the July 18, 2022 meeting of the Housing and Community Development Committee meeting. The motion passed.

Consolidated Annual  
Action Plan Amendment

Ms. Sandra Powell, Senior Deputy of Community Development and Housing at DHCD provided an update on amendments to the Consolidated Annual Action Plan to accommodate funds received from the American Rescue Plan.

A motion was made and properly seconded to recommend that the Board approve the amendments. The motion passed.

Enterprise Zone Periodic  
Review

Mr. Flanders presented the Board with information regarding a Periodic Review of the Enterprise Zone Grant Program regulations.

A motion was made by and properly seconded to recommend that the Board initiate a periodic review of the Enterprise Zone Grant Program regulations. The motion passed.

Private Activity Bond     Mr. Flanders presented the Board with information regarding  
Guidelines                     updates to the Private Activity Bond Guidelines. He noted there  
   would be a more substantive update process next year.

A motion was made by and properly seconded to recommend that the Board approve the update to the Private Activity Bond Guidelines. The motion passed.

Other Business                     There was no other business to be discussed.

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

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**March 13, 2023**

**10:00 A.M.**

**All Virtual Meeting Via Microsoft Teams**

Members Present

Louie Berbert  
Claudia Cotton  
Susan Dewey  
Sean Farrell  
Abigail Johnson  
Brett Meringoff  
Larry Murphy  
J.M. Snell  
Mark Trostle

Members Absent

Richard Gregory  
Sylvia Hallock  
Keith Johnson  
Patricia “Patty” Shields

Call to Order

Mr. Brett Meringoff, Chairman of the Board of Housing and Community Development, called the all-virtual meeting of the Board to order at 10:00 am. Mr. Meringoff recognized Mr. Kyle Flanders of the Department of Housing and Community Development’s (DHCD) Policy Office to explain meeting logistics.

Roll Call

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

Public Comment

Mr. Meringoff opened the floor for comment. There were no speakers present virtually to offer comment.

Approval of Minutes

A motion was made and properly seconded to approve the minutes of the January 9, 2023, meeting of the Board; the motion passed on a voice vote.

Consolidated Plan/Annual Action Plan

Ms. Sandra Powell, Senior Deputy of Community Development and Housing at DHCD presented information regarding the Consolidated Plan and Annual Action Plan.

Ms. Powell noted the plan is required as a component of receiving certain funds from the U.S. Department of Housing and Urban Development (HUD).

Private Activity Bond Update

Director of DHCD, Bryan Horn, provided the Board with an update on private activity bond usage from this year. He noted



that there would be a process to update the private activity bond guidelines this year and that detailed information would be available soon. The process would look at technical and substantive changes.

VFSB Report

Mr. J.M. Snell noted that the Fire Services Board met in February at the annual conference of the Virginia Fire Chiefs Association. He noted conference highlights and meeting actions of the Fire Services Board. Mr. Snell noted the 2023 Virginia Fallen Firefighters & EMS Memorial Service in June to be held at the Richmond Raceway.

Virginia Housing Report

Ms. Susan Dewey, CEO of Virginia Housing, reported no new updates for this month.

Report of the Director

Mr. Horn recognized Chase Sawyer of the DHCD Policy Office to provide an update on relevant legislation from the 2023 General Assembly Session.

Mr. Sawyer presented information on relevant bills from the 2023 Session that passed both chambers. Mr. Sawyer made note of the following bills with action pending from the Governor:

- **HB1628** - Wetland Stream Credits
- **HB2312/SB1263** - stop work orders; recovery of court costs by developer/builder
- **HB1805/SB1401** - VRA bond pooling; adds housing to list of eligible projects
- **SB839/HB2046** - statewide housing needs assessment
- **HB2494** - requires localities annually submit report regarding changes to housing policies, ordinances, processes
- **HB1671** - annual report regarding local residential land development and construction fees
- **SB1114** - creates residential sites and structures database; allows locality to market developable land/structures for residential or mixed-use development
- **Housing Commission**- will receive letter(s) to study many issues including local regulation of housing, ADUs, evictions, and IDA authority
- **HB1411/SB1320** – Community Development Financial Institutions (CDFI) Fund codified
- **HB2099** - increases Livable Homes Tax Credit (LHTC) total from \$1M to \$2M

- **SB1305** - minimum safety requirements for agritourism event structures exempted from USBBC; AgTAC committee to continue to meet.

Unfinished Business	Mr. Flanders updated the Board on the current status of the 2021 code update cycle noting the public comment period and the May 8, 2023 public hearing. Deputy Director Cindy Davis provided related activity updates and tentatively identified Dec. 1 as an effective date for the 2021 Virginia Codes.
New Business	There was no new business to be discussed.
Board Matters	No Board matters were discussed.
Future Meetings	The next meeting of the Board will be May 8, 2023.
Adjournment	Upon a motion duly made and seconded, the meeting was adjourned.



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# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

**To:** Board of Housing and Community Development

**From:** Bryan W. Horn, Director

**RE:** Periodic Reviews of Regulations

**Date:** April 28, 2023

Executive Order 19 (2022) and Sections 2.2-4007.1 and 2.2-4017 of the Code of Virginia require that existing regulations are “periodically” reviewed at least every four years to determine if they should be continued without change, amended, or repealed. This review must allow for a public comment period, consider alternatives to the existing regulation, and consider the impact of the regulation on small business.

Legislation passed in the 2018 General Assembly (Chapters 444 and 445) requires that the Department of Planning and Budget, “track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years.” The legislation also requires that, “Agencies shall provide to the Department a schedule listing each regulation that shall be reviewed in each of the four years, to be published on the Regulatory Town Hall.”

13 VAC 5-112

Enterprise Zone Grant Program Regulations

A periodic review of the Enterprise Zone Grant Program regulation was conducted with a comment period in February 2023. Comment was solicited via the Virginia Town Hall and through the Enterprise Zone Contact list. One comment was received and it is attached.

Staff recommends the Board retain the regulation without change. As a note, staff intends to begin conversations with stakeholders soon to identify mechanisms within program guidance to streamline the program and find efficiencies.





[townhall.virginia.gov](http://townhall.virginia.gov)

## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	13 VAC 5 -112
<b>VAC Chapter title(s)</b>	Enterprise Zone Grant Program Regulations
<b>Date this document prepared</b>	April 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

NA

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

The Board of Housing and Community Development is the promulgating agency. The Board is required to promulgate regulations through Section 58.1-541 of the Code of Virginia.

## Alternatives to Regulation

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

There are no viable alternatives, the Code of Virginia requires promulgation of the Enterprise Zone Grant Program Regulations.

## Public Comment

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response
David Sacks	<p>I would like to provide the following comments for the periodic review of the Virginia Enterprise Zone Regulations(13VAC5-112):</p> <p><b>Section 13VAC5-112-280 F 1.</b> There has been confusion and unclear guidance from DHCD regarding eligible jobs. This is an opportunity to correct the problem. The Reg's currently state:</p> <p><i>“F. The following positions are not grant eligible:</i></p> <p><i>1. Those in retail, personal service or food and beverage service.”</i></p> <p>The question arises as to what this means. Does this mean any position in any of these businesses as provided for in the definition section? Or does this mean these types of positions only, but not all positions in these types of businesses? Because of the wording, it is not 100% clear, when you look at the definition of these businesses and substitute the definition for the business type in the above section. I see that the wording in the Regulations essentially parrots the wording in the statute, but the Regulations have an opportunity to make the requirement clear.</p> <p>I will add it does not seem logical to disallow a position just because it is within a retail business. I'll give you an example: A Walmart is a retail business. However, most Walmarts</p>	<p>The agency thanked the commenter and indicated that the comments would be shared with the Board. Additional information about future input opportunities was also shared with the commenter.</p>

	<p>have auto mechanics, optometrists, and probably some highly technical back office support, such as accountants.</p> <p>I request this be clarified to make it crystal clear one way or the other.</p>	
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**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

The regulation is required pursuant to Section 59.1 – 541 of the Code of Virginia and is necessary to administer the provisions of the Enterprise Zone Grant Program. The regulations appear to be effective and are easy to understand.

**Decision**

*Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

The regulation will be retained without change.

Outside of regulatory changes, the agency is likely to pursue changes to various administrative procedures to streamline program administration and produce greater efficiency.

**Small Business Impact**

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

The regulation was last updated in 2022 to account for changes to state code. The regulation was also updated in 2021 to update application procedures. The regulation governs the administration of the Enterprise Zone Grant Program and is required by state code. Maintaining consistency with current rules will assist participants (including small business) in continuing to be able to utilize the program.



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**comments on Enterprise Zone Regulation Periodic Review**

2 messages

**Sacks, David** <sac01@henrico.us>

Tue, Feb 14, 2023 at 9:29 PM

To: "kyle.flanders@dhcd.virginia.gov" &lt;kyle.flanders@dhcd.virginia.gov&gt;

Cc: "Pickett, Katherine" &lt;katherine.pickett@dhcd.virginia.gov&gt;

Kyle,

I would like to provide the following comments for the periodic review of the Virginia Enterprise Zone Regulations (13VAC5-112):

**Section 13VAC5-112-280 F 1.** There has been confusion and unclear guidance from DHCD regarding eligible jobs. This is an opportunity to correct the problem. The Reg's currently state:

*"F. The following positions are not grant eligible:*

- 1. Those in retail, personal service or food and beverage service."*

The question arises as to what this means. Does this mean any position in any of these businesses as provided for in the definition section? Or does this mean these types of positions only, but not all positions in these types of businesses? Because of the wording, it is not 100% clear, when you look at the definition of these businesses and substitute the definition for the business type in the above section. I see that the wording in the Regulations essentially parrots the wording in the statute, but the Regulations have an opportunity to make the requirement clear.

I will add it does not seem logical to disallow a position just because it is within a retail business. I'll give you an example: A Walmart is a retail business. However, most Walmarts have auto mechanics, optometrists, and probably some highly technical back office support, such as accountants.

I request this be clarified to make it crystal clear one way or the other.

Thank you.

David Sacks

Community Development Manager

Henrico County Department of Community Revitalization

4905 Dickens Road, Suite 200

PO Box 90775

Henrico, VA 23273

804-501-7611

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**From:** Pickett, Kate <katherine.pickett@dhcd.virginia.gov>  
**Sent:** Monday, February 13, 2023 11:10 AM  
**To:** Kate Pickett Irving <katherine.pickett@dhcd.virginia.gov>  
**Subject:** EZ Regulation Periodic Review

Good morning, Enterprise Zone Stakeholders -

Please be advised the Board of Housing and Community Development in coordination with DHCD is conducting a periodic review of the Enterprise Zone Regulations. Such reviews are conducted pursuant to state code and executive order every four years. Information on the review is available at the link below.

<https://townhall.virginia.gov/L/comments.cfm?periodicreviewid=2351>

**Comments on the regulations may be submitted on the Virginia Town Hall website through 2/20/2023. You can submit comments via email to [kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov) through 3/10/2023.**

**No action is required, but please feel free to send comments to Kyle, if you'd like. Thank you!**

Kindest regards, Kate

---

**Kate Pickett Irving**

Enterprise Zone Program Administrator

Virginia Department of Housing and Community Development (DHCD)

804-370-2137

[katherine.pickett@dhcd.virginia.gov](mailto:katherine.pickett@dhcd.virginia.gov)

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**Flanders, Kyle** <kyle.flanders@dhcd.virginia.gov>  
To: "Sacks, David" <sac01@henrico.us>  
Cc: "Pickett, Katherine" <katherine.pickett@dhcd.virginia.gov>

Wed, Feb 15, 2023 at 11:35 AM

David,

Thank you for sharing your input.

We will compile comments and share them with the Board in the coming months.

Sincerely,

**Kyle T. Flanders**



Policy and Legislative Manager  
Virginia Department of Housing and Community Development (DHCD)  
Phone - 804-786-6761  
[kyle.flanders@dhcd.virginia.gov](mailto:kyle.flanders@dhcd.virginia.gov)

[Quoted text hidden]



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# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

April 28, 2023

### **Memorandum**

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

**From:** Bryan Horn, Director

**RE:** Consolidated Plan and Annual Action Plan

The Board of Housing and Community Development is responsible for the review/approval of the 2023 – 2027 Consolidated Plan and the 2023-2024 Annual Action Plan prior to submission to the US Department of Housing and Urban Development (HUD). 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 Consolidated Plan and Annual Action Plan is available for review on the DHCD website at <https://www.dhcd.virginia.gov/sites/default/files/Docx/consolidated-plan/2023-27-draft-consolidated-plan.pdf> and are attached in the materials here. The attached presentation provides an overview of the Consolidated Plan/Annual Action Plan. The public participation section of the Consolidated Plan will be added to the documents at the conclusion of the public comment period on May 15. Final documents are due to HUD on May 18, 2023.





# Department of Housing and Community Development

Board Meeting  
May 8, 2023



**VIRGINIA DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT**  
*Partners for Better Communities*



# Guiding the Future: Virginia's Next Consolidated Plan & Annual Action Plan

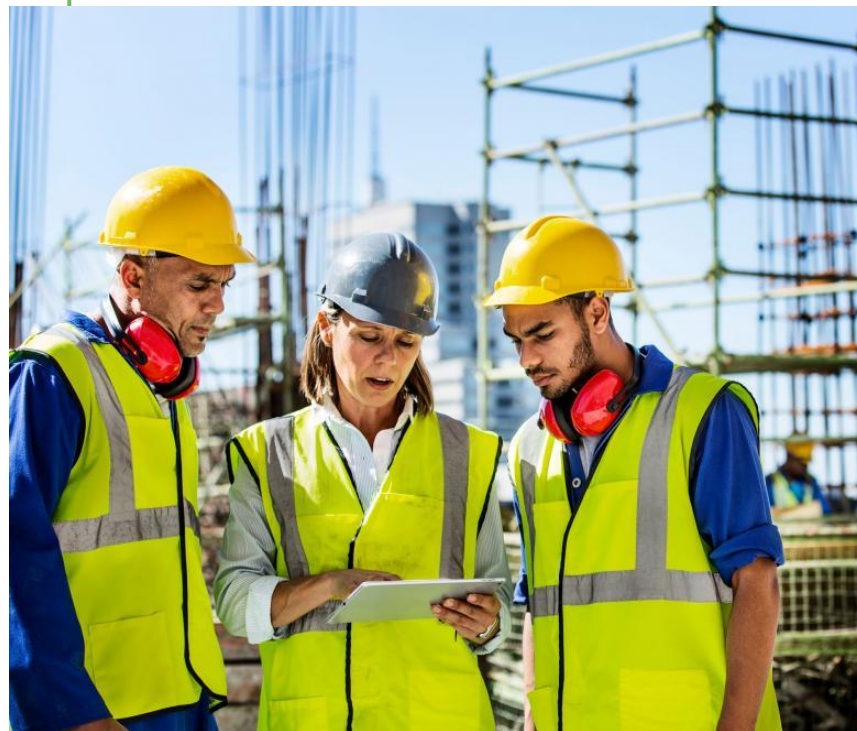


VIRGINIA DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT  
*Partners for Better Communities*



# What is the Consolidated Plan?

- Housing and Urban Development (HUD) requirement
- Every 5 years DHCD asks “What needs are present in Virginia?”
  - Affordable Housing
  - Homelessness
  - Non-Homeless Special Needs Housing
  - Non-Housing Community Development
- Every year DHCD submits an Annual Action Plan



## Who completes the Consolidated Plan and Annual Action Plan?

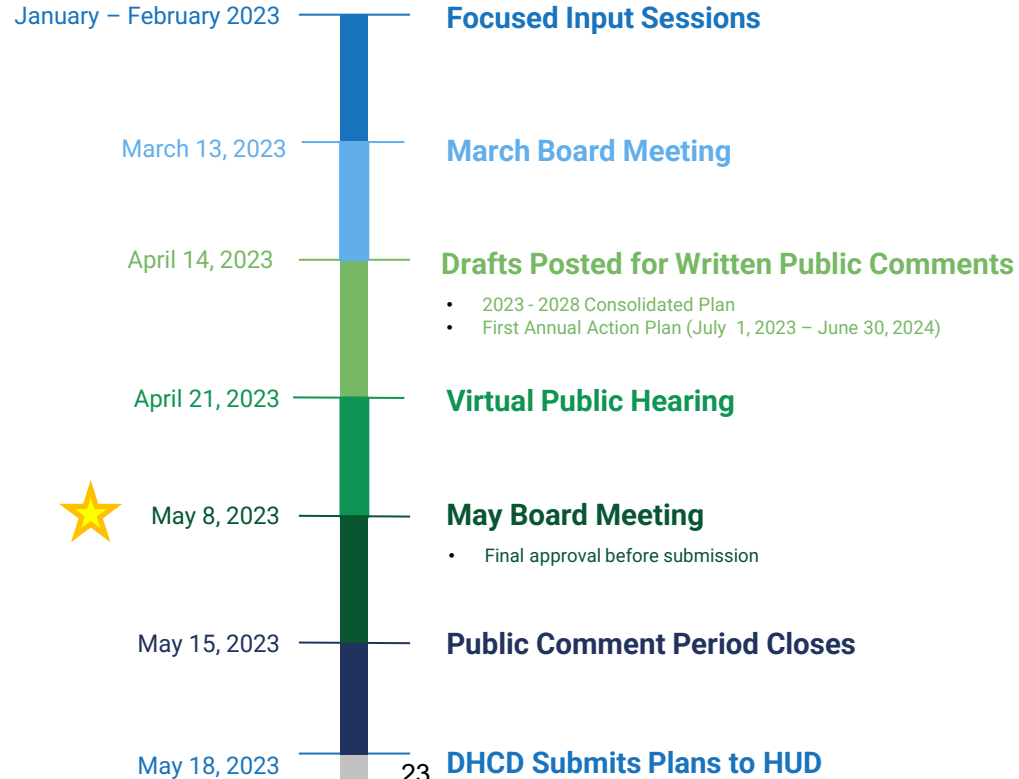
- Completed by the state or localities that receive funds directly from HUD
- DHCD completes the Virginia plan for these federal resources



## What's included?

- A needs assessment, a strategic plan, and annual goals
- Focuses on housing, homelessness, and community development
- Includes public input and feedback from service providers, housing developers, other state agencies, localities and continua of care

# Consolidated Plan Timeline





# DHCD is accepting comments on drafts of the following:

- **2023-2027 Five-Year Consolidated Plan**
- **First Annual Action Plan**
  - July 1, 2023 – June 30, 2024
- **Analysis of the Impediments to Fair Housing**

## Covering the funds DHCD spends from:

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

To view the documents, go to [dhcd.virginia.gov/consolidated-plan](https://dhcd.virginia.gov/consolidated-plan)



**FIVE-YEAR CONSOLIDATED PLAN DOCUMENTS**

- 2023 Draft Consolidated Plan
- 2023 Draft Analysis of the Impediments to Fair Housing
- 2022-2023 Annual Action Plan Draft
- 2020-2021 Annual Action Plan (Last Amended October 2022)
- CDBG PDF 2021-2023





# Consolidated Plan Findings





# Virginia's Priority Needs

Through analysis of relevant data and consultation with stakeholders, DHCD has identified the following priority needs to be addressed over the next five years:

- 1. *Lack of safe and affordable housing units***
  - VA has a statewide affordable housing shortage of more than 300,000 units
- 2. *Individuals and families experiencing homelessness and housing instability***
  - Approximately 29,000 individuals in Virginia experienced homelessness during 2022
- 3. *Barriers to competitive and sustainable communities***
  - Nearly half of the Commonwealth's housing units were built before 1980



# Five-Year Strategic Goals

DHCD will target federal resources and leverage state funding to address priority needs by advancing the following strategic goals:

1. ***Increasing access to affordable and safe housing units*** – Preserve and improve existing affordable units and create new affordable units, with a specific focus on units available to households with special needs.
2. ***Increasing housing stability*** – Decrease the number of individuals experiencing homelessness, reducing the length of time people are homeless, and reduce the number who return to homelessness.
3. ***Creating competitive and sustainable communities*** – Enhance infrastructure, education, and access to business capital to improve the ability of communities to maintain or expand their levels of economic success.



# 2023 – 2024 Allocations

# 2023-2024 Allocations: Overview

Federal Program	2022/2023	2023/2024
Community Development Block Grant (CDBG)	\$18,711,859	\$18,806,749
HOME (including program income)	\$12,029,479	\$12,652,135
Emergency Solutions Grant (ESG)	\$3,006,657	\$3,205,059
Housing Opportunities for Persons With AIDS (HOPWA)	\$1,375,054	\$1,631,954
National Housing Trust Fund (NHTF)	\$14,340,031	TBD*

\*HUD has not yet released this year's formula allocations for NHTF

# 2023-2024 Allocations: CDBG

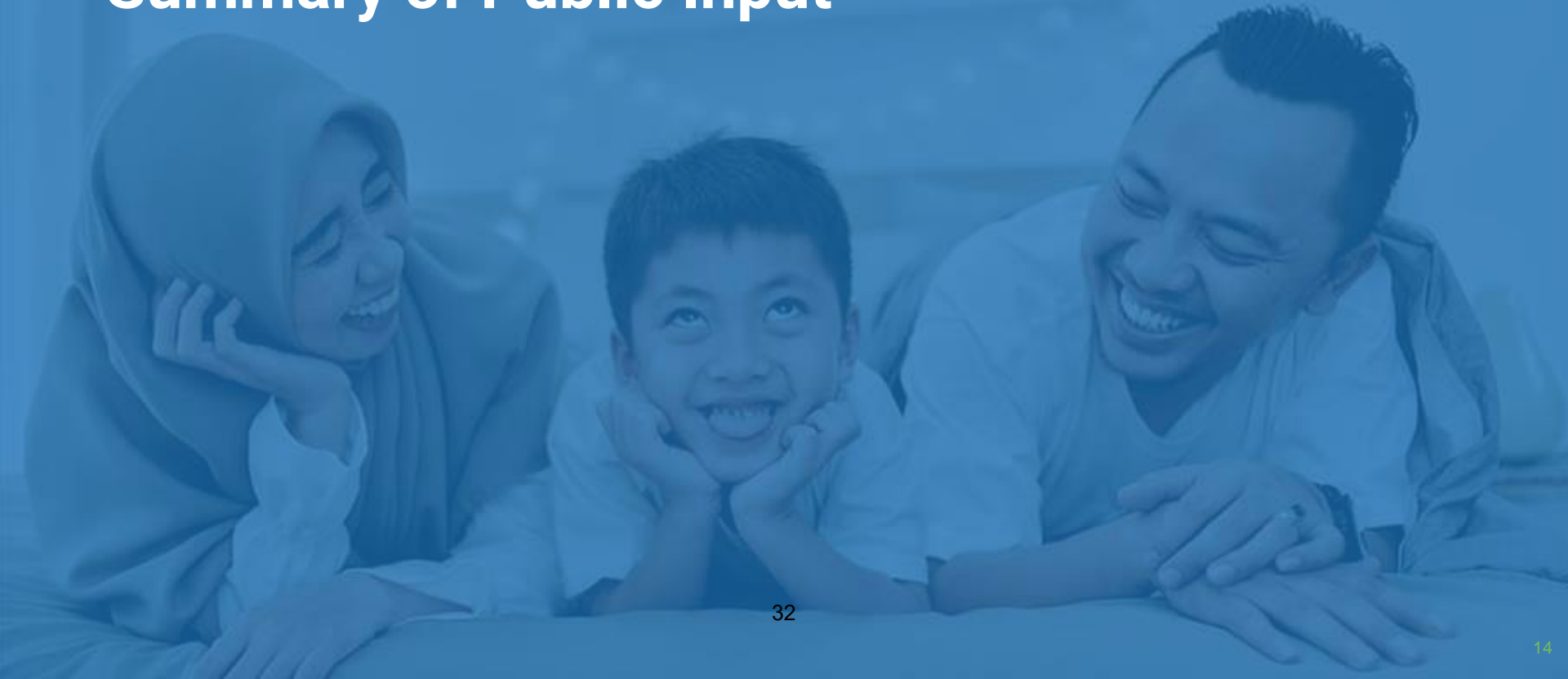
CDBG Appropriation 2023-24 Proposed Uses	2023/2024
<b>Resources</b>	
HUD Allocation	\$18,806,749
Carryover from previous year	\$11,246,773
<b>Total</b>	<b>\$30,053,522</b>
<b>Program Planning and Administration</b>	
State Administration	\$376,135
State TA	\$188,068
<b>Total</b>	<b>\$564,203</b>
<b>Funding available for CDBG Grant Programs</b>	
Competitive Grants	\$13,989,319
Planning Grants	\$1,000,000
Open Submission Funds	\$6,000,000
Urgent Need	\$1,000,000
2023 Supplemental Infrastructure Funds	\$7,500,000
<b>Total</b>	<b>\$29,489,319</b>

# 2023-2024 Allocations: HOME

HOME Appropriation 2023-24 Proposed Uses	2023/2024
DHCD's HOME appropriation	\$11,249,059
Program Income	\$1,403,076
Total	\$12,652,135
<b>Proposed Uses</b>	
Affordable and Special Needs Housing Program (ASNH)	\$9,826,922
Homeownership (Down Payment Assistance)	\$1,500,000
CHDO Operating	\$60,000
State Administration (ten percent of appropriation and ten percent of program income)	\$1,265,213
Total	\$12,652,135



# Summary of Public Input







# Virtual Input Sessions



**Monday, January 30, 2023**

***2 p.m. - 3 p.m.***

Focus: Community Development (CDBG)



**Tuesday, January 31, 2023**

***11 a.m. - 12 p.m.***

Focus: Housing Development (HOME, NHTF)



**Wednesday, February 1, 2023**

***3 p.m. - 4 p.m.***

Focus: Homeless Services (HOPWA, ESG)



# Public Participation Overview

## Virtual Input Sessions:

- **142 attendees across three sessions**
- **77 organizations represented:**
  - 25 service providers
  - 15 local/regional governments
  - 10 CoC leads
  - 8 development organizations
- **Diversity of geographic purview:**
  - 18 organizations serving Northern VA
  - 13 organizations serving Central VA
  - 13 organizations serving Hampton Roads
  - 9 organizations with statewide services

**Stakeholder survey conducted to identify impediments to fair housing**

**Public hearing held virtually on April 21, 2023**

**Receiving and responding to written comments through May 15, 2023**





# How to provide input:

**Ask questions and provide comments, and then:**

- Submit Written Comments (due by May 15, 2023)
  - Submit via email: [catherine.farnsler@dhcd.virginia.gov](mailto:catherine.farnsler@dhcd.virginia.gov)
  - Online at <https://www.dhcd.virginia.gov/consolidated-plan>
- Spread the word and encourage others to provide input!



## Next Steps

DHCD is continuing to develop components of the next Consolidated Plan and Annual Action Plan in accordance with the feedback received from the public.

Public comment period is open **until May 15, 2023**

- DHCD will review and respond to all comments submitted by this date.

May 18, 2023: Submit plans to HUD



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# THANK YOU



**VIRGINIA DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT**  
*Partners for Better Communities*

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Glenn Youngkin  
Governor

Caren Merrick  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

April 28, 2023

### **Memorandum**

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

**From:** DHCD Staff

**RE:** Corrections for 2021 Final Regulations

The following items have been identified as editorial corrections related to numbering, placement, or formatting. With no objection from the Board, staff will include these editorial corrections with the final regulations to be considered by the board in July.

#### **Error in Proposal:**

- VPMC – Unsafe structure definition. Under item 3, the word “vacant” is missing and gives the impression that any unsecured or open structure would fall under this definition. The change is based on proposal PM103.2-21. The proponent notified DHCD staff after the proposed regulations were approved that they inadvertently omitted the word from the proposal.

#### **Editorial Corrections – State Fire Prevention Code (SFPC):**

- Several Chapter 6 charging statements are out of sequence in RIS.
- Section 5004.2.2.1 is listed twice in RIS.
- Section 5005 charging statements need to be revised in RIS to better align with section numbers.
- Chapter 51 item S has a random “1” that needs to be deleted in the charging statement.
- Charging statement needs to be made for Sections 5005.1.6 through 5005.1.9 and item (3). Right now, it’s aligned with the code text.

#### **Editorial Corrections – Uniform Statewide Building Code (USBC):**

- VCC (energy) – Section N1106.3.2 (406.3.2) need to update table references.
- VCC – Chapter 2 “existing building” (ICC) definition doesn’t align with the state amendment definition in the VEBC.
- VCC – Chapter 2 “tenable environmental” needs to be revised to “tenable



environment”.

- VCC – Chapter 29 charging statement 44 for two ASTM standards is no longer needed and should be deleted in RIS. They are now part of the 2021 IPC.
- VCC – Chapter 29 Table 1106.2(2) footnotes: “For SI: 1 inch=m” should be “For SI: 1 inch=25.4 mm”.
- VCC – Section 1709.5.2 the VA amendment should be deleted as it matches the 2021 IBC text.
- VCC – Chapter 28 charging statement D7, 504.10 should be 504.11.
- VCC – Chapter 28 charging statement D11, amendment to VMC/IMC Section 506.5 is no longer needed as the text now matches the 2021 IMC.
- VEBC – Section 304.3, reference to Section R310.2.2 should be deleted to conform with its deletion in the VRC (broken reference).
- VEBC – Section 601.2.1, “of” needs to be inserted in the last sentence between “provisions” and “Section”, to read: “...applicable provisions of Section 602”.
- VEBC – Section 601.2.2, item 2, the first occurrence of the word “of” is supposed to be an “or”.
- VPMC – Several Chapter 5 sections are listed twice, with either different text and/or conflicting charging statements (i.e., 505.3, 505.3.1, 505.3.2).
- VPMC – Chapter 7, RIS charging statements should be revised accordingly to make it clear that 704.5.2 became 704.5.1.
- VPC – Table 403.1, footnote “f” vs. “g”. No reference to footnote g (state amendment) in table. Replace footnote f with footnote g.
- IBSR – Reference standards, update ICC address.

