
THREE DECADES
of LEADERSHIP
1970–2000

Virginia Housing
Study Commission

2000 ANNUAL REPORT

VIRGINIA HOUSING STUDY COMMISSION

**GENERAL
ASSEMBLY
OF VIRGINIA**

The Honorable William C. Mims

Chairman
Senate of Virginia
33rd Legislative District
Leesburg

The Honorable Jackie T. Stump

Vice Chairman
Virginia House of Delegates
3rd Legislative District
Oakwood

The Honorable Eric I. Cantor

Virginia House of Delegates
73rd Legislative District
Richmond

The Honorable Thelma Drake

Virginia House of Delegates
87th Legislative District
Norfolk

The Honorable Terrie L. Suit

Virginia House of Delegates
81st Legislative District
Norfolk

The Honorable Mary Margaret Whipple

Virginia State Senate
31st Legislative District
Arlington

The Honorable Donald L. Williams

Virginia House of Delegates
86th Legislative District
Norfolk

The Honorable Martin E. Williams

Virginia State Senate
1st Legislative District
Newport News

**GUBERNATORIAL
APPOINTEES**

Ms. Tracey S. DeBoissiere

Arlington

Mr. F. Gary Garczynski

Woodbridge

Mr. Russell G. Harris

Herndon

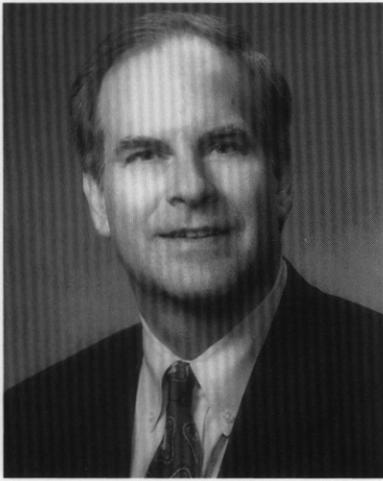
**EXECUTIVE
DIRECTOR
AND COUNSEL**

Nancy M. Ambler, Esquire

Richmond

TABLE OF CONTENTS

INTRODUCTION	5
EXECUTIVE SUMMARY	9
HOUSE BILLS 606, 607, AND 715; HOUSE JOINT RESOLUTION 224; AND SENATE BILL 721: COMMON INTEREST COMMUNITY ASSOCIATION ISSUES	12
HOUSE BILLS 933 AND 1083: VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT	16
HOUSE BILL 1145: EMINENT DOMAIN POWERS OF REDEVELOPMENT AND HOUSING AUTHORITIES	20
HOUSE JOINT RESOLUTION 236: VIRGINIA UNIFORM STATEWIDE BUILDING CODE	25
HOUSE JOINT RESOLUTION 253: CARBON MONOXIDE SAFETY	30
HOUSE JOINT RESOLUTION 254: HOMEOWNERSHIP OPPORTUNITIES FOR MINORITIES AND NEW CITIZENS	33
HOUSE JOINT RESOLUTION 256: RURAL HOUSING ISSUES	36
VIRGINIA HOUSING STUDY COMMISSION 2000 WORK GROUPS	42



SENATOR WILLIAM C. MIMMS
COMMISSION CHAIRMAN

INTRODUCTION

BACKGROUND

Established by the 1970 Virginia General Assembly, the Virginia Housing Study Commission was originally mandated “to study the ways and means best designed to utilize existing resources and to develop facilities that will provide the Commonwealth’s growing population with adequate housing.” The Commission was further directed to determine if Virginia laws “are adequate to meet the present and future needs of all income levels” in Virginia, and to recommend appropriate legislation to ensure that such needs are met.

The Commission is comprised of eleven members, including five members of the Virginia House of Delegates, three members of the Virginia State Senate, and three gubernatorial appointees. Senator William C. Mims serves as Chairman of the Commission.

For three decades, the Commission has been recognized as a forum for new ideas in housing and community development, and as a focal point for developing consensus for such ideas in the form of landmark statutory, regulatory, and non-governmental initiatives. Nationally, the Commission is the only such entity that works closely with the public and private sectors, nonprofit organizations, and private citizens to develop workable and sustainable responses to housing and community development challenges and advocates for the implementation of those initiatives. Commission recommendations have led to homeownership for thousands of Virginians, job creation and retention in localities large and small, enhanced fire safety and building code consumer protection, and neighborhood revitalization across the Commonwealth.

1971 - 1987

From 1971 throughout the early 1980s, the Commission introduced numerous legislative initiatives, subsequently passed by the Virginia General Assembly, to further its goal of ensuring safe, decent affordable housing for every Virginian. Commission accomplishments during that time period include:

- establishment of a state office of housing, now the Virginia Department of Housing and Community Development
- establishment of the Virginia Housing Development Authority
- passage of the Uniform Statewide Building Code, and establishment of the State Technical Review Board and local boards of building appeals
- passage of the Virginia Residential Landlord and Tenant Act
- passage of the Virginia Mobile Home Lot Rental Act
- promulgation of design standards to ensure accessibility by disabled persons to public buildings
- passage of numerous legislative initiatives to foster effective operation, management, and creativity of Virginia redevelopment and housing authorities
- passage of the Virginia Condominium Act
- passage of the Virginia Real Estate Cooperative Act
- passage of the Virginia Timeshare Act
- passage of legislation coordinating fire safety programs in Virginia.

For three decades, the Commission has been recognized as a forum for new ideas in housing and community development, and as a focal point for developing consensus for such ideas in the form of landmark statutory, regulatory, and non-governmental initiatives.

1987 - 1999

Following a period of dormancy, the Housing Study Commission was reactivated in 1987. That year, the Commission proposed the creation and capitalization of the landmark Virginia Housing Partnership Fund. In 1988, at the Commission's recommendation, the General Assembly established the Fund and increased state allocations for housing programs from \$400,000 to \$47.5 million for the 1989-90 biennium. Other successful 1987-88 recommendations include the establishment of a Virginia income tax voluntary contribution program for housing programs, the Virginia Housing Foundation (now the Virginia Community Development Corporation), and the annual Governor's Conference on Housing (now the Virginia Housing Conference).

Commission recommendations embraced by the 1989 General Assembly include: a state low-income housing tax credit program; state authorization of such flexible zoning techniques as planned unit developments, mixed unit developments, and density bonuses; and exemption of nonprofit housing organizations from tangible personal property tax on materials purchased for the development of affordable housing.

In 1990, the General Assembly approved additional Commission initiatives, including: creation and capitalization of the landmark Indoor Plumbing Program; a state tax credit program for landlords providing rent discounts to low-income elderly or disabled tenants; a legislative mandate that localities study affordable housing needs in preparing their comprehensive plans; and legislation requiring localities to provide for the placement of double-wide manufactured housing in districts zoned primarily for agricultural purposes.

Commission recommendations passed by the 1991 General Assembly include: amendments to the Virginia Fair Housing law to ensure that Virginia law is substantially equivalent to federal law; amendments to the Virginia Residential Landlord and Tenant Act reducing the exemption for single family rental housing from ten to four units held by owners of such property (and thereby ensuring that some sixty percent of such rental units in the state are covered by the Act); and establishment of the Virginia Manufactured Housing Licensing and Transaction Recovery Fund.

The 1992 General Assembly approved the following Commission recommendations: comprehensive consumer protection language in the Virginia Mobile Home Lot Rental Act; a one-time right of redemption of tenancy prior to an action for eviction or unlawful detainer; expansion of the Virginia tax credit program fostering rent discounts to low-income elderly or disabled tenants; and restoration of the Virginia Housing Partnership Fund to the Virginia General Fund Budget.

In its 1993 Session, the General Assembly adopted comprehensive Commission recommendations related to the operation and management of condominium, cooperative, and property owners' associations. The Assembly also adopted the Commission's landmark legislation designed to assert the responsibility of localities to consider the affordable housing needs of a more broadly defined community, as well as its recommendations to extend the innovative state tax check-off for housing and rent reduction tax credit programs.

In 1994, the General Assembly approved Commission recommendations to ban self-help evictions in the case of all residential leases and allocate additional funding for the Virginia Homeless Intervention Program, both adopted to help prevent homelessness. In the area of blighted housing, the Assembly approved Commission recommendations which authorize localities to: acquire and rehabilitate or clear individual properties which

constitute "spot blight" in a community; require the issuance of certificates of compliance with current building regulations after inspections of residential buildings, located in conservation and rehabilitation districts, where rental tenancy changes or rental property is sold; and control the growth of grass and weeds on vacant property as well as property on which buildings are located. The 1994 General Assembly also approved Commission recommendations authorizing all Virginia localities to develop affordable dwelling unit (ADU) ordinances and authorizing VHDA to issue adjustable rate mortgage loans.

In its 1995 Session, the General Assembly adopted two Commission recommendations relating to landlord-tenant law in Virginia. In response to requests by tenants seeking to make their neighborhoods more safe, the Commission initiated expedited eviction proceedings where a tenant has committed a non-remediable criminal or willful act which poses a threat to health or safety. In response to requests to help prevent eviction-related homelessness, the Commission initiated reform of Virginia removal bonds, fostering removal of eviction actions from general district to circuit court in cases not involving nonpayment of rent. The 1995 General Assembly also adopted the Commission's comprehensive package of legislation addressing blighted and deteriorated housing. These bills: address violations of the Virginia Uniform Statewide Building Code clarifying that every Virginia circuit court has jurisdiction to award injunctive relief in cases involving USBC violations and by mandating that local building departments enforce Volume II (Building Maintenance Code) of the USBC where the department finds that there may be an unsafe situation; foster local government removal of graffiti from public or private structures; assist localities to identify and locate owners of blighted properties by requiring the name and address of the owner of real property in local land book records; and authorize localities without redevelopment and housing authorities to engage in "experiments in housing," such as homesteading programs.

The Commission's 1996 recommendations focused on expansive ("shrink-swell") soils, building code matters, and community land trusts. Its landmark legislation on soils and related building code issues was embraced by the General Assembly and set new standards in providing localities, the homebuilding industry, and homeowners a framework for addressing problem soils found statewide.

The 1997 General Assembly approved the Commission's package of legislation relating to such issues as preservation of affordable housing subsidized under federal programs and with subsidy contracts expiring; homeless children; common interest communities; and the composition of the state Board of Housing and Community Development.

The 1998 General Assembly adopted the Commission's legislation focusing on the following broad areas of study: strategies to foster installation of indoor plumbing; residential rental security deposit returns and interest rates; condemnation by public housing authorities; common interest community association issues; education and licensure issues relating to the multifamily residential housing industry; and allocations and production data for the Virginia Housing Partnership Fund.

In its 1999 Session, the General Assembly approved Commission legislative recommendations stemming from its three diverse and complex 1998 study issues: fire sprinkler systems in multifamily residential buildings; establishment of an entity to foster the preservation of affordable housing; and affordable assisted living options for Virginia's seniors. (The Commission issued some forty recommendations following its two-year comprehensive assisted living study.)

Commission recommendations have led to homeownership for thousands of Virginians, job creation and retention in localities large and small, enhanced fire safety and building code consumer protection, and neighborhood revitalization across the Commonwealth.

The 2000 General Assembly embraced the Commission's proposed comprehensive reorganization of the Virginia Residential Landlord and Tenant Act in a more logical and technically accurate format with clarified and updated provisions. Other Commission recommendations not requiring legislation addressed provisions of certain municipal services to homeowners by their common interest community associations and the localities in which such associations are located; carbon monoxide safety issues relating to chimneys, fireplaces, and vents for solid fuel-burning appliances; and the creation of a new foundation to preserve affordable housing in the Commonwealth.

2000 WORK PROGRAM

In addition to approving the Commission's 1999 recommendations, the 2000 General Assembly also requested the Commission's leadership in addressing an unprecedented sixteen bills and resolutions. Senator Mims assigned these issues to eight Work Groups, each chaired by a legislative member of the Commission. The Work Groups (and some Work Group task forces) held eighteen meetings. In addition, Senator Mims convened three meetings of the full Commission, including a June organizational meeting at which members received briefings from the Commission Executive Director and from the Directors of its state and federal housing and community development agency partners; a September meeting in conjunction with the Virginia Housing Conference at which Work Group Chairs presented interim study reports; and a November meeting at which, after reviewing public comment submitted in writing and in public hearing format, issue papers, and Work Group recommendations, the Commission reached unanimous consensus on the recommendations published in this report.

In conjunction with legislative, public information, and study activities, the Commission responded to hundreds of inquiries regarding housing and community development policy, finance, statutory, and regulatory issues. Its Executive Director met regularly with board members and key staff of the Virginia field offices of the U. S. Department of Housing and Urban Development and the U. S. Department of Agriculture/Rural Development, Virginia Department of Housing and Community Development, Virginia Housing Development Authority, Virginia Community Development Corporation, Virginia Interagency Action Council for the Homeless, and Virginia Housing Coalition, as well as housing advocates, government officials, and industry representatives from around the Commonwealth. In addition to serving as a member of the Boards of Directors of the Virginia Foundation for Housing Preservation and the Preservation Alliance of Virginia, the Director also played an active role in the national housing and community development arena, serving as a member of the Board of Directors of the National Housing Conference; as Chair of the American Bar Association Forum on Affordable Housing and Community Development Law/Committee on State and Local Programs; and as a representative to the ABA Commission on Homelessness and Poverty.

EXECUTIVE SUMMARY

Following is a brief summary of Virginia Housing Study Commission unanimous recommendations to the Governor and the 2001 General Assembly of Virginia.

Three bills relating to **common interest community associations** were referred to the Commission for study by the 2000 General Assembly. House Bill 607 and Senate Bill 721 address the operation of associations covered by the Virginia Property Owners' Association Act and the investigation and resolution of alleged violations of state law involving such associations. House Joint Resolution 224, incorporated and passed as part of HJR 253, requests the Commission to study provisions of the Virginia Condominium Act relating to the adequacy of association reserve funds established for the maintenance of common areas.

After the Session, the Commission was requested to study two additional bills relating to associations. House Bill 606, pertaining to condominium associations, addresses complaints made against persons other than the declarant, its agents, employees, or other representatives. House Bill 715 would remove authorization for condominium and property owners' associations to employ foreclosures by sale (nonjudicial foreclosures) for nonpayment of assessments.

In response to House Bills 606 and 607 and Senate Bill 715, the Commission recommends establishing a state ombudsman position within the Virginia Real Estate Board to provide information to and foster reduction and resolution of conflicts among community associations and their members. The Commission further recommends statutorily linking the ombudsman position to the Virginia Common Interest Community Management Information Fund, with Fund revenues serving as the principal source of funding for the position.

In response to HJR 224, the Commission agreed that the issue of reserves, not only for condominium associations but for all common interest associations, is important and complex. Therefore, the Commission will include the issue in its 2001 Work Plan.

In response to HB 715, the Commission noted that the National Conference of Commissioners on Uniform State Laws has in process a project to draft a Uniform Nonjudicial Foreclosure Act. Accordingly, the Commission will monitor the progress of the National Conference project, adopting recommendations on point as part of its Work Plan in 2001 and subsequently submitting any such recommendations to the National Conference.

Two bills relating to **landlord and tenant law** (House Bills 933 and 1083) were referred to the Commission for study. In response, the Commission recommends amending current Virginia statutes and program guidelines specifically relating to these issues: reduction of the Virginia Residential Landlord and Tenant Act (VRLTA) "trigger number;" provision of notice of local legal services programs to tenants participating in Section 8 programs administered by the Virginia Housing Development Authority; compliance with VRLTA security deposit provisions; clarification of VRLTA provisions relating to notice of a landlord's intent to enter the rental premises; payment under VRLTA provisions relating to removal of burglary prevention and fire detection devices by a tenant; codification in general landlord and tenant statutes of landlord and tenant maintenance rights and responsibilities currently set forth in the VRLTA; access of tenants to VRLTA rent escrow provisions; and mitigation of post-possession rent damages following termination of tenancy.

House Bill 1145, referred to the Commission for study, relates to **eminent domain powers of redevelopment and housing authorities**. Specifically, the legislation addresses actual acquisition of properties by housing authorities and reimbursement of the property owner for reasonable

The 2000 General Assembly requested the Commission's leadership in addressing an unprecedented sixteen bills and resolutions.

expenses incurred pursuant to eminent domain where an authority subsequently decides against acquiring the property. In response to the bill, the Commission makes recommendations relating to three specific issues: adequacy of anticipated revenues to finance acquisition of real properties under an approved redevelopment plan and establishment of a five-year time frame following plan approval for acquisition of properties, plus local reaffirmation of such plan not sooner than thirty months nor later than thirty-six months following plan approval; reimbursement of reasonable expenses incurred by the property owner pursuant to eminent domain where an authority subsequently decides against acquiring the property; and notice of availability of non-binding mediation to assist in resolving disputes regarding acquisition price.

House Joint Resolution 236, amended and incorporated and passed as part of HJR 253, requests the Commission to study the **Uniform Statewide Building Code (USBC)** for the purpose of clarifying existing laws and examining USBC provisions affecting building standards and design. In response to the legislation, the Commission recommends amending the USBC to provide that the USBC shall supersede the provisions of local ordinances applicable to single family residential construction that regulate dwelling foundations or crawl spaces, that require the use of particular building materials or finishes, or that require minimum surface area or numbers of windows. The proposed amendment clarifies that the USBC would not supersede proffered conditions accepted as part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to *Code of Virginia* Section 15.2-2306.

House Joint Resolution 253 requests that the Commission continue its study of **carbon monoxide safety** relating to chimneys, fireplaces, vents, and solid fuel-burning appliances. In response to the legislation, the Commission recommends that the Board of Housing and Community Development consider including in the Uniform Statewide Building Code the requirement that, upon a change in fuel source involving the chimney or the installation of new equipment or appliances, including but not limited to furnaces, hot water heaters, and boilers, contractors performing such work shall be required to certify that the flue liner is operable and constructed in accordance with USBC provisions. In addition, the Virginia Department of Housing and Community Development will develop recommendations to promote public awareness of carbon monoxide safety issues as identified in the Commission study.

House Joint Resolution 254, incorporated into and passed as part of HJR 253, requests the Commission to study strategies for increasing **homeownership opportunities among minorities and new citizens** of the Commonwealth. The Commission will broaden the study purview to include new immigrants to Virginia and continue its study as a top priority issue as part of its 2001 Work Plan.

Two pieces of legislation relating to **rural housing** were referred to the Commission for study. House Joint Resolution 256 requests the Commission, with assistance from the Virginia Department of Housing and Community Development, to study the need for and make recommendations to foster the improvement of organizational infrastructure, outreach efforts, technical assistance, and construction services for indoor plumbing installation in the homes of those rural Virginians living without indoor plumbing. HJR 257 requests the Commission, with assistance from the Virginia Interagency Action Council for the Homeless, to study the number and needs of homeless persons in rural areas of the Commonwealth and make recommendations to foster their self-sufficiency.

In response to HJR 256, the Commission recommends creation of a statewide, community Self-Help Program, capitalized with \$2.0 million in state funds to augment the \$1.1 million in current federal funds, to foster projects in which community members may assist in installing the infrastructure which will provide clean drinking water to their homes. The Commission also recommends the allocation of \$5.0 in increased funding for the Virginia Indoor Plumbing/Rehabilitation (IP/R) Program. Additional Commission recommendations relate to Virginia Housing Development Authority participation in financing in IP/R projects; local regulatory barriers to IP/R efforts; and delegation of U.S. Department of Agriculture/Rural Development loan- or grant-making authority to qualified local organizations to ensure that no Rural Development funds allocated to Virginia are returned to the federal government.

In response to HJR 257, the Commission recommends that, given the relative lack of data on homeless persons in rural areas of the state and the nation alike, a survey should be conducted to determine such basic, comprehensive statewide data as an estimated number of rural homeless persons, reasons for their homelessness, and services available and unavailable to them. That survey will be conducted in early 2001 by the Virginia Center for Housing Research at Virginia Tech. The Commission will review survey findings and craft recommendations as part of its 2001 Work Plan.



DELEGATE TERRIE L. SUIT

COMMON INTEREST COMMUNITY ASSOCIATION ISSUES

ISSUES

Three pieces of legislation relating to common interest community associations were sent to the Virginia Housing Study Commission for study by the 2000 General Assembly. House Bill 607, chief patroned by Delegate Vincent F. Callahan, Jr., and Senate Bill 721, chief patroned by Senator William C. Mims, request the Commission to review (i) the operation of property owners' associations covered by the Virginia Property Owners' Association Act and (ii) whether the Real Estate Board should be charged with the investigation and resolution of alleged violations of state law involving such associations. House Joint Resolution 224, chief patroned by Delegate Alan A. Diamonstein and incorporated into and passed as part of HJR 253, requests the Commission to study provisions of the Virginia Condominium Act relating to the adequacy of reserve funds established for the maintenance of association common areas.

After the Session, the Commission was requested to review House Bill 606, also chief patroned by Delegate Callahan but continued to 2001 in the House Committee on General Laws. That bill, relating to condominium associations, would require the Real Estate Board to investigate complaints made against persons other than the declarant, its agents, employees, or other representatives and, further, would provide for the imposition of monetary penalties for violations. In addition, following the Session, the Commission was asked to review House Bill 715, chief patroned by Delegate Michele B. McQuigg. That bill, also continued to 2001 in the House Committee on General Laws, would remove authorization for condominium and property owners' associations to employ foreclosures by sale for non-payment of assessments.

Commission Chairman Senator William C. Mims assigned each of the five pieces of legislation to the Commission 2000 Work Group on Common Interest Community Association Issues and requested Delegate Terrie L. Suit to chair the Work Group. In addition, Senator Mims appointed to the Work Group current and former association board members, officers, and non-board members, attorneys representing association boards, developers, and non-board members, housing industry representatives, and local and state government officials.

BACKGROUND

At the first meeting of the Work Group, Virginia Real Estate Board Assistant Director Karen S. O'Neal and Board Property Registration Coordinator Eric Olson reviewed Board jurisdiction and complaint trends regarding common interest community associations in the Commonwealth. Ms. O'Neal and Mr. Olson also highlighted information included in the Board's 1999 study in response to HJR 645 (1999) relating to the efficiency and effectiveness of the Virginia Property Owners' Association (POA) Act. Finally, Ms. O'Neal and Mr. Olson summarized statutes of other jurisdictions regarding regulation of common interest community associations.

Early discussion focused on the fact that, of an average total of 486 telephone inquiries received by the Board relating to common interest community issues, 24 (about .5 percent) of those inquiries are complaints. Tallied another way, representatives of about .25 percent

of all units have registered complaints. Several Work Group members pointed out that: i) the Board is not the only entity/individual receiving complaints, ii) many parties are not aware that the Board is the appropriate entity with which to register complaints, and iii) even after contacting several sources (e.g., elected and appointed state and local officials) parties do not necessarily contact the Board. Telephone inquiries by the Commission Executive Director to the Director of the Virginia Office of Consumer Affairs and the Fairfax County Liaison for Homeowner Associations confirmed such observations. During the past 36 months, the Virginia state office received a total of 18 complaints. The Fairfax office received an average of 15 to 20 per month during the past six years.

Also at the first meeting, Virginia Division of Legislative Services Senior Staff Attorney and former Virginia Property Registration Coordinator Maria Everett reviewed provisions of the Virginia Common Interest Community Management Information Fund and other jurisdictional approaches to alternative dispute resolution (ADR). In summary, Ms. Everett explained, there are three options available to an association homeowner dissatisfied with a Board decision: i) take action to change the Board membership, ii) take legal action (i.e., action for injunction in circuit court) against the Board, or iii) move. It was noted that the Condominium Act focuses on offering, rather than enforcement, issues because it was enacted to address a new industry unlike the maturing industry of today, and that the only real enforcement mechanism is a "highly-lawyered, intensive, expensive, and adversarial process." The POA Act was characterized as a "band-aid bill," in comparison to the more thorough Condominium Act.

Following reports by Ms. O'Neal, Mr. Olson, and Ms. Everett, the Commission Executive Director briefed Work Group members on approaches of other jurisdictions to reserve funds and foreclosures by sale (also referred to as "nonjudicial foreclosures") by homeowners' associations.

At its second meeting, the Work Group met by teleconference with State of Nevada Ombudsman for Community Association Issues Mary Lynn Ashworth. In a lengthy conversation, Ms. Ashworth briefed participants on the history of her office, procedures followed, and the nature and resolution of complaints, among other issues.

Following Ms. Ashworth's presentation, James City County Neighborhood Resources Coordinator Barbara Watson reported on training, technical assistance, collaboration, and referral opportunities offered by her office to all County neighborhoods. Ms. Ashworth provided work group members a copy of the strategic plan of her office, the mission of which is "to facilitate neighborhood-based activities that further the County's partnership with all citizens to achieve a quality community."

In addition to discussions with Ms. Ashworth and Ms. Watson, the Group received a report from Kenneth E. Chadwick, Esquire, on civil procedure for foreclosures by sale by homeowners' associations. It was noted that a study on point is underway by the National Conference of Commissioners on Uniform State Laws, and Senator Mims subsequently advised a Virginia Conference Commissioner of the Housing Commission study and requested a copy of any pertinent information.

Prior to adjournment, the Work Group received reports from Newport News Intergovernmental Affairs Director Christine O. Bridge and Ronald P. Kirby, President of Chantilly-based Community Management Corporation, on reserve fund issues, which issues were then scheduled for discussion at the Group's third meeting.

Commission recommendations would formalize, publicize, and lift up the current informal information provision and referral process, indicating by legislative advancement positive and proactive efforts already in place by Real Estate Board staff. In so doing, the recommendations are designed to foster harmony, neighborliness, well-being, increased property values, and decreased litigation among associations statewide.

RECOMMENDATIONS

Members of the Virginia Housing Study Commission took note that Work Group discussions regarding House Bills 606 and 607 and Senate Bill 721 consistently focused on conflict reduction. Contrary to suggestions by certain third parties unaware of and unfamiliar with either the substance or procedure of the Group, there were no discussions relating to prosecutorial efforts. Further, although Work Group members represented different perspectives, there was unanimous agreement among members as to the focus and direction of their recommendations, set forth as follows.

Office of Ombudsman for Common Interest Community Associations (House Bills 606 and 607 and Senate Bill 721)

The Work Group recommended establishing a state ombudsman position within the Virginia Real Estate Board to provide information to and foster reduction and resolution of conflicts among common interest community associations and their members. The Board was considered by the Group to be the appropriate venue for this new position because, among other reasons, it also houses the office of the state property registration administrator and the Common Interest Community Management Information Fund ("the Fund"), both of which address association issues.

The Work Group recommended statutorily linking the Ombudsman Office to the Fund, with the Fund revenues serving as the principal source of funding for the new position. The Fund was also created at the recommendation of the Housing Commission as a repository for modest annual fees paid by associations. The goal of the Fund, like that of the proposed Ombudsman Office, is to provide information and serve as a source for reducing and resolving conflicts among associations and their members.

The Group recommended that the work of the Ombudsman focus on three key functions, as follows. He or she would i) listen to observations, inquiries, concerns, and complaints of association board members and non-board members, ii) provide non-binding interpretations of and, whenever possible, substantive responses to inquiries regarding Virginia law, and iii) provide information on alternatives to conflict resolution other than litigation. (The third function, which would not pose an intermediate step to litigation, might include referrals to such resources as the American Arbitration Association, the Supreme Court of Virginia alternative dispute resolution program, and similar programs offered by law schools and local bar associations.) Ideally, the Ombudsman would have a familiarity with association issues (although the position would not necessarily require a legal background) and he or she could directly contact the designated Assistant Attorney General for advice and counsel on appropriate matters.

The Commission unanimously adopted the above-stated unanimous recommendations of Work Group members, crafted at the Group's third and final meeting of 2000. In sum, rather than moving in a punitive direction, these recommendations addressing House Bills 606 and 607 and Senate Bill 721 would formalize, publicize, and lift up the current informal information provision and referral process, indicating by legislative advancement positive and proactive efforts already in place by Real Estate Board staff. In so doing, the recommendations are designed to foster harmony, neighborliness, well-being, increased property values, and decreased litigation among associations statewide.

*Adequacy of Condominium Association Reserve Funds
(House Joint Resolution 224)*

The *Code of Virginia* does not currently mandate the establishment of reserve funds by condominium associations, nor is the term “reserve funds” defined in the *Code*. Rather, *Code* Sections 55-79 (C)(5) and 55-512(A)(5) relating to condominium and property owners’ associations, respectively, require a statement “of the status and amount of a reserve or replacement fund and any portion of the fund allocated by the board of directors for a specified project” and “of any expenditure of funds approved by the association or the board of directors which shall require an assessment in addition to the regular assessment during the current year or the immediately succeeding fiscal year.”

In the context of discussing the reserve funds issue, Work Group members at their third meeting debated the equities of various scenarios where some association members reap the rewards but forego the fiscal responsibility of capital repairs and replacements. Members also expressed concerns for the health and safety of residents and ongoing viability of aging communities in need of major structural repairs or replacements, particularly where a majority of residents may be seniors living on limited fixed incomes, where substantial capital outlays are required and reserves are not in place to address the same.

In addition, members discussed whether certain percentages (if any) of association budgets should be statutorily mandated as reserves, whether resale disclosure information should provide information as to the status of reserves as well as projected capital requirements, whether and how any requirements relating to establishment of reserve funds could or should be accounted for and/or enforced, whether such requirements could or should apply to associations already in existence as well as new associations, the relationship of any proposed requirements to property registration statutes, and how any proposed requirements would affect small associations.

Work Group members agreed that the issue of reserves — not only for condominium associations but for all common interest associations — is an important and complex one requiring additional study and consideration. Therefore, the Commission unanimously adopted the Group’s recommendation that the issue be included in the Housing Commission 2001 Work Plan.

*Foreclosures by Sale
(House Bill 715)*

At its third meeting, the Work Group was advised by Senator Mims that he had received from the Virginia appointee to the National Conference of Commissioners on Uniform State Laws confirmation that the Conference has in process a project to draft a Uniform Nonjudicial Foreclosure Act. The draft of such Uniform Act was read for policy comments in mid-2000 and will have its formal first reading in August 2001 with a second and final reading in July 2002. The Commissioner advised Senator Mims that meetings of the drafting committee are open and that attendance and participation of observers is encouraged.

Accordingly, the Commission unanimously adopted the Work Group’s recommendation that the Commission continue its work on the nonjudicial foreclosure issue as part of its 2001 Work Plan. More specifically, the Commission will monitor the progress of the National Conference project, adopting recommendations on point as part of the Commission legislative meeting in late 2001 and subsequently submitting any such Commission recommendations to the National Conference.

LANDLORD AND TENANT ISSUES

ISSUES

Two House Bills (933 and 1083) relating to landlord and tenant issues in Virginia were referred by the House Committee on General Laws to the Virginia Housing Study Commission. Commission Chairman Senator William C. Mims assigned both HB 933 and 1083 to the Commission 2000 Work Group on Landlord-Tenant Issues and requested Senator Mary Margaret Whipple to chair the Group. In addition, Senator Mims appointed to the group residential rental unit owners and managers, attorneys and others representing landlords and tenants, and local government officials.

BACKGROUND AND RECOMMENDATIONS

House Bill 933

At its first meeting, the Work Group discussed House Bill 933, chief patroned by Delegate James F. Almand. The Group reviewed an issue paper prepared by the Arlington County Tenant-Landlord Commission in support of the legislation and, following discussion, unanimously adopted the following recommendations relating to the Virginia Residential Landlord and Tenant Act (VRLTA).

“Trigger Number”

VRLTA Section 55-248.5 currently exempts those single family residential rental units where the owner owns not more than ten single family units governed by a rental agreement. In those localities having the urban county executive or county manager plan of government, the Act exempts those condominium units and single family units where the owner owns not more than four such units subject to a rental agreement. The Work Group recommendation, which would apply to Alexandria, Arlington County, Fairfax City and County, and Falls Church, would remove the “trigger number” for most northern Virginia single family rental units and cause the VRLTA to govern all condominium and single family residential rental units in those localities. Accordingly, the rights and responsibilities of both landlords and tenants would be more clearly defined in such units.

Notice of Legal Services Program

VRLTA Section 55-248.6 (F) currently provides that where notice to pay or quit the rental premises or to terminate tenancy is served upon a tenant by a public housing authority organized under the Housing Authorities Act of *Code of Virginia* Section 36.1 *et seq.*, such notice is not effective unless it contains on its first page, in type no smaller or less legible than that otherwise used in the body of the notice, the name, address and telephone number of the legal services program, if any, serving the jurisdiction in which the rental unit is located.

Given the diminishing stock of Section 8 federally assisted housing units, together with the increasing rent burdens on lower income tenants, Work Group members agreed that it would be helpful to advise Section 8 tenants receiving a five-day pay or quit notice that the process for vacating the rental unit may be longer than five days. Thus, the Work Group recommended that the Commission consider requesting that Section 8 tenants be notified



SENATOR MARY MARGARET WHIPPLE

in writing of information pertaining to such legal services program as may be available in the jurisdiction where the rental unit is located and that such information be provided by the tenant's Section 8 local administrator in the family briefing in which the tenant is required to participate with such administrator as a condition of Section 8 assistance. More specifically, the Group recommended that the Commission request that the Virginia Housing Development Authority (VHDA), which administers the Section 8 program in 89 localities using 76 local agents, in turn request its Section 8 local agents to provide such information to participating tenants. Similarly, the Group recommended that the Commission request local redevelopment and housing authorities to provide such information in those jurisdictions where the authorities administer the Section 8 program.

Security Deposits

VRLTA Section 55-248.11(A) currently provides that the landlord must notify a tenant of any deduction from the tenant's security deposit within 30 days after termination of tenancy and delivery of possession of the rental unit. Further, the landlord must apply the security deposit as provided in Section 55-248.11(A) within the 30-day time period. The Work Group recommended extending the 30-day period to a more realistic 45-day time period.

In addition, the Work Group recommended providing that, if the landlord willfully fails to comply with the provisions relating to security deposits, then the deposit and any accrued interest shall be refunded in full to the tenant together with actual damages and reasonable attorney's fees. Such provision is viewed as an incentive for landlords to comply with VRLTA security deposit provisions relating to deductions in a timely manner.

Notice of Landlord's Intent to Enter Premises

VRLTA Section 55-248.18 currently mandates that the landlord provide the tenant "reasonable" notice prior to the landlord's entry into the tenant's rental unit. To clarify statutory intent, the Work Group recommended deleting the term "reasonable" and adding the following sentence to such *Code* section: *Unless impractical to do so, the landlord shall give the tenant at least twenty-four hours notice of the performance of routine maintenance which is not requested by the tenant.*

Payment for Removal of Burglary Prevention and Fire Detection Devices

VRLTA Section 55-248.18 currently provides that, upon termination of tenancy, the tenant must, upon the request of the landlord, remove such locks and fire prevention devices that the tenant may have installed and repair all related damages. (Such damages may include the replacement of the door where its fire safety integrity has been damaged.) The Work Group recommended that the Act be amended to reflect the general course of business, in which the landlord repairs such related damages. Specifically, the Group recommended that such *Code* section instead provide that, upon termination of occupancy, the tenant shall be responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

House Bill 1083

At its second meeting, the Work Group discussed House Bill 1083, chief patroned by Delegate Jerrauld Jones. Members reviewed an issue paper prepared by staff of the Virginia Poverty Law Center in support of the legislation and, following discussion, unanimously adopted the following recommendations relating to the VRLTA and Virginia landlord and tenant statutes.

Three Rights of Redemption

Working with the housing industry and in an attempt to prevent homelessness some ten years ago, the Housing Commission recommended that tenants be allowed a one-time right of redemption during any continuous residency in a rental dwelling unit. Citing the need for family stability and cash flow interruptions experienced by low-income tenants, the Poverty Law Center proposed increasing the tenant's one-time right of redemption under VRLTA Section 55-243(B) to three rights of redemption within a one-year period. Noting that rental payments are in turn applied by landlords to mortgage payments and citing family stability and cash flow issues experienced as well by lower and middle income landlords, industry representatives also pointed out that, realistically, landlords generally offer several such rights and work with tenants experiencing financial difficulties. The Work Group voted 12-2 against increasing the number of rights of redemption.

Poverty Law Center representatives, in the alternative, requested that the Group recommend providing three such rights to public housing tenants. Without housing authority representatives participating in the discussions, the Group decided against such recommendation. However, Senator Whipple agreed to meet with representatives of the Poverty Law Center and housing authorities to discuss the matter.

That meeting, convened and attended by Senator Whipple, took place in early December and was also attended by senior representatives of the Newport News, Portsmouth, and Richmond housing authorities, the Director of the Virginia Beach Office of Housing, a representative of the Poverty Law Center, and the Commission Executive Director. Housing authority representatives discussed informal procedures in place to assist public housing tenants who, by federal definition, pay only that portion of their income which is "affordable." All such representatives stressed their attempts to work with tenants experiencing financial hardships and noted that tenants of their authorities now receive at least three informal rights of redemption. The Poverty Law Center representative argued, however, that such informal procedures tend to favor certain tenants rather than benefiting all tenants. In conclusion, Senator Whipple requested that housing authority representatives in 2001 provide the Commission additional information regarding such procedures.

Codification of Landlord and Tenant Maintenance Rights and Responsibilities

The Work Group unanimously agreed that, given opposition in rural areas to eliminating the "trigger number" for rental units governed under VRLTA Section 55-248.5, a more realistic course of action would be to include in *Code of Virginia* statutes relating to landlord and tenant law applicable VRLTA provisions relating to maintenance of the residential rental unit by both landlords and tenants.

Tenant Access to VRLTA Rent Escrow Provisions

VRLTA Section 55-248.27(B) currently prohibits a tenant from enforcing his or her rights regarding the rental unit if the tenant has received more than three notices to pay or quit or civil warrants or a combination thereof from the landlord for rent due and unpaid in the year immediately or two notices to pay or quit or civil warrants or a combination thereof for the same in the six months immediately) prior to the initiation of an action. (Rights a tenant might seek to enforce include those relating to health and safety matters such as provision of heat or other utilities.) Work Group members unanimously agreed that, if the lease and the tenancy are in effect, even if the tenant were late in previous rent payments, the tenant should not be precluded from enforcing the lease using rent escrow provisions available under the VRLTA. Accordingly, the Group recommended deleting such current *Code* language precluding such lease enforcement.

Judicial Discretion Regarding Nonpayment of Rent

Poverty Law Center representatives alleged that, where a landlord claims a tenant owes the landlord for amounts other than under contract rent, disputes may arise regarding the amount actually owed by the tenant. Where the tenant refuses to pay the entire sum claimed by the landlord and pays only the amount believed to be owed, the landlord can initiate action against the tenant for unlawful detainer. Where a judge finds that the tenant has undercalculated and underpaid the amount owed, even if only a small amount, the judge must, according to Poverty Law Center representatives, grant possession to the landlord.

Housing industry representatives indicated that such scenario would be highly unusual and was not within their experience, and Poverty Law Center attorneys were requested to provide concrete examples of such situations to the Commission Executive Director by October 15. No such examples were submitted despite an October 17 letter to a Poverty Law Center attorney reminding him of the same. There was no unanimity among Work Group members on the issue, which would require further study, and thus no recommendation to the Commission.

Mitigation of Damages

Under current VRLTA Section 55-248.35, in cases where a rental agreement is terminated, the landlord's actual damages relating to such termination may include such rent as would have accrued until the expiration of the rental term or until the commencement of a new tenancy under a new rental agreement. Work Group members agreed that such post-possession damages ordered to be paid by a tenant can be substantial and may actually be mitigated if the landlord rents the unit prior to the end of the rental term in question. In addition, the Group agreed as to the equity of month-by-month mitigation of such damages rather than damages reflecting accelerated rent through the end of the term of tenancy. Accordingly, the Group proposed language in such *Code* section clarifying that the landlord is not required to seek a judgment for accelerated rent through the end of the term of tenancy.

The Virginia Housing Study Commission unanimously adopted the above-stated recommendations of its Work Group on Landlord and Tenant Issues.

EMINENT DOMAIN POWERS OF REDEVELOPMENT AND HOUSING AUTHORITIES

ISSUE

House Bill 1145, chief patroned by Delegate Thelma Drake, would require that real property identified by a public housing authority for redevelopment be acquired by such housing authority within 36 months after its announcement of the redevelopment plan. The bill would also require that, if a housing authority decides against acquiring real property identified for redevelopment, it must reimburse the property owner for reasonable expenses incurred by the owner related to such proposed acquisition of the property, upon request. HB 1145, which was endorsed by the 1999-2000 legislative joint subcommittee studying eminent domain in the Commonwealth, was continued to 2001 in the House Committee on General Laws and referred to the Virginia Housing Study Commission for study.

Commission Chairman Senator William C. Mims assigned the bill to the Commission 2000 Work Group addressing acquisition of property by public housing authorities (PHAs) by the exercise of the power of eminent domain. Senator Mims requested Delegate Drake to chair the Work Group and appointed to it representatives of PHAs, housing and financial industry representatives, community and small business leaders, and attorneys representing PHAs as well as property owners whose property has been or is slated to be acquired under eminent domain powers of PHAs.

BACKGROUND

In 1997, the Housing Commission was asked by the General Assembly to address House Bill 2453 (1997) relating to condemnation by public housing authorities (PHAs). That bill was introduced by Delegate Robert Tata in response to concerns raised by a constituent regarding condemnation proceedings initiated by the Norfolk Redevelopment and Housing Authority (NRHA) pursuant to certain real property located in Norfolk's East Ocean View neighborhood, which NRHA had designated a Conservation Area.

The NRHA adopted the East Ocean View Conservation Plan in October 1989. In October 1993, the plan was amended and approximately 100 acres in the area was designated a redevelopment area. Both the plan and its amended version were approved by the Norfolk City Council following public hearings.

The 1993 redevelopment plan calls for NRHA to acquire about 300 individual properties. Acquisition is scheduled for completion by 2002, thirteen years after the initial announcement of the plan. Meanwhile, nearly eleven years after the initial plan announcement, much of the area sits vacant or boarded, awaiting redevelopment or demolition, as neighborhood property owners continue in limbo — uncompensated by NRHA for their property, but, according to Work Group members familiar with the situation, constructively or realistically unable to refinance or sell that property.

Three major recommendations unanimously emerged from the Housing Commission's 1997 deliberations, led by Delegate Drake. Those recommendations, subsequently passed into Virginia statutory law as landmark changes by the 1998



DELEGATE THELMA DRAKE

Virginia Assembly, addressed three key provisions of Virginia *Code* Section 36-27 relating to eminent domain powers of public housing authorities. More specifically, they:

- provide that condemnation proceeding commissioners may hear evidence of the value of the property including but not limited to an owner's appraisal
- require that, prior to the adoption of any redevelopment or conservation plan, a PHA must send by certified mail, postage prepaid, to at least one owner of every parcel of property to be acquired a) notice that such property is to be acquired and b) notice that the owner has the right to appear in any condemnation proceeding and present defenses to the proposed taking
- require that, at the time a PHA makes its price offer to the property owner, the PHA must also provide the owner with a certificate, signed by a licensed and certified general real estate appraiser, setting forth the appraiser's opinion of the fair market value of the property.

Three years after the Commission's eminent domain study triggered by NRHA actions, redevelopment and revitalization remain major challenges facing Virginia's cities (large and small) and older suburbs. Landlocked, and with buildable land largely built out, these localities have little choice for large- or even moderate-scale redevelopment projects other than acquiring land already improved with buildings — residential, commercial, or a combination thereof.

Increasingly, then, the rights and responsibilities of owners whose land, homes, and businesses lie in the path of redevelopment and the rights and responsibilities of public housing authorities seeking to acquire those properties for redevelopment will be a subject of discussion. Indeed, those participating in the Commission's 1997 discussions on point discussed these issues and agreed on the appropriateness of a Commission review of Virginia statutory law to ensure that, in the current context of redevelopment, provisions enacted decades ago remain reasonable and desirable.

Work Group members unanimously agreed that the rights and responsibilities of property owners and localities must be balanced, particularly given the changing nature of PHA-sponsored, large-scale redevelopment projects nationally as federal resources available for such projects have diminished substantially with little or no expectation of funding restoration. Key issues discussed at the three meetings of the Work Group and its task force that refined Group-proposed statutory amendments include:

- whether it is reasonable for PHAs to identify property for acquisition and redevelopment without adequate funding in place (or even identified) for such redevelopment
- the length of time PHAs may reasonably keep property owners in limbo (between the time property is identified for acquisition and the time it is actually acquired) without compensating the owner
- reasonable consequences, if any, where a PHA fails to compensate a property owner for property identified for acquisition but not actually acquired within an identified time period
- whether a PHA, where it decides not to acquire property after previously advising the owner of its intent so to acquire, should reimburse the owner for the owner's reasonable expenses (e.g., fees for services and counsel from appraisers, attorneys, engineers, and accountants) incurred in facing condemnation.

Commission recommendations are designed to foster better communication, increased public participation, enhanced local financial planning, and more expeditious community revitalization while also protecting private property owners from potential ill effects of eminent domain powers of local redevelopment and housing authorities.

RECOMMENDATIONS

The Work Group reached unanimous agreement on its following recommendations to the Virginia Housing Study Commission. The Group noted, in making such recommendations, that each is designed to:

- foster better communication
- foster increased public participation
- foster enhanced local financial planning
- foster more expeditious community revitalization
- protect private property owners from potential ill effects of eminent domain powers of local redevelopment and housing authorities.

Adequate Anticipated Revenues and Time Frame for Acquisition of Properties

Perhaps most challenging to the Work Group were the related issues of i) the adequacy of anticipated local revenues to finance acquisition of real properties under an approved redevelopment plan and ii) a specific time frame during which PHAs must actually acquire properties identified for acquisition as part of a redevelopment plan. The Group agreed that, in submitting a redevelopment plan, a PHA should not identify properties for acquisition under such plan unless there are anticipated revenues to be utilized for such acquisition. The Group also agreed that property owners should not be kept in property acquisition limbo for 22 years or thirteen years or even more than five years after a PHA identifies their property for acquisition. Moreover, the Group agreed that the locality should re-evaluate and, if it so desires, reaffirm any redevelopment plan at the close of every three-year period following the approval of the five-year plan.

Specifically, the Work Group unanimously recommended amending the Housing Authorities Act of the *Code of Virginia* (Section 36.1 *et seq.*) which amendments would require that:

- In addition to identifying real property to be acquired for redevelopment, a redevelopment plan must also identify anticipated funding sources that may be sufficient to acquire all such property within five years after plan approval by the local governing body of the redevelopment plan.
- Any real property which has not been acquired or for which a petition in condemnation has not been filed by the authority within the five-year period would no longer be eligible to be so acquired under such plan unless the authority and the property owner mutually agreed to such acquisition.
- Not sooner than thirty months nor later than thirty-six months following the time of approval by the local governing body of the redevelopment plan under which property would be acquired, such body must review and determine by resolution whether to reaffirm the plan. Where the local governing body fails to reaffirm the plan, any real property which has not been acquired or for which a petition in condemnation has not been filed by the authority would no longer be eligible to be so acquired under such plan unless the authority and the property owner mutually agreed to such acquisition.
- The locality would not be precluded from adopting a new redevelopment plan designating a redevelopment area that includes real property previously included within a redevelopment area under a previously adopted redevelopment plan.

Reimbursement of Reasonable Expenses

The Work Group also agreed that a property owner should not suffer losses due to reasonable expenses incurred in conjunction with proposed acquisition of that owner's property by a housing authority where the authority subsequently decides not to acquire the property. Accordingly, the Group unanimously recommended amending the Housing Authorities Act, which amendments would provide the following:

- Where a housing authority decides against acquiring real property identified for acquisition under an approved redevelopment plan after making an offer to purchase to the property owner, it must reimburse the owner of such property for reasonable expenses incurred by the owner in connection with the proposed acquisition of the owner's property.
- To be eligible for such reimbursement of expenses, the property owner must make a written request for the same to the housing authority, in writing, no later than one year after the date of written notice from the housing authority to the property owner of its decision not to acquire the property. The property owner's reasonable expenses may include, but are not limited to, the reasonable fees of attorneys and appraisers or other experts necessary to establish the value of the property to be acquired.

Mediation of Property Acquisition Price

The Work Group agreed that, in determining the price at which a housing authority will acquire real property under eminent domain, non-binding mediation by a third party can be an invaluable tool working to the mutual benefit of both the property owner and the authority involved in the proposed transaction. Specifically, the Group agreed that such mediation could serve to further resolution of factual disputes, avoid unnecessary use of the courts, and facilitate settlement of the issue of just compensation. Accordingly, the Work Group unanimously recommended amending the Housing Authorities Act, which amendments would provide the following:

- In all cases where eminent domain is used to acquire real property under an approved redevelopment plan, at least thirty days prior to trial on the issue of just compensation either party may request and the court must order the parties to meet before a neutral third party and mediate such issues.
- Such mediation would not be binding. Further, failure of such mediation to resolve matters at issue would not preclude a trial on such issues and the matters would proceed on the docket of the appropriate court.
- A mediation request submitted either by the authority or the property owner prior to the fifth anniversary of the date of approval by the local governing body of the redevelopment plan (as discussed above) would preserve the authority's right to file a petition in condemnation relating to the property for six months after such anniversary.

The Commission agreed that mediation could serve to further resolution of factual disputes, avoid unnecessary use of the courts, and facilitate settlement of the issue of just compensation.

Ongoing Status of Work Group

In concluding remarks, Delegate Drake applauded the outstanding progress made by the Work Group and its collective knowledge and collegiality. She recommended, and the Group unanimously agreed, that the Group, under the auspices of the Commission, should remain available to review pertinent issues that arise not only during the 2001 Session of the General Assembly but also thereafter.

The Virginia Housing Study Commission unanimously adopted the above-stated recommendations of its Work Group on Eminent Domain Powers of Redevelopment and Housing Authorities.

VIRGINIA UNIFORM STATEWIDE BUILDING CODE

ISSUE

House Joint Resolution 236, chief patroned by Delegate Riley E. Ingram, was amended and incorporated and passed as part of HJR 253. The legislation requests the Virginia Housing Study Commission to study the Virginia Uniform Statewide Building Code (USBC) for the purpose of clarifying existing laws and examining USBC provisions affecting building standards and design to determine if revisions to the USBC may be necessary. Commission Chairman Senator William C. Mims requested Senator Martin E. Williams to chair the Commission 2000 Work Group addressing the USBC issues noted in HJR 236, as amended, and appointed to the Work Group representatives of the housing industry, including architects, builders, and developers, and representatives of local government, including city attorneys and local planning and building officials.

BACKGROUND

The USBC was adopted by the Virginia General Assembly in 1973 to foster construction safety, project safety, and, ultimately, public health and safety in a uniform manner. The Code is promulgated by the Virginia Board of Housing and Community Development (HCD).

In first recommending the adoption of a USBC in 1971, the Housing Study Commission stated:

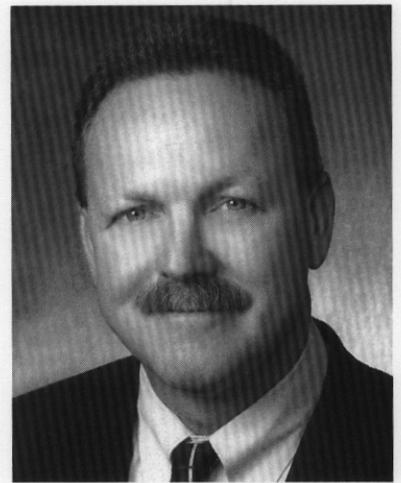
Among the factors contributing to the high cost of construction today are various laws, ordinances, rules, regulations and codes regulating the use of materials and construction of buildings. Many such requirements rigidly enforce the use of products better suited for a century ago...There is little logic and less consistency to them. They differ more than they agree ... Differences and excesses in local codes add substantially to the cost of residential [housing] production...

Nearly 25 years later, the Commission was again requested to weigh any merits of permitting "differences and excesses" in local codes against the provision safe, sound, affordable homes for Virginia families.

As a starting point for Work Group deliberations, HCD Deputy Director for Building Regulations Jack A. Proctor reviewed pertinent USBC statutory and regulatory sections. Mr. Proctor pointed out that the USBC enabling statute, Virginia *Code* Section 36-97 *et seq.*, defines "building regulations" as follows:

Building regulations means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions, or other agencies thereof, relating to construction, reconstruction, alteration, conversion, repair, maintenance, or use of structures and buildings and installation of equipment therein. The term does not include zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

Mr. Proctor also noted that Virginia *Code* Section 36-98 provides that the USBC "shall supersede the building codes and regulations of the counties, municipalities and other polit-



SENATOR MARTIN E. WILLIAMS

ical subdivisions and state agencies.” In addition, Mr. Proctor cited Virginia *Code* Section 36-105 (relating to USBC enforcement), which states:

...the [local] building official shall coordinate all reports of inspections for compliance with the Building Code, with inspections of fire and health officials delegated such authority, prior to issuance of an occupancy permit.

Following Mr. Proctor’s report, Home Builders Association of Virginia Executive Vice President Michael L. Toalson reviewed an issue paper prepared by HBAV staff at the request of the Commission. (The Commission had also requested an issue paper on point from the Virginia Municipal League but none was submitted.) Mr. Toalson explained that certain localities in the Commonwealth have adopted design and building standards in their zoning ordinances that require homes to be constructed using certain percentages of fenestration, raised slab foundations, brick facades, and other architectural requirements that supersede USBC provisions. Mr. Toalson also advised the Work Group that certain Virginia localities have utilized conditional zoning laws to accept proffers from property owners that include such provisions as minimum square footage for homes, architectural standards, exterior siding and roofing criteria, and location of driveways and garages.

Noting that localities superseding USBC provisions cite public health, safety, and welfare as the reason, Mr. Toalson referenced three Opinions of Virginia Attorneys General. Once such Opinion, issued in 1996 and also referenced by Mr. Proctor, specifies that local architectural review boards may not depart from USBC provisions to “affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.” In sum, the building community in the Commonwealth asserted that local ordinances and/or the use of the proffer system to require building standards or designs exceeding USBC provisions unnecessarily increase the cost of housing and lead to a lack of uniformity in construction standards statewide.

Representatives of localities made several points subsequently included in a “Minority Report” submitted by staff of the Virginia Association of Counties on behalf of four Work Group members, all local government officials. These points include the following:

- While affordable housing is a goal for which all localities should strive, the development of desirable communities is primarily a local government responsibility. Such desirability is characterized as aesthetically pleasing and safe, where residents have access to basic public services, and where homes maintain their value. In turn, these characteristics promote civic pride and discourage crime, vandalism, and blight. The powers of localities to provide for such communities should not be weakened.
- *Code of Virginia* Section 15.2-2201 (relating to the definition of zoning) refers to “the prescribing and application of each area and district of regulations concerning building and structure designs.” *Code* Section 15.2-2283 identifies purposes of zoning ordinances, which purposes include “facilitat[ing] the creation of a convenient, attractive and harmonious community.” *Code* Section 15.2-2286 provides: “When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.” Such language, taken together, is intended to guide localities toward the develop-

ment of zoning policies that harmonize housing affordability with such factors as building compatibility, attractiveness, convenience, and quality of health.

- The USBC is intended to prescribe characteristics relating to basic structural integrity and building function. “Manner of construction or materials,” as defined in the USBC, is not the same as “building design.” Virginia *Code* Section 15.2-2280 provides that zoning ordinances may regulate the “size, height, area, bulk, location, erection, [and] construction ... of structures.”
- It is reasonable to include design specifications in optional and special districts as a proffered condition of approval of a voluntary rezoning request, which request is generally made to increase the intensity of use and thereby increase the value of the property.

Following discussion, Senator Williams summarized the issue before the Work Group as follows: Should localities be allowed to mandate building design under zoning laws? On a vote of eight to four, Work Group members responded by recommending the following amendment to Virginia *Code* Section 36-98 relating to the USBC:

Section 36-98. Board to promulgate Statewide Code; other codes and regulations superseded; exceptions. The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies-, *and it shall supersede the provisions of any other local ordinances, including zoning ordinances and map amendments which require a particular manner or type of construction, or which mandate the use of particular building features, materials and equipment.* However, such Code shall not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code including but not limited to: (1) public water supply systems, (2) waste water treatment and disposal systems, and (3) solid waste facilities. Nor shall state agencies be prevented from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the Uniform Statewide Building Code.

Following the meeting of the Work Group, amendments were requested to delete the reference to map amendments as well as to limit the application of the bill to residential housing outside of historic or noise overlay districts. These proposed amendments, prepared at the request of Senator Williams, are reflected in the following language, which was presented to the Housing Study Commission at its interim meeting in late September with the caveat that, without further refinement, such amendments could unintentionally overturn current law relating to commercial and other non-residential uses, as well as diminish the proffer system which currently allows local governments to accept voluntary proffers, including building design features, from developers.

Section 36-98. Board to promulgate Statewide Code; other codes and regulations superseded; exceptions. The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies-, *and it shall supersede the provisions of any other local ordinances, including zoning ordinances ~~and map amendments~~ which require, for residential construction outside of historic districts, a particular manner or type of construction,*

It is not the intent of the Commission to restrict localities from imposing building design requirements in certain special districts, including historic districts or noise abatement districts, such as those near airports. Nor is it the intent of the Commission to diminish or overturn the proffers system.

or which mandate the use of particular building features, materials ~~and~~ or equipment. However, such Code shall not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code including but not limited to: (1) public water supply systems, (2) waste water treatment and disposal systems, and (3) solid waste facilities. Nor shall state agencies be prevented from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the Uniform Statewide Building Code.

In presenting the proposed language, Senator Williams stressed that it was not the intent of the Work Group to restrict localities from imposing building design requirements in certain special districts, such as historic districts or noise abatement districts, such as those near airports. Senator Williams also stressed that neither was it the intent of the Work Group to diminish or overturn the proffers system. Rather, he indicated, the chief intent of the Group was to restrict localities from incorporating building design requirements in their local zoning ordinances.

RECOMMENDATION

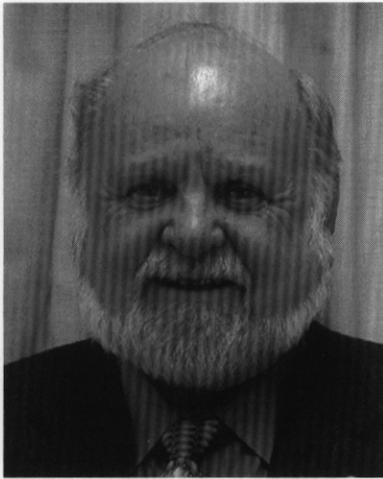
Following discussion regarding the above-stated language among Commission members at the interim meeting, Senator Mims also noted the importance of preserving certain building code-related restrictions in regard to noise overlay zones as well as historic districts, and requested that any and all public comment regarding the proposed language be submitted jointly to Senator Williams and the Commission Executive Director no later than fourteen days prior to the Commission legislative meeting. The Executive Director subsequently so notified all interested parties that comments should be received no later than November 14 and provided them copies of the above proposed language. In addition, Senator Williams requested that the following parties meet and work together to draft proposed consensus language on point: representatives of the Homebuilders Association of Virginia and the Virginia Association for Commercial Real Estate together with attorneys representing the City of Newport News and the counties of Henrico and Chesterfield.

Comments were received from seventeen interested parties, seven of whom represented local governments, five of whom represented trade or professional associations, four of whom are private citizens, and one of whom represented a state agency. All of the comments were carefully considered and, to the best knowledge of Senator Williams and the Commission Executive Director, the great majority of the comments were satisfactorily resolved in the following consensus language drafted by the above-named parties appointed by Senator Williams.

Section 36-28. Board to promulgate Statewide Code; other codes and regulations superseded; exceptions. The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. However, such Code shall not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code including but not limited to: (1) public water supply systems, (2) waste water treatment and disposal systems, and (3) solid waste facilities. Nor shall state agencies be prevented

from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the Uniform Statewide Building Code. *Such Code also shall supersede the provisions of local ordinances applicable to single family residential construction that regulate dwelling foundations or crawl spaces, that require the use of specific building materials or finishes in construction, or that require minimum surface area or numbers of windows; provided, however, that such Code shall not supersede prof-fered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to Section 15.2-2306.*

The Virginia Housing Study Commission unanimously adopted the above-stated consensus language and recommends the same as an amendment to the *Code of Virginia*.



DELEGATE DONALD L.
WILLIAMS

CARBON MONOXIDE SAFETY

ISSUE

House Joint Resolution 253, chief patroned by Delegate Alan A. Diamonstein, requests that the Virginia Housing Study Commission continue its 1999 study of carbon monoxide safety relating to chimneys, fireplaces, vents, and solid fuel-burning appliances. Commission Chairman Senator William C. Mims requested that Delegate Donald L. Williams continue as Chairman of the Commission Work Group addressing the issue. In addition, Senator Mims also appointed to the Group a panel of experts, including nationally recognized codes and systems professionals, life safety experts and advocates, and representatives of the housing, chimney safety, and heating, venting, and air conditioning industries.

BACKGROUND

Carbon monoxide (CO) is a colorless, odorless, poisonous gas resulting from incomplete combustion of such fuels as natural or propane gas, oil, wood, and coal. While heating systems and certain gas-fueled appliances are designed to vent CO into the outside atmosphere where it disperses harmlessly, poisoning may occur where the system or appliance is installed incorrectly, is blocked or deteriorated, or has inadequate draft or ventilation. Initial symptoms (e.g., headache, dizziness, nausea, fatigue, difficulty concentrating) of such poisoning may mimic common illnesses such as colds or influenza, but these early warnings may soon give way to loss of consciousness, coma, and death.

A 1998 report from the U.S. Consumer Product Safety Commission states that nationally, from 1991 to 1995, an average of 165 persons died from unintentional, non-fire CO poisoning related to heating systems. However, according to Work Group members, CO poisoning is generally listed on death reports as the secondary cause of death, with congestive heart failure, for example, listed as the primary cause. Hence, accurate statistics of CO-related deaths and poisonings are difficult to collect. Moreover, although the Virginia State Fire Marshal surveyed local fire departments regarding CO calls as part of the Commission's 1999 CO study, only fifteen — all rural, with the exception of the Newport News department — responded.

Chimney Inspection Standards

The Commission in 1999 unanimously made consumer protection recommendations relating to CO safety to two state agencies. Specifically, the Commission recommended that the Virginia Board of Housing and Community Development (HCD) consider incorporating into the Virginia Uniform Statewide Building Code (USBC) chimney inspection standards adopted in January 2000 by the National Fire Protection Association. Such standards set forth three levels of chimney inspections and include the scope, degree of access required, circumstances, and indications for each level of inspection. In turn, this information would provide clear guidelines to chimney safety professionals and property owners alike in response to issues raised regarding the expectations of an inspection of an existing chimney.

DHCD Deputy Director for Building Regulation Jack A. Proctor reported to the Commission 2000 CO Safety Work Group that the HCD Board is currently in the midst of a USBC Amendment Process. Given the current timetable, according to Mr. Proctor,

any such standards incorporated into the USBC would not be effective until January 2002, two full years from the time of the Commission's initial recommendation. The Work Group unanimously re-affirmed the Commission's recommendation to HCD.

Certification of Chimney Safety Professionals

The Commission in 1999 also unanimously recommended that the Virginia Board for Contractors consider requiring mandatory certification of chimney safety professionals as part of the Department of Professional and Occupational Regulation (DPOR) Contractor Licensure Program. In so doing, the Commission noted that CO poisonings and deaths may occur as a result of inadequate venting of a fireplace or appliance, such as a furnace, through a chimney. Such venting problems may include chimneys partially or completely blocked by fallen bricks or deteriorated mortar stemming from installation of higher efficiency appliances in systems designed for lower efficiency units, debris such as leaves or birds' nests, creosote or soot build-up, or improperly sized or installed vents. Despite the life safety implications of improperly cleaned and maintained chimneys and vents, DPOR licensure regulations specifically exempt installers of wood stoves, masonry chimneys, or pre-fabricated fireplaces.

DPOR Assistant Director and Contractors Board Administrator Nancy Taylor Feldman reported to the Work Group that the Board had assigned the study to its Tradesman Committee and that the Committee was taking public comment on such proposed certification. Work Group members unanimously re-affirmed the Commission's recommendation to DPOR regarding certification, and the Commission Executive Director so advised the DPOR Executive Director in a lengthy conversation with him in early October, prior to the study recommendations issued November 14 by the Board for Contractors' Tradesman Committee. The majority of those providing other comment on point to the Tradesman Committee were chimney safety professionals strongly in favor of certification. Citing only two complaints to the Virginia Division of Consumer Protection in the 1997-98 time period against industry members and no complaints against Better Business Bureau industry members (although only a small number of chimney safety companies are members of the three such Bureaus in Virginia), and citing the fact that only one jurisdiction (Vermont) requires certification, the Board for Contractors' Tradesman Committee concluded:

There is no compelling evidence to indicate that regulation of chimney safety professionals is needed to protect the health, safety and welfare of the public. To the contrary, it appears that these professionals are well organized in the private sector and are doing a more than adequate job of providing training and credentials for those employed in the industry.

Other Reports

The Work Group also received a report, requested by the Commission in 1999, on the 2000 survey of Virginia chimney safety professionals conducted by the Virginia Chimney Safety Guild. Survey results, which documented venting conditions encountered in the course of inspections of more than 12,260 chimneys (most masonry and in use five years or longer) of single family homes in several regions of the Commonwealth, were presented by Guild Secretary Jeannine Peters and National Chimney Sweep Guild Director of Technical Services and Virginia Guild Technical Advisor Ashley H. Eldridge.

Carbon monoxide (CO) is a colorless, odorless, poisonous gas resulting from incomplete combustion of such fuels as natural or propane gas, oil, wood, and coal. While heating systems and certain gas-fueled appliances are designed to vent CO into the outside atmosphere where it disperses harmlessly, poisoning may occur where the system or appliance is installed incorrectly, is blocked or deteriorated, or has inadequate draft or ventilation.

The report highlights the fact that apparent problems were found in 100 percent of chimneys venting a combination of oil- and gas-fired appliances, in 50 percent of chimneys venting wood stoves, in 49 percent of chimneys venting fireplace inserts, in 40 percent of chimneys venting oil appliances, in 22 percent of chimneys venting gas appliances, and in just over 10 percent of chimneys venting only fireplaces. More specifically, 100 percent of inspected chimneys venting both a gas- and oil-fired appliance are degrading and have the capacity to become blocked as debris settles in the bottom of the chimney. Additional survey statistics address unlined chimneys and blocked chimneys.

Following the reports by Mr. Proctor, Ms. Feldman, and Ms. Peters and Mr. Eldridge, Chief Robert B. Thomas, Jr., Chief Deputy State Fire Marshal for the State of Maryland, briefed the Group on legislative activity in Maryland regarding carbon monoxide safety as well as on his extremely serious personal experience and that of his family with CO poisoning in their family home. Chief Thomas, who referenced published reports of grave concerns regarding health effects of relatively low CO levels, now advocates annual chimney inspections and CO detectors. In his words, "I'm a believer."

Prior to general discussion, a report on carbon monoxide safety aired in February 2000 by the ABC News Program "20/20" was screened for the Work Group.

RECOMMENDATIONS

Based on the information received and, following discussion, the Work Group unanimously recommended that the Board of Housing and Community Development consider including in the USBC the following requirement, similar to that currently in place in the City of Norfolk, as part of the USBC Amendment Process:

Upon a change in fuel source involving the chimney or the installation of new equipment or appliances, including but not limited to furnaces, hot water heaters, and boilers, contractors performing such change or installation shall be required to certify that the flue liner is operable and constructed in accordance with USBC provisions.

It is anticipated that, under the current USBC Amendments time table, such language would then become effective by January 2002.

In addition, the Commission Executive Director, at the request of the Work Group Chairman, the Commission Chairman concurring, requested that the Department of Housing and Community Development (DHCD) take the lead in developing recommendations to promote public awareness of carbon monoxide safety issues as they relate to chimneys, fireplaces, and vents. Because the HCD Board promulgates related regulations under the Virginia Uniform Statewide Building Code and because DHCD has a staff of highly qualified Code administrators and public information professionals, DHCD is the most appropriate venue in which to move forward the public awareness effort. The DHCD Director subsequently expressed to the full Commission his willingness and that of other DHCD staff to address such public awareness issues.

The Virginia Housing Study Commission unanimously adopted the recommendations and actions of its Work Group on Carbon Monoxide Safety.

HOMEOWNERSHIP OPPORTUNITIES FOR MINORITIES AND NEW IMMIGRANTS

ISSUE

House Joint Resolution 254, chief patroned by Delegate Alan A. Diamonstein and incorporated into and passed as part of HJR 253, requests the Virginia Housing Study Commission, with assistance from the Virginia Housing Development Authority (VHDA) and the Virginia Department of Housing and Community Development, to study strategies for increasing homeownership opportunities among minorities and new citizens of the United States. Commission Chairman Senator William C. Mims requested Delegate Eric I. Cantor to chair the Commission 2000 Work Group addressing HJR 254 and appointed to the Work Group representatives of the real estate, mortgage lending, banking, and home-building industries, as well as nonprofit housing leaders, federal, state, and local housing officials, and representatives of Fannie Mae, Freddie Mac, and the Federal Reserve Bank.

BACKGROUND

At the first meeting of the Work Group, the Commission Executive Director briefed members on the background of the legislation. Among the points made are the following:

- The percentage of Americans who own their own homes rose to a record 67.1 percent during the first three months of the new century, and, according to Fannie Mae, that number could increase to 70 percent within the next decade.
- Homeownership rates among most minorities are not keeping pace with that percentage. A report released in August by Harvard's Joint Center for Housing Studies indicated that the homeownership rates of African-Americans falls 25.8 percent below that of non-Asian, non-Hispanic whites, and the homeownership rate of Hispanics falls 23 percent below that of non-Asian, non-Hispanic whites. Those gaps will increase, not decrease, even as minorities are becoming a larger percentage of the overall population of the United States.
- Higher housing costs, translating into higher monthly mortgage costs, are among the reasons that fewer affluent minorities are purchasing homes. When they do purchase, they are saddled increasingly with high-interest loans. The Harvard study reported that the issuance of subprime loans rose five-fold from 1993-1998.
- A July *Wall Street Journal* article headlined: "U.S. Racial Wealth Gap Remains Huge." According to the article, in 1998, the median net worth for Hispanic, African-American, Asian, and other minority families was \$16,400 — an amount less than one-fifth of the \$94,900 median net worth of non-minority white families. Further, despite the booming economy, that gap closed by only .05 percent between 1992 and 1998. A key reason for the wealth gap: home equity continues to remain the cornerstone for building wealth and, as noted, minority families own homes at a rate much lower than non-minority white families.

The percentage of Americans who own their own homes rose to a record 67.1 percent during the first three months of the new century. However, homeownership rates among most minorities are not keeping pace with that percentage. The Commission will continue its homeownership study in 2001 as a top priority issue.

The Commission Director concluded in saying that, while much already has been accomplished in Virginia toward the goal of increased homeownership among minorities and new citizens of the Commonwealth, undoubtedly other avenues can be pursued, and that the Housing Commission looks to the Work Group to assist in increasing such opportunities.

Following the report of the Commission Director, VHDA Director of Single Family Programs Donald Ritenour and Assistant Director of Single Family Programs Michele Watson presented an issue paper on point prepared by VHDA staff at the request of the Commission. Mr. Ritenour and Ms. Watson discussed opportunities for and impediments to increasing homeownership. Opportunities include outreach to targeted minority populations and potential home buyers with credit problems. Impediments include language barriers, lack of education and distrust of the credit and lending process, poor credit, and lack of adequate downpayments. VHDA strategies to increase homeownership, as set forth in the issue paper, include increased homeownership education and new lending programs, including a possible tiered pricing product based on family income, increased direct loan origination to underserved areas of the Commonwealth, a product to assist borrowers with credit problems, and an emergency assistance program to prevent foreclosure in the event of a family crisis.

A Work Group discussion followed the report of Mr. Ritenour and Ms. Watson. Key points made by individual Group members, some of which points reflect Group consensus, include the following:

- The name of the study should be revised to “Homeownership Opportunities for Minorities and New Immigrants” to reflect the fact that many immigrants who are not yet U.S. “citizens” purchase homes.
- Because perfect credit is nearly impossible among lower income families, lenders should be more tolerant in assessing the credit of such potential home buyers.
- Many inaccuracies exist in credit reports, leading to problems in loan scoring. Credit scoring, in fact, should be illegal.
- In some cultures individuals pool downpayments, and lender requirements of documentation as to the source of such downpayments are unnecessary barriers to homeownership.
- Smaller loans are not as profitable to loan officers as larger loans, but often require more work than larger loans.
- Because many realtors work only with pre-qualified borrowers, many potential home buyers are not counted as being turned down for loans because they never actually apply (given that they do not reach the application stage).
- VHDA loan products are generally excellent but are not adequately publicized to lenders and realtors.
- Students at all grade levels must be educated about credit and finance issues.
- Where 50 percent of the units in a condominium association are rentals, conventional financing is not available to potential purchasers, effectively foreclosing to most buyers one market of affordable homes.
- The U.S. Department of Housing and Urban Development (HUD) should restore provisions allowing investors to utilize its popular 203(K) loan purchase and rehabilitation program.

- Pre- and post-purchase home-buying and loan counseling is needed for VHDA and other loans for lower income buyers.
- VHDA should revisit its definition of “family” for loan qualification purposes.
- In inner city neighborhoods, rehabilitation or new construction costs for homes average at least \$100,000, thereby requiring a \$25,000 purchase subsidy. Accordingly, additional state funding should be allocated to foster home ownership for lower income Virginians and in so doing help to revitalize older neighborhoods in the Commonwealth.
- An average of only five of 25 applicants qualifies for a HUD/VHDA conventional loan at 8.25 percent, which fact underscores the need for additional credit enhancement and other home purchase assistance programs.
- The recent Joint Legislative Audit and Review Commission (JLARC) report on VHDA lending practices accurately concludes that VHDA does not serve the group of borrowers the General Assembly initially anticipated that it would serve. On the other hand, the single family program is the “engine” that drives other key programs of the Authority, such as the Virginia Housing Fund.
- VHDA loan financing could be mixed with Virginia Housing Partnership Fund financing to foster homeownership among families in the \$25,000 - \$30,000 income range. Because such Partnership Fund money is limited, given that there have been no new state allocations to the Fund in recent years, allocate additional funds to the Partnership Fund. Another significant vehicle for funding allocations is Delegate Cantor’s Homeownership Zones Act, which was codified but without funding.
- A one-source point of information is needed to publicize information regarding affordable homeownership financing opportunities.
- Until the Commonwealth of Virginia decides that homeownership for lower income families is truly a priority, there will only be “nibbles at the edges” of the challenge of fostering homeownership opportunities for these Virginians.

In addition to these and other discussion points, representatives of Fannie Mae and Freddie Mac reported on numerous new initiatives of their agencies designed to foster increased homeownership opportunities.

RECOMMENDATION

The Virginia Housing Study Commission unanimously adopted the unanimous recommendation of its Homeownership Work Group that the Commission continue its homeownership study in 2001 as a top priority issue. The current Work Group, which identified numerous discussion issues at its initial meeting, will be re-convened to address such issues and others which may arise.



DELEGATE JACKIE T. STUMP
COMMISSION VICE CHAIRMAN

RURAL HOUSING ISSUES

Two House Joint Resolutions (256 and 257), both chief patroned by Delegate Jackie T. Stump and both incorporated into and passed as part of HJR 253, request the Virginia Housing Study Commission to address rural housing issues. Commission Chairman Senator William C. Mims assigned HJR 256 and HJR 257 to the Commission 2000 Work Group on Rural Housing Issues and requested Delegate Stump to chair the Group. In addition, Senator Mims appointed to the Group rural policy experts, regional and local program administrators, state and local elected and appointed officials, and other representatives of the private and nonprofit sectors.

HOUSE JOINT RESOLUTION 256

ISSUE

HJR 256 requests the Commission, with assistance from the Virginia Department of Housing and Community Development (DHCD), to study the need for and make recommendations to foster the improvement of organizational infrastructure, outreach efforts, technical assistance, and construction services for indoor plumbing installation in the homes of those rural Virginians living without indoor plumbing. The Resolution notes that it is estimated that more than 41,000 Virginians, many of them elderly, chronically ill, or disabled, are currently living without basic indoor plumbing facilities.

BACKGROUND

At its first meeting, in Roanoke, the Work Group received a report on the Virginia Indoor Plumbing/ Rehabilitation (IP/R) Program from Shea Hollifield, Deputy Director for the DHCD Community Development Division which administers the Program. (That report was provided to the Commission at its interim meeting in September.) The Program, which was recommended by the Commission in 1988 and created and capitalized with landmark legislation in 1989, provides deferred and forgivable loans with zero to three percent interest to low-income homeowners of substandard housing where indoor plumbing is not installed or where major components are missing. Key points made by Ms. Hollifield include:

- During the past four years, nearly \$31.862 million has been invested in providing indoor plumbing to 970 homes. (Although the per-unit cost may appear significant, it generally includes substantial investment in rehabilitation of major systems in each home.)
- In FY 2001, the IP/R Program receives \$8.03 million in allocations, including \$3.03 million in state funds and \$5.0 million in federal HOME funds.
- Of the 115 Virginia localities eligible to participate in the IP/R Program, 60 are actively participating.
- Relative isolation of prospective clients remains an outreach challenge.
- In times of economic prosperity such as the present, contractor availability to the Program is limited, as new construction is generally cleaner, easier, and more lucrative. To alleviate the shortage of contractors, some localities have initiated construction trade-training in conjunction with the IP/R Program.

- DHCD provides technical assistance, including an intensive annual workshop as well as community representatives and compliance reviews, to all IP/R local administrators.
- Federal lead-based paint regulations will have a significant impact on the IP/R Program as their abatement provisions increase the cost of rehabilitation by at least 20 percent while necessitating the use of certified contractors, already in short supply.

In addition to receiving Ms. Hollifield's report, the Group was briefed by the Housing Study Commission Executive Director on recent Commission recommendations relating to indoor plumbing and by Joseph Newbill, Rural Development Manager of the U.S. Department of Agriculture/Rural Development (formerly Farmers' Home Administration) on recent agency initiatives. Mr. Newbill noted that not all of the \$1.2 million in U.S. Rural Development Section 504 funding allocated to the Commonwealth was utilized in the previous program year and asked for suggestions as to how such funding could be fully utilized. Such grant and loan funds may be used to repair and abate health hazards in housing occupied by residents over 62 years of age. Grants are available in amounts up to \$7,500 and loans are made at a rate of one percent.

Following the reports by the Commission Executive Director and Mr. Newbill, the Work Group viewed a videotape which chronicled a Tazewell County community's successful effort to lay eleven miles of pipe to bring water to its homes. This Self-Help Initiative, undertaken with the assistance of the Tazewell County Public Service Authority (PSA) and federal funding, was discussed by County PSA Administrator James H. Spencer, III. (The videotape was also screened for the Housing Commission at its legislative meeting.)

At its second meeting, in South Boston, the Work Group received reports from The Honorable William E. Coleman, Executive Director, Halifax County Community Action Agency, and South Boston Town Manager Ted Daniel on their successful public-private housing and community development partnerships in South Boston and Halifax County. Site visits arranged and conducted for the group by Mr. Coleman included new, in-town construction of affordable, single-family homes available for purchase and replacement homes constructed using IP/R funding.

RECOMMENDATIONS

Following discussion, the Work Group unanimously agreed on recommendations relating to the following HJR 256 study issues, attaching highest priority to its recommendations relating to the proposed statewide Self-Help Program and the Virginia Indoor Plumbing/ Rehabilitation Program.

Self-Help Program

The Work Group recommended the creation and capitalization of a statewide Self-Help Program designed to foster projects similar to the successful project in the Smith Ridge community of Tazewell County and other such projects successfully completed in the Commonwealth. Despite the tremendous leveraging ability, the enthusiasm of federal, state, and local leaders, and the community participation evident in these projects, and despite the documented need for clean drinking water in rural areas of Virginia, no state funds are currently allocated for such a program.

The Commission recommends the creation and capitalization of a statewide, community Self-Help Program designed to foster projects similar to the successful Smith Ridge project in Tazewell County, where residents laid eleven miles of pipe to bring water to their homes. Despite the tremendous leveraging ability, the enthusiasm of federal, state, and local leaders, and the community participation evident in these projects, and despite the documented need for clean drinking water in rural areas of Virginia, no state funds are currently allocated for such a program.

Commission members noted the negative impact of local regulatory barriers, both fee-based and non-fee based, on efforts to provide basic facilities to families served by the Virginia Indoor Plumbing/Rehabilitation Program, together with the fundamental inequity of such regulations and their obvious negative impact on the local environment.

At an October Southwest Virginia Water Summit convened by Senator William Wampler, it was repeatedly estimated that an additional \$17 million annually is needed for the next ten years to close the funding gap to provide safe drinking water for those in the Southwest region. (This figure did not take into account wastewater funding needs.) Additionally, Senator Wampler stressed the need for state funds for additional self-help projects.

The Work Group recommended that \$2.0 million in new FY 2002 funding be added to the current \$1.1 million federal allocation for a statewide Self-Help Program to be administered by the Virginia Department of Housing and Community Development. Of that sum, \$1.1 million was recommended in new state funding (i.e., funding in addition to those allocations already in place or recommended for related programs), with additional funding to be leveraged from such sources as the Appalachian Regional Commission.

Virginia Indoor Plumbing/Rehabilitation Program (IP/R)

As noted, HJR 256 states that an estimated 41,000 Virginians, many of them elderly, chronically ill, or disabled, continue to live without basic indoor plumbing facilities. Also, as noted by the DHCD Deputy Director, new federal lead-based paint regulations will increase the cost of IP/R jobs by at least 20 percent. Accordingly, the Work Group recommended \$5.0 million in increased funding for FY 2002 for the Virginia Indoor Plumbing/Rehabilitation Program. The Work Group was assured by the DHCD Director that such sum could be entirely utilized by local administrators under the DHCD-administered IP/R program in FY 2002.

Virginia Housing Development Authority (VHDA)

The Joint Legislative Audit and Review Commission (JLARC) report on VHDA issued earlier this year noted, among other recommendations, that the Authority should allocate additional reserves to low-income housing endeavors. Such recommendation was referenced in Work Group discussions relating to HJR 256. Members pointed out that VHDA standard loan products are often unworkable in Southwest Virginia given market factors in the region and suggested that the Authority can and should be more responsive to lower income residents of the region. Accordingly, the Work Group recommended that VHDA be encouraged to be receptive to participating more fully in the Indoor Plumbing/Rehabilitation Program given recommendations reported in the above-referenced JLARC report.

Local Regulatory Barriers

At both meetings, Work Group members discussed the negative impact of local regulatory barriers, both fee-based and non-fee based, on efforts to provide basic facilities to families served by the Indoor Plumbing/Rehabilitation Program. Program local administrators pointed out that one Tidewater jurisdiction requires \$7,440 in water and sewer hook-up fees for new construction, and that the locality will not waive even a portion of that sum for IP/R jobs. Work Group members agreed on the fundamental inequity of the regulation as well as its obvious negative impact on the local environment.

More specifically, Group members pointed to the distinction between connection fees (in which a locality passes on to the user the dollar-for-dollar cost of the new connection)

and availability fees (in which a locality amortizes the cost of its water system on a house-by-house basis and passes such expense on to users). For at least two reasons, then, according to the Work Group, it is inequitable and counter-productive for a locality to require an availability fee for IP/R jobs and thereby limit such jobs. First, a locality's calculations almost certainly lack the detail to project the impact of bringing on-line a very few housing units. Second, where indoor plumbing is installed in a housing unit, that home is, for the first time, realistically saleable to a new buyer at some future time, with correlated increased local revenue in the form of increased real property tax assessments and subsequent transfer fees.

In addition to fee-based barriers, Work Group members pointed to such non-fee-based or land use-related barriers as those where localities require a new plat for any new permit application. Such regulation ultimately translates into additional IP/R program costs which, in turn, reduce the number of Virginia families who can receive indoor plumbing.

The Work Group recommended that localities be motivated to examine their regulatory barriers – fee-based, non-fee-based, and land use-related – to the provision of indoor plumbing to lower-income families and to ease or waive such barriers. South Boston, for example, has taken the enlightened step of differentiating availability fees for new construction and rehabilitation jobs. Moreover, localities receiving Community Development Block Grant (CDBG) funds for water and sewer improvements are required to waive related fees. The Work Group noted that, particularly in areas where health and safety hazards exist, it is indeed counter-productive for localities to charge connection fees so high that they effectively bar families – again, most of them elderly, ill, and disabled – from receiving, under the IP/R, the clean drinking water and basic plumbing facilities the vast majority of Virginians enjoy.

Delegation of U.S. Rural Development Loan- or Grant-Making Authority

As noted, a Rural Development Manager in the Virginia State Office of the U.S. Department of Agriculture/Rural Development expressed his agency's need for assistance in awarding the \$1.2 million in Section 504 funds allocated to the Commonwealth for use in repair of and abatement of health hazards in housing occupied by those over 62 years of age. Precedent for such assistance already has been set in outstanding partnerships between the Virginia State Office of Rural Development and such other agencies as the Virginia Housing Development Authority. Accordingly, the Work Group recommended that the Virginia State Office of Rural Development focus on those delivery issues which may be impeding its ability to award all Section 504 funds allocated to the Commonwealth. Specifically, the Work Group recommended that the Virginia State Office consider contracting with qualified local organizations to expedite the utilization of all Rural Development Section 504 funds allocated to the Commonwealth and thereby preclude the repeated return of any such funds to the federal government.

The Virginia Housing Study Commission unanimously adopted the unanimous recommendations of its Work Group on Rural Housing Issues relating to HJR 256.

The rural homeless are often "invisible" because, although they have no home of their own, they are often reluctant to ask for such limited assistance, if any, as may be available in the areas where they live. The Commission recommended that, given the relative lack of data on homeless persons in rural areas of the state and the nation alike, a survey should be conducted to determine such basic, comprehensive, statewide data as an estimated number of rural homeless persons, reasons for their homelessness, and services available and unavailable to them.

HOUSE JOINT RESOLUTION 257

ISSUE

HJR 257 requests the Commission, with assistance from the Virginia Interagency Action Council for the Homeless (VIACH), to study the number and needs of homeless persons in rural areas of the Commonwealth and make recommendations to foster their self-sufficiency and their participation in the current economic expansion. The Resolution notes that it is estimated that more than 55,000 Virginians are currently homeless and points out that the rural homeless are often "invisible" because, although they have no home of their own, they are reluctant to ask for such limited assistance, if any, as may be available in the areas where they live.

BACKGROUND

At its South Boston meeting, the Work Group also received a report of the VIACH 2000 Public Policy Subcommittee on HJR 257 (Rural Homelessness) from DHCD Program Manager for Shelter and Supportive Services Robbie Campbell. Ms. Campbell serves as chair of VIACH, which was established in 1990 to coordinate services and programs for homeless persons in Virginia.

Sponsored by DHCD, VIACH is a statewide leadership organization with a membership comprised of representatives of federal, state, and local governments, advocacy organizations, and housing and services providers. One of VIACH's main purposes is to foster communication, cooperation, and collaboration among its membership. A strategic planning session in March 2000 led to the formation of subcommittees, including the Public Policy Subcommittee currently participating in the Commission study on rural homelessness.

The VIACH Subcommittee, which includes leaders in the provision of services to homeless persons in varied rural areas of the Commonwealth, met five times in 2000 and will resume meeting in spring 2001. At its second meeting, the Subcommittee determined that, given the relative lack of data on homeless persons in rural areas of the state and the nation alike, a survey should be conducted to determine such basic, comprehensive, statewide data as an estimated number of rural homeless persons, reasons for their homelessness, and services available and unavailable to them. Subcommittee accomplishments completed in preparing for the survey include:

- defining the geographic areas of the study
- completing an inventory of emergency shelter and transitional housing facilities receiving funds through DHCD
- mapping locations of housing and services providers by number of beds
- discussing whom to survey and survey procedures
- reviewing related surveys and types of information needed for the study
- identifying survey designs and data analysis.

Dr. C. Theodore Koebel, Director of the Virginia Center for Housing Research at Virginia Tech, has played and continues to play a key role in the study. Dr. Koebel and two student research assistants, Ms. Michelle Murphy and Mr. Adam Brown, have taken the lead in creating and preparing the survey instrument, enlisting support from key state agency officials, and mailing the draft survey instrument to sample users in Montgomery,

Floyd, and Giles Counties. They will adjust the instrument based on comments from those users and mail the survey to all social service providers in Virginia's non-metropolitan counties no later than January 15, 2001. Homeless service providers will also be asked, as part of the survey, to maintain a month-long data log profiling (anonymously) their homeless clients. (February was selected by the Subcommittee as the most appropriate survey month because more homeless persons tend to seek services and shelter in colder months, and thus more data would be available to researchers if the survey were undertaken at that time.) Dr. Koebel and his research team will follow up with respondents and begin data analysis in March 2001. To date, accomplishments completed by the Housing Research Center/Virginia Tech team include:

- defining terms to be used in the survey
- mapping the survey process, concentrating on types of facilities
- identifying sample geographic survey areas
- planning survey focus groups to solicit key informant and consumer participation.

Tasks to be completed by the team and the Subcommittee include:

- administering surveys in sample areas
- conducting survey focus groups with key informants and consumers
- reviewing findings and recommendations of the Virginia Housing Study Commission/Virginia Commission on Youth 1996 study of homeless children
- reviewing existing state data on homeless children enrolled in schools
- analyzing survey data collected
- reviewing survey results and developing recommendations.

RECOMMENDATIONS

The VIACH Public Policy Subcommittee will continue its work with Dr. Koebel and his research team, as outlined above, and report to the Virginia Housing Study Commission in 2001 on its progress, findings, and recommendations. The Commission, in turn, looks forward to receiving such report.

VIRGINIA HOUSING STUDY COMMISSION 2000 WORK GROUPS

COMMON INTEREST COMMUNITY ASSOCIATION ISSUES

The Honorable Terrie L. Suit
Chair
Virginia House of Delegates
Virginia Beach

The Honorable William C. Mims
Senate of Virginia
Leesburg

The Honorable Donald L. Williams
Virginia House of Delegates
Norfolk

The Honorable Michele B. McQuigg
Virginia House of Delegates
Woodbridge

Ms. Christine O. Bridge, Director
Intergovernmental and Community
Relations
City of Newport News
Newport News

Kenneth E. Chadwick, Esquire
Chadwick, Washington, Olters,
Moriarty & Lynn
Fairfax

Mr. Donn D. Dears
Vice President
Board of Directors
Reston Association
Reston

Mr. Douglas Gray
Director of Public Policy
Virginia Association of Realtors
Glen Allen

Lisa Hicks, Esquire
Assistant Commonwealth Attorney
City of Chesapeake
Chesapeake

The Honorable Frank Medico
Alexandria

Mr. Drew Mulhare
Vice President of Operations
Ford's Colony at Williamsburg
Williamsburg

Ms. Susanne Volpe
Sterling

Lucia Anna Trigiani
Attorney At Law
Mays & Valentine
McLean

Ex Officio

Maria J. K. Everett
Attorney at Law
Virginia Division of Legislative Services
Richmond

Mr. Joseph K. Funkhouser, II
Chairman, Virginia Real Estate Board
Harrisonburg

Mr. Ronald P. Kirby
President
Community Management Corporation
Chantilly

Mr. Eric L. Olson
Property Registration Coordinator
Virginia Real Estate Board
Richmond

Ms. Karen W. O'Neal
Assistant Director
Virginia Real Estate Board
Richmond

LANDLORD AND TENANT ISSUES

The Honorable Mary Margaret Whipple
Chair
Senate of Virginia
Arlington

The Honorable Donald L. Williams
Virginia House of Delegates
Norfolk

The Honorable Eric I. Cantor
Virginia House of Delegates
Richmond

The Honorable Thelma Drake
Virginia House of Delegates
Norfolk

Ms. Tracey S. DeBoissiere
Executive Director
Northern Virginia Apartment
Association
Arlington

Mr. Russell G. Harris
Herndon

The Honorable James F. Almand
Virginia House of Delegates
Arlington

Ms. Robin Batra
President
KSI Management Corporation
Vienna

Brandon Beach, Esquire
Staff Attorney
Virginia Poverty Law Center
Richmond

B. Grimes Creasy, Esquire
Johnson, Ayers & Matthews
Roanoke

Ms. JoAnn Cabbage
Staff Coordinator
Tenant-Landlord Commission
County of Arlington
Arlington

John G. Dicks, III, Esquire
Future Law
Richmond

Thomas J. Dillon, III, Esquire
Hirschler, Fleisher, Wineberg, Cox
& Allen
Richmond

Mr. Douglas Gray
Director of Public Policy
Virginia Association of Realtors
Glen Allen

Alex R. Gulotta, Esquire
Executive Director
Charlottesville-Albemarle Legal Aid
Society
Charlottesville

Mr. Thomas R. Hyland
Vice President of Governmental Affairs -
Virginia
Apartment and Office Building
Association
Vienna

Mr. Patrick McCloud
Executive Director
Richmond Apartment Management
Association
Richmond

James E. Naggles, Esquire
Director of Administration
Housing Opportunities Made Equal
Richmond

Mr. Michael Newsome
Clark-Whitehall Enterprises
Virginia Beach

Mr. R. Schaefer Oglesby
President
O&M Properties
Lynchburg

Mr. Charles W. Rinker, Jr.
Arlington

EMINENT DOMAIN POWERS OF REDEVELOPMENT AND HOUSING AUTHORITIES

The Honorable Thelma Drake
Chair
Virginia House of Delegates
Norfolk

The Honorable Martin E. Williams
Senate of Virginia
Newport News

The Honorable Jackie T. Stump
Virginia House of Delegates
Oakwood

David E. Anderson, Esquire
McGuire Woods
Richmond

Ms. Jesselyn Bickham
Interim Executive Director
Urban league of Hampton Roads, Inc.
Norfolk

Robert G. Boyle, Jr., Esquire
McGuire Woods
Richmond

Mr. Robert Counts
Director of Development and Real Estate
Finance
Fairfax County Department of Housing
and Community Development
Fairfax

Timothy A. Coyle, Esquire
Crenshaw, Ware, & Martin
Norfolk

Mr. Gordon Dixon
State Director
National Federation of Independent
Business-Virginia
Richmond

Ms. Bea Garvin
Deputy Director
Olde Huntersville Development
Corporation
Norfolk

Mr. Douglas Gray
Director of Public Policy
Virginia Association of Realtors
Glen Allen

Alex R. Gulotta, Esquire
Executive Director
Charlottesville-Albemarle Legal Aid
Society
Charlottesville

Mr. Andrew Heatwole
Ripley-Heatwole Company
Virginia Beach

Mr. Thomas R. Hyland
Vice President of Governmental Affairs -
Virginia
Apartment and Office Building
Association
Vienna

Mr. Larry Land
Director, Policy Development
Virginia Association of Counties
Richmond

Mr. Ray La Mura
Director, Legislative Affairs
Virginia Bankers Association
Richmond

Ms. Nancy McCord
Virginians for Private Property Rights
Blacksburg

Paul B. Terpak, Esquire
Blankingship & Keith
Fairfax

Mr. Michael Toalson
Executive Vice President
Home Builders Association of Virginia
Richmond

Joseph T. Waldo, Esquire
Waldo & Lyle
Norfolk

Ms. Karen Wilds
Executive Director
Newport News Redevelopment and
Housing Authority
Newport News

Ex Officio

Ms. Susan F. Dewey
Executive Director
Virginia Housing Development
Authority
Richmond

Mr. William C. Shelton Director Virginia Department of Housing and Community Development Richmond	Mr. Robert B. (Brian) Mullins President, Quality Homes, Inc. Windsor	Mr. Benedict P. Burbic Vice President, Local 794 Newport News Fire Fighters Association Newport News	Mr. Troy Lapetina Executive Director Virginia Department of Fire Programs Richmond
VIRGINIA UNIFORM STATEWIDE BUILDING CODE	Michael R. Packer, Esquire City Attorney City of Petersburg Petersburg	Mr. Claude G. Cooper Commissioner of Buildings City of Richmond Richmond	Mr. Jack A. Proctor Deputy Director Virginia Department of Housing and Community Development Richmond
The Honorable Martin E. Williams Chairman Senate of Virginia Newport News	C. Edward Roettger, Jr., Esquire City Attorney City of Suffolk Suffolk	Mr. Ashley H. Eldridge Director of Technical Services National Chimney Sweep Guild Ashland	HOME OWNERSHIP OPPORTUNI- TIES FOR MINORITIES AND NEW IMMIGRANTS
The Honorable Eric I. Cantor Vice Chairman Virginia House of Delegates Richmond	Mr. Clement (Kim) Tingley President, Tingley Construction Company Richmond	Ms. Catherine G. Hamm Executive Director Virginia Chapter American Lung Association Richmond	The Honorable Eric I. Cantor Chairman Virginia House of Delegates Richmond
The Honorable Jackie T. Stump Virginia House of Delegates Oakwood	Mr. William L. Vaughn Planning Director County of Rockingham Harrisonburg	Mr. Thomas R. Hyland Vice President of Governmental Affairs - Virginia Apartment and Office Building Association Vienna	The Honorable Thelma Drake Virginia House of Delegates Norfolk
The Honorable Donald L. Williams Virginia House of Delegates Norfolk	Mr. Richard C. Witt Assistant Building Official County of Chesterfield Chesterfield	Mr. David S. Johnston Senior Codes and Standards Specialist Washington Gas Springfield	The Honorable Mary Margaret Whipple Senate of Virginia Arlington
The Honorable Mary Margaret Whipple Senate of Virginia Arlington	<i>Ex Officio</i>	Mr. Wayne L. Morter Operations Manager Richmond Public Utilities Richmond	Mr. F. Gary Garczynski President National Capital Land and Development Company Woodbridge
The Honorable Terrie L. Suit Virginia House of Delegates Virginia Beach	Mr. William C. Shelton Director Virginia Department of Housing and Community Development Richmond	Ms. Jeannine Peters Vice President, Advanced Chimney Solutions Highland Springs	Mr. Russell G. Harris Herndon
Ms. Tracey S. DeBoissiere Executive Director Northern Virginia Apartment Association Arlington	Mr. Jack A. Proctor Deputy Director Virginia Department of Housing and Community Development Richmond	Ms. Emily Phaup Senior Associate Carter Ryley Thomas, Inc. Richmond	Mr. Orlando Arze Program Vice President Local Initiatives Support Corporation Washington, D. C.
Mr. F. Gary Garczynski President National Capital Land and Development Company Woodbridge	CARBON MONOXIDE SAFETY	Mr. John M. Storch President, Virginia Chimney Safety Guild Richmond	Ms. Jackie Atiyeh, GRI Managing Broker Bowers Nelms Fonville Long & Foster President, Richmond Association of Realtors Richmond
Mr. H. Richard Ashe Chairman, Virginia Board of Housing and Community Development Yorktown	The Honorable Donald L. Williams Chairman Virginia House of Delegates Norfolk	Mr. Guy Tomberlin Virginia Plumbing and Mechanical Inspectors Association County of Fairfax Mechanical Field Supervisor/Commercial Inspections Fairfax	Mr. Jackson L. Blanton Vice President Federal Reserve Bank of Richmond Richmond
Mr. Gary Bowman, PE Board of Housing and Community Development Great Falls	Ms. Tracey S. DeBoissiere Executive Director Northern Virginia Apartment Association Arlington	Mr. R. Lee Ware, Jr. Fire Marshal City of Newport News Newport News	Ms. Betty Caylor Loan Officer Prosperity Mortgage Richmond
Mr. Philip F. Abraham Director and General Counsel The Vectre Corporation Richmond	Ms. Nancy A. Bright Vice Chair, Virginia Board of Housing and Community Development Vienna	<i>Ex Officio</i>	Ms. Constance Chamberlin Executive Director Housing Opportunities Made Equal Richmond
Mr. Paul J. Grasewicz Director of Planning and Community Development County of Powhatan Powhatan	Mr. David Bailey Executive Director Plumbing and Mechanical Professionals of Virginia Richmond	Ms. Nancy T. Feldman Assistant Director, Virginia Department of Professional and Occupational Regulation Richmond	Ms. Mildrilyn Davis Director, Office of Housing City of Alexandria Alexandria
Mr. Thomas R. Hyland Vice President of Governmental Affairs - Virginia Apartment and Office Building Association Vienna	Ms. Laura Bateman Vice President, Public Affairs Columbia Gas of Virginia Richmond	Mr. Richard Harris Member, Virginia Fire Services Board and Virginia Board of Housing and Community Development Kenbridge	Ms. Christina Diaz-Malone Business Development Manager Expanding Markets Freddie Mac Corporation McLean
Mr. Eric Mays, PE Building Official County of Prince William Prince William	Mr. James P. Brewer President Magic Sweep Corporation Chesapeake		
	Ms. Mary Beth Coya Director of Government Affairs Northern Virginia Association of Realtors Fairfax		

Mr. Conrad Egan
Deputy Director
National Housing Conference
Washington, D. C.

Mr. Steven P. Hornburg
Executive Director
Research Institute for Housing America
Washington, D. C.

Mr. Sunny Hwang
Marketing Director
Interlink Graphic Design & Advertising
Annandale

Ms. Bea Jennings
Executive Director
Olde Huntersville Development
Corporation
Norfolk

Ms. Tanya Monroe
Vice President
Monroe Mortgage Company, Inc.
Virginia Beach

Mr. Russell Parker
President, Parker-Lancaster Corporation
President, Richmond Home Builders
Association
Richmond

Mr. Frank F. Quesada
Affordable Housing Business Manager
Housing Impact Division
Fannie Mae Corporation
Washington

Mr. William G. Smith
Senior Vice President
Community Development Lending
First Union National Bank
Durham

Mr. T. K. Somanath
Executive Director
Richmond Better Housing Coalition
Richmond

Ms. L'Tanya Tobin
Executive Director
Institute of Investment & Finance
Education
Alexandria

Ex Officio

Ms. Susan F. Dewey
Executive Director
Virginia Housing Development
Authority
Richmond

Ms. Anne J. Gwaltney
Manager, Home Ownership Education
Virginia Housing Development
Authority
Richmond

Mr. Lloyd A. Jones
Virginia State Director
U.S. Department of Agriculture/Rural
Development
Richmond

Mr. William P. Miles
Acting Virginia State Coordinator
U.S. Department of Housing and Urban
Development
Richmond

Mr. Donald Ritenour
Director, Single Family Programs
Virginia Housing Development
Authority
Richmond

Mr. William C. Shelton
Director
Virginia Department of Housing and
Community Development
Richmond

Ms. Michele Watson
Deputy Director, Single Family Programs
Virginia Housing Development
Authority
Richmond

RURAL HOUSING ISSUES

The Honorable Jackie T. Stump
Chairman
Virginia House of Delegates
Oakwood

The Honorable William C. Mims
Senate of Virginia
Leesburg

Mr. Paul Berge
Executive Director
Accomack-Northampton Planning
District Commission
Accomac

Mr. James Buck
James Buck, Builder
Roanoke

The Honorable William E. Coleman
Executive Director
Halifax County Community Action
Agency
South Boston

Mr. Robert G. Goldsmith
Executive Director
People, Inc.
Abingdon

Mr. H. Thomas Griffith
Director
Cumberland Plateau Regional Housing
Authority
Lebanon

The Honorable Frank W. Horton
Assistant Professor and Director of
Continuing Education
Southwest Virginia Community College
Richlands

Mr. Charles L. Krum, Jr.
Commissioner, Virginia Housing
Development Authority
Clintwood

Mr. Larry Land
Director, Policy Development
Virginia Association of Counties
Richmond

Mr. Tyrone Sessoms
Housing-Rehab Technician
STOP Organization
Norfolk

Mr. Wayne Talley
Vice President, Housing Construction
Chesapeake Bay Agency on Aging
Urbanna

Ms. Theresa Tapscott
Executive Director
Albemarle Housing Improvement
Program
Charlottesville

Ms. Mary C. Terry
Executive Director
Southeast Rural Community Action
Program
Roanoke

Ms. Chris Vogel
Housing Counselor
Housing Services of Loudoun County
Leesburg

Ms. Wilma C. Warren
Executive Director (Ret'd)
Virginia Water Project
Roanoke

Mr. Wayne F. Watts
Executive Director
Buchanan County Public Service
Authority
Vansant

Ex Officio

Ms. Shea Hollifield
Deputy Director, Community
Development
Virginia Department of Housing and
Community Development
Richmond

Mr. Lloyd A. Jones
Virginia State Director
U.S. Department of Agriculture/Rural
Development
Richmond

Dr. C. Theodore Koebel, Director
Virginia Center for Housing Research
Virginia Tech
Blacksburg

For more information please contact:

VIRGINIA HOUSING STUDY COMMISSION

601 South Belvidere Street
Richmond, Virginia 23220
804.225.3797

<http://legis.state.va.us/vhsc/housing.htm>
