

# VIRGINIA

## eVOICE



Home Builders Association of Virginia

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### News from the Square

On May 7th, Governor Bob McDonnell announced the members to his newly formed Government Reform Commission. Governor McDonnell announced the formation of the Commission soon after his inauguration in January.

The Commission is tasked with finding ways to streamline government operations with the ultimate goal of improving services for citizens while saving much needed taxpayer dollars. A similar panel was assembled in 2002 by Governor Mark Warner.

Among the previous commission's recommendations was the exploration of privatizing Virginia's ABC stores. This will be one of the primary aims of the McDonnell commission. The

sale of liquor in private stores was part of McDonnell's campaign platform. McDonnell hopes that the sale of licensed ABC stores will net the Commonwealth close to \$500 million for a one-time cash infusion into Virginia's ailing transportation infrastructure system.

The Commission is comprised of both current and former legislators from both sides of the political spectrum, and will be chaired by Fred Malek, founder of Thayer Capital Partners. Malek also served multiple roles in politics including service in the Nixon and Bush administrations and acted as national finance committee co-chair for John McCain's presidential campaign.



Among the Commission's other tasks are streamlining constituent interaction with the state government, eliminating duplicative roles in state agencies, and cutting costs wherever possible.

Meetings will begin in June, and a first report is anticipated by the Governor's office by July 15th. Helping to steer the Commission to its July deadline are former Warner Chief of Staff Bill Leighty and Mike Thompson, chairman and president of the Thomas Jefferson Institute for Public Policy.

### Fascinating *FAKE* Facts

*If you say it with confidence, people will believe you.*

On average, ten people are blinded by Slinkies each year.

### Broad Support Needed for HBAV Build-PAC

One of the most important components of HBAV's lobbying efforts is the strength of its Political Action Committee (PAC). HBAV Build-PAC uses donations from members to help elect Delegates, Senators and state-wide office holders who are pro-business and pro-housing.

At a time when our industry is suffering economically, we need to make sure we have legislators who understand the intricacies in the construction industry.

Recent examples of the success of HBAV Build-PAC include the 2010 passage of legislation delaying the implementation of the stormwater regulations, a bill that delays collection of proffer payments until the issuance of a certificate of occupancy, and the 2009 passage of legislation extending the validity of all approved plans.

While targeted donations does not guarantee success, it does allow HBAV to support both Re-

publicans and Democrats who understand and support the housing industry.

HBAV Build-PAC needs your support now. In non-election years, we need to rebuild the cushion in our PAC. Any donation will help. For more information visit the HBAV website at <http://www.hbav.com/hbav-build-pac.shtml>. HBAV Build-PAC accepts both personal and corporate donations.

## EPA and Chesapeake Bay Foundation Settle Lawsuit

On May 10th a lawsuit filed against EPA by the Chesapeake Bay Foundation and others was settled out of court. The lawsuit alleged that EPA had not taken the steps necessary to comply with a lawsuit filed in 2000 which set deadlines for improvements in the Chesapeake Bay.

Filed days before President Obama took office, the lawsuit was targeted at a Bush administration EPA. The terms of the settlement almost directly mirror the process that is already underway at EPA under the

direction of the President's May 2009 Executive Order to establish a total maximum daily load (TMDL) for the Bay and its tributaries.

EPA has been instructed by the President to create nutrient pollution loading allocations for each state in the Bay watershed. Those allocations will then be distributed within each state to the major sectors including new construction.

The settlement agreement still provides EPA with significant flexibility on how goals will be achieved and recognized. How-

ever, there are certain dates in the agreement, initially set as part of the TMDL by EPA, that many believe are unattainable.

EPA has been criticized in recent months for using inaccurate data in sound bites used to illicit support for legislation providing EPA with significant new enforcement authority. The realignment of data and other problems within the newest Chesapeake Bay model have already postponed EPA's deadlines. With the firm dates set in this new settlement agreement, once again expediency may win out over accuracy.

**Don't forget these important upcoming dates!**

**May 19–20, 2010**

**DIRECTDrive**

**Membership Campaign**

**June 23-26, 2010**

**HBAV goes on the road with its members to beautiful Cambridge, Maryland for the 2010 Annual Convention**



For more information contact HBAV's Information Officer Kathy Harley at [kharley@hbav.com](mailto:kharley@hbav.com)

## Many Important Issues Yet to Be Resolved in USBC

The update of the Uniform Statewide Building Code (USBC) in Virginia is moving toward final adoption. The USBC is composed of the International Code Council (ICC) family codes, but with changes specific to Virginia. HBAV is the representative of the housing industry on many proposed changes to the USBC that occur every three years.

The current update cycle of the 2009 USBC began early last year and will conclude on July 26<sup>th</sup> of this year, when the Virginia Board for Housing and Community Develop (BHCD) will make their final decision

on a large number of pending issues, including the Residential Sprinkler Mandate.

On Monday of this week, May 10<sup>th</sup>, a day-long hearing was conducted in Richmond on many outstanding issues by the BHCD Codes and Standards Committee. The Codes and Standards Committee will hold their final meeting for this update of the 2009 USBC on June 7<sup>th</sup>.

The Committee makes recommendations on changes in the USBC to the full board. Among the issues the C&S Committee decided this week was to remove the mandate that all living

areas of new homes have to be constructed with arc fault circuits. Arc Fault circuits are now only required in new home bedrooms.

There are still many other outstanding issues yet to be settled. For example, the 2009 International Residential Code would require every new home to have a blower door test and duct tightness testing. HBAV is opposing both new requirements because of the cost of both in this code cycle. The Sprinkler Mandate is also set to be finalized by the BHCD on July 26<sup>th</sup>. For more information on the USBC contact Mike Tolson at [mltolson@hbav.com](mailto:mltolson@hbav.com).

## Regulatory Nuts and Bolts

Though the Governor is continually taking large steps toward leaving a lasting impression on the Commonwealth, the top positions in several agencies remain unfilled. The best example of that is the Department of Conservation and Recreation.

This agency, with oversight of the stormwater permitting and regulatory process, is still operating under the direction of its

Interim Director, Russ Baxter. Many speculate that a new, full-time Director will not be appointed until after the work of the Government Reform Commission has been completed.

There is some feeling that the duties of DCR might be divided to better address the role that the regulatory body plays. While there is no certainty, and only conjecture at this point, there

have been some hints that stormwater permitting might be one of the duties of DCR that is returned to DEQ.

DCR also houses the Chesapeake Bay Local Assistance Board, which administers assistance to localities creating local ordinances to comply with the Chesapeake Bay Preservation Act. This function too, might be farmed out to DEQ.