



Glenn Youngkin
Governor

Carren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Bryan W. Horn
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

August 17, 2023

MEMORANDUM

TO: Board of Housing and Community Development Members

FROM: Kyle Flanders

SUBJECT: August 28, 2023 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, August 28, 2023. The full Board will convene at 10:00 a.m. to hear public comment and elect officers. The public comment period will be followed by the Statewide Fire Prevention Code Development Committee (SFPCDC). Upon conclusion of the SFPCDC the Codes and Standards Committee will meet followed by a joint meeting of the Board of Housing and Community Development and the Fire Services Board. The last meeting of the day will be the remainder of the regular meeting of the Board.

The Board Package includes the following materials:

- Regular Board Package
- Final Regulations, also available through DHCD website which includes public comment and other code change materials

<https://www.dhcd.virginia.gov/board-housing-and-community-development-bhcd>

The Board meeting will be held at the [Tuckahoe Area Library](#) located in Henrico County at 1901 Starling Drive in Henrico, 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 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

Monday, August 28, 2023

Tuckahoe Area Library

1901 Starling Drive, Henrico, VA

Public Comment before the Board will begin at 10:00 a.m.; the remainder of the agenda will begin at the conclusion of the Joint Meeting of the Fire Services Board and BHCD

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 the virtual comment forum on a first come first served basis. Please contact kyle.flanders@dhcd.virginia.gov to sign up for the virtual comment forum.

Meeting Access - [Click here to join the meeting](#)

Phone Number [+1 434-230-0065,562782973#](tel:+14342300065562782973) PIN: 562 782 973#

- I. OPENING
 - a. Call to Order Chairman
 - b. Roll Call Kyle Flanders
 - c. Annual Election of Officers Bryan Horn
 - d. Public Comment Chairman
- II. CONSENT AGENDA Chairman
 - o *Approval of Minutes*: May 8, 2023
- III. REPORT of the CODES and STANDARDS COMMITTEE Committee Chair
 - Action Items*
 - o REVIEW and ADOPTION of FINAL REGULATIONS for the STATEWIDE FIRE PREVENTION CODE (SFPC)
 - o REVIEW and ADOPTION of FINAL REGULATIONS for the UNIFORM STATEWIDE BUILDING CODE (USBC)
 - o REVIEW and ADOPTION of FINAL REGULATIONS for the INDUSTRIALIZED BUILDING SAFETY REGULATIONS (IBSR)
 - o REVIEW and ADOPTION of FINAL REGULATIONS for the VIRGINIA AMUSEMENT DEVICE REGULATIONS (VADR)
- IV. VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP VEDP Staff PRESENTATION
- V. PRIVATE ACTIVITY BOND UPDATE DHCD Staff
- VI. AGRITOURISM EVENT STRUCTURE TECHNICAL DHCD Staff ADVISORY COMMITTEE (AGTAC) UPDATE

- 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 September 18, 2023

- XII. ADJOURNMENT Chairman

AGENDA
BOARD OF HOUSING and COMMUNITY DEVELOPMENT
Statewide Fire Prevention Code Development Committee
Monday, August 28, 2023
Tuckahoe Area Library
1901 Starling Drive, Henrico, VA

To begin at the conclusion of the Public Comment period of the full Board of Housing and Community Development

Meeting Access - [Click here to join the meeting](#)

Phone Number [+1 434-230-0065,,562782973#](#) PIN: 562 782 973#

- | | | |
|------|---|-------------------|
| I. | OPENING | |
| | a. Call to Order | Chairman |
| | b. Roll Call | Kyle Flanders |
| II. | CONSENT AGENDA | Chairman |
| | o <i>Approval of Minutes</i> : December 12, 2022 | |
| III. | REVIEW of FINAL REGULATIONS for the STATEWIDE FIRE PREVENTION CODE (SFPC) | Committee Members |
| | <i>Action Item</i> | |
| | o Recommendation to the Codes and Standards Committee | |
| IV. | OTHER BUSINESS | Committee Members |
| V. | ADJOURNMENT | Committee Chair |

AGENDA

BOARD OF HOUSING and COMMUNITY DEVELOPMENT

Codes and Standards Committee

Monday, August 28, 2023

Tuckahoe Area Library

1901 Starling Drive, Henrico, VA

To begin at the conclusion of the Statewide Fire Prevention Code Development Committee

Meeting Access - [Click here to join the meeting](#)

Phone Number [+1 434-230-0065](tel:+14342300065) PIN: 562 782 973#

- I. OPENING
 - a. Call to Order Chairman
 - b. Roll Call Kyle Flanders

- II. CONSENT AGENDA Chairman
 - Approval of Minutes:* December 12, 2022

- III. REVIEW of Statewide Prevention Code Development Committee Recommendation on the FINAL REGULATIONS for the STATEWIDE FIRE PREVENTION CODE (SFPC) Committee Members
 - o **Action:** Recommendation to the Board regarding Final Regulations for the SFPC

- IV. REVIEW of FINAL REGULATIONS for the UNIFORM STATEWIDE BUILDING CODE (USBC) Committee Members
 - o **Action:** Recommendation to the Board regarding Final Regulations for the USBC

- V. REVIEW of FINAL REGULATIONS for the INDUSTRIALIZED BUILDING SAFETY REGULATIONS (IBSR) Committee Members
 - o **Action:** Recommendation to the Board regarding Final Regulations for the IBSR

- VI. REVIEW of FINAL REGULATIONS for the VIRGINIA AMUSEMENT DEVICE REGULATIONS (VADR) Committee Members
 - o **Action:** Recommendation to the Board regarding Final Regulations for the VADR

- VII. OTHER BUSINESS Committee Members

- VIII. ADJOURNMENT Committee Chair

AGENDA

Joint Meeting

BOARD OF HOUSING and COMMUNITY DEVELOPMENT and VIRGINIA FIRE SERVICES BOARD

Monday, August 28, 2023

Tuckahoe Area Library

1901 Starling Drive, Henrico, VA

To begin directly after the Codes and Standards Committee of the BHCD

Meeting Access - [Click here to join the meeting](#)

Phone Number [+1 434-230-0065,,562782973#](#) PIN: 562 782 973#

- | | | |
|------|---|----------|
| I. | CALL to ORDER | Chairman |
| II. | REVIEW of FINAL REGULATIONS for the STATEWIDE FIRE PREVENTION CODE (SFPC)
<i>Action Item</i>
Recommendation to the Board of Housing and Community Development | Chairman |
| III. | ADJOURNMENT | Chairman |

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.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
Codes and Standards Committee
December 12, 2022
11:00 A.M.
Glen Allen, Virginia

Members Present

Louie Berbert
Claudia Cotton
Susan Dewey
Sean Farrell
Richard Gregory
Sylvia Hallock
Keith Johnson
Brett Meringoff
Larry Murphy
Patricia “Patty” Shields
J.M. Snell
Mark Trostle

Members Absent

Mark Jackson
Abigail Johnson

Call to Order

Mr. Rick Gregory, Chairman of the Codes and Standards Committee, called the meeting to order at 11:00 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.

Report of the Statewide Fire Prevention Code

Mr. Brett Meringoff, Chairman of the Statewide Fire Prevention Code Development Committee (SFPCDC) reported the committee recommendations.

The SFPCDC recommendation in the form of a motion to recommend approval the proposed regulations for the Statewide Fire Prevention Code to include the repeal of Chapter 51 and the promulgation of Chapter 52 was presented to the Board. After discussion the motion passed with 11 yeas, 0 nays, and 1 abstention.

Proposed Regulations	<p>A motion was made and seconded to recommend approval of the proposed regulations for the Uniform Statewide Building Code. After discussion, the motion passed with 11 yeas, 0 nays, and 1 abstention.</p> <p>A motion was made and seconded to recommend approval of the proposed regulations for the Industrialized Building Safety Regulations. After discussion, the motion passed with 12 yeas, 0 nays, and 0 abstentions.</p> <p>A motion was made and seconded to recommend approval of the proposed regulations for the Virginia Amusement Device Regulations. After discussion, the motion passed with 12 yeas, 0 nays, and 0 abstentions.</p>
Unfinished Business	<p>There was no unfinished business to be discussed.</p>
New Business	<p>There was no new business to be discussed.</p>
Adjournment	<p>Upon a motion duly made and seconded, the meeting was adjourned.</p>

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

May 8, 2023

11:37 A.M.

Glen Allen, VA

Members Present

Louie Berbert
Claudia Cotton
Sean Farrell
Richard Gregory
Sylvia Hallock
Abigail Johnson (Virtual)
Keith Johnson
Brett Meringoff
J.M. Snell
Mark Trostle

Members Absent

Susan Dewey
Larry Murphy
Patricia “Patty” Shields

Call to Order

Mr. Brett Meringoff, Chairman of the Board of Housing and Community Development, called the meeting of the Board to order at 11:37 am.

Roll Call

The roll was called by Mr. Kyle Flanders. Mr. Flanders reported that a quorum was present. Mr. Meringoff requested a vote on approval for the virtual participation of Ms. Abby Johnson per the new board policy. A motion was properly made and seconded to approve Ms. Johnson’s virtual participation. The motion passed.

Public Comment

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

Approval of Minutes

A motion was made and properly seconded to approve the minutes of the March 13, 2023, meeting of the Board; the motion passed on a voice vote.

Housing and Community
Development Committee
Report

Mr. Meringoff provided a report from the Housing and Community Development Committee.

Mr. Meringoff presented the standing motion from the committee regarding the Enterprise Zone Periodic Review. The standing motion was to retain the regulation without change. There was no discussion and the motion passed.

	<p>Mr. Meringoff presented the standing motion from the committee to approve the Annual Action Plan and Consolidated Plan. There was no discussion and the motion passed.</p>
Private Activity Bond Update	<p>Mr. Flanders presented an update on the Private Activity Bond process, noting a recent stakeholder meeting and the close of the comment period. He noted there would be additional updates and opportunities for input this summer.</p>
Agritourism Event Structure Technical Advisory Committee (AGTAC) Update	<p>Mr. Chase Sawyer of the DHCD Policy Office updated the Board on legislation directing the AGTAC Committee to meet and discuss certain items prior to the next General Assembly Session.</p> <p>Mr. Sean Farrell noted the importance of clearly identifying a definition of what is currently exempt and what is not and the possible misapplication of the Building Code as it relates to facilities used for agritourism activities.</p> <p>Mr. Meringoff and the Board noted that the committee should first address the definition issue. Staff acknowledged that they would provide this direction from the Board to the committee.</p>
Code Update Cycle	<p>Ms. Cindy Davis, Deputy Director of Building and Fire Regulation at DHCD, noted that the final regulations would be presented to the Board at its July meeting. Ms. Davis noted that the corrections in the Board packet for the Statewide Fire Prevention Code and the Uniform Statewide Building Code would be included in the final regulations.</p>
VFSB Report	<p>Mr. J.M. Snell noted that the Fire Services Board had not met since the last Board meeting, but they would be meeting in June. He also noted the Fallen Firefighters Memorial Service in June to be held at the Richmond Raceway.</p>
Report of the Director	<p>DHCD Director Bryan Horn noted that as the state budget had not yet been adopted, he would provide a more detailed update at a future meeting. He noted that federal Broadband Equity and Deployment (BEAD) funding would be announced in the coming months.</p>
Unfinished Business	<p>There was no unfinished business.</p>
New Business	<p>Mr. Meringoff noted that May is Building Safety Month (BSM) and that Governor Youngkin has a signed proclamation for BSM.</p>

He noted an upcoming event May 23 and invited Board members to attend.

Board Matters

No Board matters were discussed.

Future Meetings

The next meeting of the Board will be July 17, 2023. Mr. Meringoff noted that annual officer elections would be held at the July meeting.

Adjournment

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



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 Community Development Members

From: Bryan Horn, DHCD Director

Subject: Final Regulations

Date: August 17, 2023

Included for the Board's consideration are the *final regulations* for the Statewide Fire Prevention Code (Book 5), Uniform Statewide Building Code, Industrialized Building Safety Regulations, and the Virginia Amusement Device Regulations (Book 6). The *final regulations* incorporate the editorial corrections previously provided to the Board at their May 8 meeting as well as those identified in an updated [memo on June 13](#).

As noted during the proposed phase, the Statewide Fire Prevention Code will include the repeal of Chapter 51 and the promulgation of Chapter 52. As previously noted, the repeal and replacement of the Fire Code does not affect substance and is required to accommodate the technical needs of the Fire Code within the Virginia Administrative Code

Enclosure

