

COVID-19 Resources

HOME BUILDERS ASSOCIATION OF VIRGINIA



The Home Builders Association of Virginia is dedicated to supporting Virginia's residential land development and construction industry, our industry's workforce, and home buyers, homeowners, and residents during the COVID-19 outbreak.

We have compiled information from various state and federal agencies, public health officials, local governments, and other stakeholders to help educate and inform our members of the outbreak's impact on land development, construction, and workplace safety. This document will be updated daily as new information emerges.

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Recent Announcements (April 27th)

General Assembly Approves Electronic Meetings for Local Boards and Commissions

During the April 22nd *Reconvened Session*, the Virginia General Assembly approved budget language sent down from Governor Northam which temporarily expands the authority for local governing bodies, planning commissions, local/regional boards and commissions, and common interest community associations to meet electronically for a broader scope of reasons (“the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations,”).

Given the varying interpretations of the Code of Virginia re: these entities authority to meet electronically to discuss land-use applications and other development/construction-related applications during the State of Emergency HBAV and other stakeholders advocated for amendments to ensure that local governments may resume their customary business during the State of Emergency. *Although these amendments were intended to expand the authority for local governing bodies and appointed commission to meet electronically to review/take action on land-use applications (and other matters), it still remains to be seen how local governing bodies and local government attorneys interpret and implement the new statute.*

Please keep HBAV updated on any discussions that are occurring in your localities/regions re: electronic meetings and/or action on land-use applications. We will be compiling a list of how each locality is proceeding under the new statutory authority.

More information below, for those that would like to review.

Background:

Governor Northam’s State of Emergency and recommendations from public health officials have prompted a statewide discussion regarding the legal authority for local governing bodies, planning commissions, and other local/regionals boards and commissions to meet electronically, conduct their customary business, and still comply with the Virginia Freedom of Information Act. HBAV joined several stakeholders in requesting a formal opinion from the Attorney General on the matter

On March 20th, Attorney General Herring issued a formal opinion which concluded that the Code of Virginia allows for electronic meetings during the Governor’s State of Emergency in the event that it was found to be unsafe to assemble in a single location AND that *“the purpose of the meeting is to address the emergency”*. The Attorney General’s opinion essentially placed the burden on local government attorneys to make a determination as to whether or not a public meeting(s) met those thresholds. The Attorney General also found that *“...the General Assembly did not intend to permit public bodies to handle all business through electronic communication means, even during a declared emergency,”*.

The Attorney General’s opinion has been interpreted and implemented in varying ways around the Commonwealth. Some localities have restricted public meetings solely to agenda items specifically related to the COVID pandemic – and have essentially delayed all consideration of land-use applications and other development-related reviews for the foreseeable future. Others have concluded that land-use applications and other economic development applications were considered to be “addressing the emergency” given that deferral or delay of those applications would [worsen the negative economic impacts of the pandemic](#).

To help provide additional authority and clarity for local governments, HBAV and other stakeholders advocated for amendments to the State Budget which would temporarily expand the authority for local and regional boards and commissions to meet electronically for a broader scope of reasons (“the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations,”. As mentioned above, it remains to be seen how local government attorneys will interpret and implement this new authority.

Preston Lloyd and Valerie Long from Williams Mullen offered the [following analysis in a recent publication](#):

Does “business statutorily required or necessary to continue operations” include public hearings for land use matters? Based on the Code of Virginia, local government attorneys can answer with a resounding “yes!” Consistent with the Dillon Rule of statutory construction, the powers of local governments are derived from the state, whether through special law in the form of charters or in the general law codified in the Code of Virginia. These acts confer authority upon local governments to conduct their business, subject to the local elected officials’ legislative discretion. Similarly, the Code confers upon local elected bodies, i.e. boards of supervisors and city/town councils, broad authority and discretion to make legislative land use decisions. Framed against the broad and exclusive authority delegated to local governing bodies to render land use decisions, the Governor’s language offers considerable clarification and comfort for local governments concerning the standard for electronic meetings during an emergency. Thus, conducting a public hearing via electronic means to consider land use matters constitutes a meeting to “transact the business statutorily required or necessary” of the public body, if, in the locality’s reasonable discretion, it determines that such land use matters are required or necessary business for that jurisdiction.

From a fiscal standpoint, the economic ramifications of the COVID-19 emergency add to the critical need for public hearings to proceed. The approval of land use entitlements for new development projects will catalyze direct investment in the jurisdiction, with a corresponding boost in real estate tax revenue that localities will need to refill their dwindling coffers in the wake of the pandemic. Conversely, the longer an elected body pauses hearings, the greater the lag on the fiscal recovery of the locality. Projects may take as long as two to three years or longer from the time of zoning approval to final completion and occupancy, so the increased assessment and corresponding payments will take time to be realized. This direct nexus between the daunting revenue losses being created during the emergency and the “necessary business” of the locality in replacing that revenue with new projects offers ample support to justify electronic meetings under the newly adopted standard.

Please continue to update us with information from your local governments as they determine how best to proceed with electronic meetings and/or review of land-use applications.

[Governor Northam Unveils Blueprint for Easing Public Health Restrictions](#)

Governor Ralph Northam today presented the “Forward Virginia” blueprint, which will help guide the Commonwealth on when to safely begin easing public health restrictions. The blueprint includes a phased approach that is grounded in the federal Centers for Disease Control and Prevention guidelines

and has specific goals to contain the spread of the virus through increased testing, personal protective equipment and supplies, and medical capacity.

“We will move forward, but in a way that prioritizes public health and builds public confidence,” said Governor Northam. “Businesses know that customers will return only when they feel that it is safe to do so. Our blueprint for the path forward is data-driven and provides clear guidance, so Virginians will know what to expect and understand how we will decide to when to lift certain public health restrictions.”

Virginia is looking at a wide range of public health data. The Governor emphasized that key indicators will include a 14-day downward trend in confirmed cases as a percentage of overall tests and in reduced COVID-19 hospitalizations. While hospitalization rates have largely stabilized in the Commonwealth, confirmed cases continue to rise.

[Click here to read more about Governor Northam's plan](#)

Recent Announcements (April 20th)

Williams Mullen: EPA Issues Temporary Advisory for NPDES Reporting During COVID-19 (April 20th)

Williams Mullen recently provided a summary of EPA’s guidance entitled [COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program](#). In this initial guidance, EPA reminded the regulated community that, while it was continuing to enforce environmental laws and regulations, considerable “discretion” would be used in enforcement of monitoring, record keeping, training and operational requirements during the COVID-19 pandemic.

Clarification has followed in the form of Question and Answer guidance on EPA’s website, as well as program-specific policies for drinking water and wastewater utilities and parties engaged in response activities at Superfund and RCRA sites. In addition, on March 31, 2020, EPA released [Temporary Advisory for National Pollutant Discharge Elimination System \(NPDES\) Reporting in Response to COVID-19 Pandemic](#) (the “Temporary Advisory”). That document provides guidance to regional EPA personnel and states on how to implement the agency’s initial enforcement discretion concerning NPDES reporting requirements tracked in EPA’s Integrated Compliance Information System (ICIS-NPDES).

[Click here to read more](#)

New OSHA Guidance: COVID-19 Illnesses Not Recordable for Construction

On April 10, the Occupational Safety and Health Administration (OSHA) [revised its guidance](#) on whether employers are required to record cases of COVID-19 in their Form 300 Logs for reporting occupational injuries and illnesses. OSHA’s memo is in direct response to significant concerns raised by NAHB and construction industry partners [in a letter](#) to OSHA regarding its position on the recordability of COVID-19 cases. [Click here to read more.](#)

Construction Dive: [OSHA issues guidance for recording COVID-19 cases](#)

Attorney Phillip Russell with Ogletree, Deakins, Nash, Smoak, & Stewart in Tampa, Florida, said OSHA is not changing any rules with this guidance but simply clarifying to contractors and other employers in low-risk industries that recordable COVID-19 cases must be work related.

National Association of Home Builders (NAHB) Resources

NAHB is committed to keeping members informed and advocating for the housing industry to minimize the economic impact of the COVID-19 outbreak. NAHB has created a list of resources available on their website for protecting your business, working with local officials, an economic outlook, and how to connect with NAHB. HBAV members are encouraged to complete the membership survey that allows NAHB and HBAV to learn more about the specific challenges facing your business during these difficult times. [Visit the NAHB resources by clicking here.](#)

NAHB Publishes Construction Job Site Guidance for Coronavirus

The Construction Industry Safety Coalition (CISC) [published guidance](#) for construction employers, employees and contractors on coronavirus exposure prevention, preparedness and response. NAHB is a key member of CISC.

The guidance describes how to prevent worker exposure to coronavirus, protective measures to be taken on the job site, personal protective equipment and work practice controls to be used, cleaning and disinfecting procedures, and what to do if a worker becomes sick. The documents are specifically tailored to construction job sites.

The materials include a customizable response plan, notifications for employees, a checklist and quick reference guide, and a toolbox talk for employers. The guidance is organized into sections that include:

- Responsibilities of Managers and Supervisors
- Responsibilities of Employees
- Job Site Protective Measures
- Job Site Cleaning and Disinfecting
- Job Site Exposure Situations
- OSHA Recordkeeping
- “Essential” Industry Designations by States with Business Closure Orders

Home builders, general contractors, contractors and other companies conducting work on construction job sites are encouraged to download the guidance, customize it for their companies, and distribute or display to workers.

Examples of guidance specific to the construction industry include:

- Clean shared spaces such as trailers and break/lunchrooms at least once per day.
- Disinfect shared surfaces (door handles, machinery controls, etc.) on a regular basis.
- Avoid sharing tools with co-workers. If not, disinfect before and after each use.
- Arrange for any portable job site toilets be cleaned by the leasing company at least twice per week and disinfected on the inside.

Access the resources in the [Coronavirus Preparedness and Response section](#) of NAHB's website.

Workplace Safety and Human Resources

Below you will find various links to state and national information about workplace safety and human resources.

[Virginia Dept of Labor and Industry: Coronavirus \(COVID-19\) Hazard Alert \(link\)](#)

[OSHA Guidance on Preparing Workplaces for COVID-19 \(link\)](#)

[Virginia Department of Health Coronavirus \(COVID-19\) FAQs \(link\)](#)

[Centers for Disease Control Print Resources \(link\)](#)

[Centers for Disease Control Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(link\)](#)

[COVID-19 Human Resources Advisory Hub](#)

HBAV's insurance partner, One Digital Health and Benefits has created the [COVID-19 Human Resources Advisory Hub](#) for navigating workplace solutions that stem from Coronavirus. The OneDigital Coronavirus Advisory Hub provides businesses with practical solutions that are actionable, timely and helpful in shaping workforce decision-making. As the workforce responds to the evolving coronavirus pandemic, organizations must understand and plan for the impact by adopting policies and programs to mitigate repercussions while proactively managing their workforce and the care and safety of employees.

[HBAV's 10 Point Plan to Building a Safer Jobsite \(English\)](#) | [Spanish Version \(link\)](#)

[HBAV / Virginia REALTORS® Guidance on Open Houses](#)

In response to Governor Northam's Executive Order 53 and the emerging public health emergency, the Home Builders Association of Virginia and the Virginia REALTORS® are strongly recommending that members refrain from holding "traditional" in-person open houses for the foreseeable future – ie, the type of open houses where the general public is free to tour a home during business hours, without an appointment, and where there are no restrictions on the number of individuals that can be inside a home at a given time. Instead, we are urging members to transition to "by-appointment only" tours of model homes and also asking that appointments be staggered to allow staff time to sanitize the home prior to the next scheduled tour. We'd also advise our members to implement extended sanitation protocols at the beginning and end of the business day. Virtual and/or video tours are also encouraged.

The Virginia Department of Health has also issued guidance, [which can be found here](#).

We understand that this may cause disruptions to your day-to-day business operations, however, given the severity of this emergency and our ability to proactively minimize the risk of transmission and community spread, we believe that these measures are prudent at this time.

HBAV will update you if any additional information or guidance is released by the Virginia Department of Health (VDH).

Local Governing Bodies; Boards and Commissions

HBAV Letter to Gov. Northam: Permit Expirations/ Extension of Plan Validity/”Essential Business”

On March 21st, HBAV contacted Governor Northam’s Administration regarding the COVID-19 outbreak’s impact on the residential land development and construction industry’s ability to continue delivering a diversity of housing stock to the market. HBAV’s letter can be found [here](#).

In that letter, HBAV expressed several concerns:

First, following the recommendations of Governor Northam and state health officials, we are anticipating that office closures, alternative working arrangements and employee absences among the state and local government workforce will impact essential local government functions in planning, permitting and inspections, public works, public utilities, and environmental engineering departments, as well as the county/city/town attorneys and their staff. These departments, and others, play an essential role in evaluating, modifying, and approving various aspects of land development and construction projects.

Second, there is also a great deal of uncertainty related to the ability for local governing bodies, planning commissions and other public bodies to meet, hold public hearings, and deliberate on applications and matters related to development and construction.

With those issues in mind, HBAV recommended several temporary state policy changes to stabilize the housing sector, ensure that projects currently in the pipeline were given additional time to be reviewed, and provide some “relief” to local governments who are currently confronted with a great deal of uncertainty

1. Designation of the residential construction industry as “essential” in the event that additional declarations or public health orders are issued.
2. Extend the date of expiration of all existing approvals issued by the Commonwealth or any agency or political subdivision thereof, including without limitation, any permits, licenses, registrations and other authorizations due to expire during the state of emergency under applicable laws and regulations for a period equal to the number of days comprising the duration of the state of emergency (i.e. March 12, 2020 until the date upon which the state of emergency is ordered terminated), and
3. Toll for a period commencing on March 12, 2020 and terminating on the date upon which the state of emergency is ordered terminated the running of any applicable period or deadline imposed by the governing body of any agency or subdivision of the Commonwealth pursuant to any general or special law enacted by the General Assembly or the governing body of any subdivision of the Commonwealth, which shall expressly include, without limitation, the period of validity of all special use permits, conditional use permits, preliminary and final site plans and subdivision plats, and building permits.

On May 23rd, Governor Northam issued Executive Order 53 which had limited impact on the residential land development and construction industry – however, HBAV is urging all members to proactively implement and enforce the recommendations of local, state, and federal health officials to maintain a safe and healthy office and jobsites.

HBAV will update members on the second and third requests as information becomes available.

Electronic Meetings – Attorney General Opinion

Over the last several weeks, local governing bodies have been determining how to conduct their day-to-day business while also implementing the public health measures as recommended by Governor Northam and state health officials. Currently, the Code of Virginia only allows local governing bodies to meet by electronic communications without a quorum of the public body **physically** assembled at one location during a state of emergency provided that “(i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) **the purpose of the meeting is to address the emergency.**” This code section places significant restrictions on the ability for local governing bodies to utilize modern technology during these unprecedented times.

Recognizing the significant impact that these restrictions could have on local government’s ability to budget/appropriate funds and evaluate/take action on various land-use applications, the Virginia Municipal League (VML) proactively sought an Attorney General’s opinion regarding the ability for localities to implement electronic meeting technology. Last week, the Attorney General issued his opinion which can be found [here](#). To summarize, the Attorney General opined that:

Virginia State Code § 2.2-3708.2(A)(3) permits public bodies that are unable to assemble in person because of the unique characteristics of the COVID-19 virus to meet electronically to make decisions that must be made immediately and where failure to do so could result in irrevocable public harm. **Whether any particular action by a public body fits within that description requires a fact-specific determination that should be made in consultation with that public body’s counsel.** It is also my opinion that Code § 44-146.21 does not authorize local governing bodies to hold meetings solely by electronic communication during the pendency of the emergency, but that **Code § 15.2-1413 provides additional authority for localities to ensure continuity of government during the declared emergency.** Even when a public body is authorized to meet via electronic communication means, Virginia State Code § 2.2-3708.2(A)(3) details further procedural steps such bodies must take to comply with the Virginia Freedom of Information Act, including arrangements for public access to such meeting. (emphasis added)

HBAV urges our members to proactively partner with local government officials and local government attorneys to determine how to implement electronic meetings for local Boards of Supervisors, City/Town Councils, and Planning Commissions. We have included some resources below from the Virginia Municipal League, the Local Government Attorneys of Virginia, and specific local governments that we hope you will share with local government contacts in your area.

City of Alexandria – Continuity of Operations/Electronic Meeting Ordinance

On March 24th, the Alexandria City Council adopted an electronic meeting ordinance - [that ordinance can be found here](#).

Virginia Municipal League – Electronic Meeting Information/Guidance/Local Examples

The Virginia Municipal League has posted an extensive list of information and guidance related to [electronic meetings here](#).

- Local Government Attorneys of Virginia: [Committee Report on Electronic Meetings](#) (March 24)
- County of James City: [An Ordinance to Ensure the Continuity of Government](#) (March 24)

State Government Updates

Governor Northam's Executive Order 55 (3/30)

On March 30th, Governor Northam issued Executive Order 55 to “reinforce the Commonwealth’s response to COVID-19 and in furtherance of Executive Orders 51 and 53. Among other things, Executive Order 55 directed that “all individuals in Virginia shall remain at their place of residence, except as provided...” by in the Executive Order. The list of exceptions can be found [here](#).

At this time, the Home Builders Association of Virginia believes that Executive Orders 53 (3/23) and 55 (3/30) will have limited impact on the residential land development and construction industry’s ability to continue operations. Although this is positive news for our industry, HBAV cannot emphasize enough how important it is for our member companies to continually identify and implement measures to protect their workforce, job sites, and offices. **This is NOT business as usual** – for the foreseeable future, we must all be proactive in protecting the health, safety, and welfare of all Virginians by implementing social distancing measures and other recommendations of Governor Northam and state health officials.

Governor Northam's Executive Order 53 (3/23)

On March 23rd, Governor Ralph Northam issued Executive Order 53, implementing several “long term action(s) to mitigate the impacts of this virus on our Commonwealth.” After reviewing the text of the Executive Order and the “Frequently Asked Questions” document released by the Administration today, as well as public comments that were made during the Governor’s announcement, **it is the belief of the Home Builders Association of Virginia that the Executive Order will have a limited impact on the construction industry’s ability to continue operations.**

Although this is positive news for our industry, HBAV cannot emphasize enough how important it is for our member companies to continually identify and implement measures to protect their workforce, job sites, and offices. This is NOT business as usual – for the foreseeable future, we must all be proactive in protecting the health, safety, and welfare of all Virginians by implementing social distancing measures and other recommendations of Governor Northam and state health officials.

As stated in today’s Executive Order:

"7. All businesses shall, to the extent possible, adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and other appropriate workplace guidance from state and federal authorities while in operation"

"8. Although business operations offering professional rather than retail services may remain open, they should utilize teleworking as much as possible. Where telework is not feasible, such business must adhere to social distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities."

Executive Order 53 also contains provisions that designate “home improvement, hardware, building material, and building supply” businesses (among others) as “essential retail business” that may remain open during their normal business hours.

The Governor was explicit in his press conference and his Executive Order that this public health emergency is changing on an hourly basis – and that his Administration and state health officials will continue to evaluate the situation and implement additional measures, if necessary.

HBAV is in the process of compiling information from builders, developers, engineers, and the various trades about policies, procedures, and protocols that are being implemented to protect their offices, employees, job sites, and customers from the COVID-19 outbreak. This information will be shared with the Governor’s office and advisors to demonstrate the proactive measures that our industry is pursuing to address this public health emergency.

Additional Guidance from Governor Northam’s Executive Order

Professional businesses not listed above must utilize telework as much as possible. Where telework is not feasible, such businesses must adhere to social distancing recommendations, enhanced sanitizing procedures, and apply relevant workplace guidance from state and federal authorities, including [CDC](#), [OSHA](#), and the [Virginia Department of Labor and Industry](#). Businesses in violation of this order may be charged with a Class 1 misdemeanor.

The full text of Executive Order 53 can be found [here](#). Additional guidance and a Frequently Asked Questions guide can be found [here](#). Watch the video of the Governor’s announcement [here](#). [Full Release](#)

Local Building Departments; Permits and Inspections

Status of Local Building Departments

Local building departments around Virginia have been continually evaluating their procedures and protocols to help ensure the health and safety of staff and the general public while also maintaining core services. The best way to get the most current information about the status of your local building department is to visit the local department’s website.

HBAV and the Department of Housing and Community Development (DHCD) have compiled a list of the website for every locality, local building department, and any pages that local governments have created specifically for the COVID-19 updates for their locality. [You can download a copy of the document here](#). Please make sure to review the links contained in columns K – M for information about the current status of local building departments. The document also contains the contact information for every building official in the Commonwealth. We will continue to update this page as new information is made available.

The Department of Housing and Community Development and the Virginia Building Code Officials Associations (VBCOA) has pulled together a "snapshot in time" spreadsheet of the current status of local building departments as well as information about approved third-party inspectors for that locality. That document can be found [here](#) and will be updated as often as possible.

Virtual Inspections

Local government leaders continue to monitor the COVID-19 outbreak and adjust their office hours and department services to reflect the most current recommendations from Governor Northam and health officials. We've received reports that many local building departments have re-opened and are conducting plan reviews and inspections or are doing so on a limited basis. In these unprecedented times, it is important that our members work in partnership with local building departments to determine the best protocols and practices.

As the situation continues to evolve and local departments make decisions about services/office hours, **please keep in mind that virtual inspections are an efficient alternative for some inspections.** Feel free to share the information below with your local departments, as needed.

Arlington County recently announced that "virtual inspections will be the only building-related inspections available until further notice. "Virtual inspections, an efficient alternative to in-person inspections, enable prompt service, productive follow-ups, and more specific scheduling. Virtual inspections are conducted between a customer and County inspector by using a video call on a smart phone or tablet." More information about the requirements and process can be found here:

<https://building.arlingtonva.us/inspections/virtual-inspections/>

Arlington County Requirements for Virtual Inspections:

- All building-related inspections (building, electrical, mechanical, plumbing, energy, and Certificate of Occupancy) may be considered for virtual inspections, however, based on the size and/or complexity of the project it may not be possible to conduct virtually.
 - Note: Inspection complexity will be determined by the inspector.
 - For inspections deemed too complex for virtual completion, the County will accept third-party inspections per the County's policy on Third-Party Inspectors.
- Customers must have a smartphone or tablet connected to WiFi or 4G wireless service.
- Google Duo (all devices), FaceTime (Apple OS devices), or Microsoft Teams (all devices) is required to host the video call. Check your mobile device's app store to download. Additional apps may be offered as this program expands.
- Third party engineers or third party agencies must obtain approval prior to conducting a virtual inspection. For approval, submit resumes and proof of certification to inspections@arlingtonva.us.

Here are some other examples of virtual inspection programs around the country – links are below:

- [City of Austin, Texas - Modified Inspections](#)
- [North Carolina Code Officials Qualification Board \(guidance on live Remote Inspections\)](#)
- [North Carolina Department of Insurance \(guidance on licensed architect/engineer inspections\)](#)
- [North Las Vegas Video Inspection Process](#)
- [Los Angeles County Video Inspection Process and inspection guide](#)

FAQ's, Updates, and Resources for Local Building Department

The Department of Housing and Community Development has posted a [COVID-19 FAQs, Updates and Resources for local building departments.](#)

Information from the Virginia REALTORS®

Sales, Contracts, Property Management, and Broker FAQs

The Virginia REALTORS® have published a comprehensive list of frequently asked questions related to sales, contracts, property management, and brokers. That information can be found [here](#).

Department of Environmental Quality (Updated April 2nd)

DEQ COVID-19 Update Website

The Department of Environmental Quality (DEQ) recently created a new website for daily updates on their department's regulatory responsibilities. It can be found [here](#).

DEQ Issues Enforcement and Compliance Guidance

In response to a recent announcement on enforcement discretion from the Environmental Protection Agency, today Virginia Department of Environmental Quality (DEQ) Director David Paylor considers it necessary to clarify Virginia's approach to enforcement and compliance guidance for all regulated entities.

"All regulated entities are expected to make every effort to comply with environmental compliance obligations, adhere to permit limits, and maintain the safe and environmentally protective operation of their facilities," said Paylor. "We recognize this is an unprecedented public health crisis. DEQ must balance environmental protection with protecting the public's health. As we all continue to navigate through this crisis, DEQ staff will consider non-compliance issues resulting from COVID-19 on a case-by-case basis, but by no means does this crisis equal a free pass for the regulated community."

[Click here to read more.](#)

DEQ Offices

Social distancing at DEQ's central and regional offices came into effect on March 16 in response to the COVID-19 emergency. While all DEQ offices remain open, we kindly ask that the public refrain from in-person visits. Please check with the DEQ office in your [region](#) on how to best contact staff.

Field Activities

- After temporarily suspending all field work in response to the COVID-19 emergency, DEQ is resuming a limited amount of monitoring activity today (April 1). This work is crucial to ensure the agency meets federal and state regulations and ensure that our measurements remain complete, precise, accurate, representative and comparable.
- These activities include air monitoring, surface water investigations and groundwater monitoring investigation programs. Staff in these programs will follow all appropriate field safety protocols, public health guidance and recommendations related to COVID-19 to ensure the safety of DEQ employees, businesses and the public.
- All other field work remains suspended as DEQ continues to assess exposure risks and develop exposure mitigation plans.
- DEQ will provide updates on resumption of other field work as plans and priorities are finalized.

Compliance and Enforcement

DEQ recognizes that the COVID-19 outbreak is affecting the ability of some regulated entities to comply with requirements, statutes, regulations and permit conditions. DEQ will exercise reasonable enforcement discretion within its authority when deciding whether to pursue potential violations caused by pandemic-related disruptions. For more information on DEQ's compliance and enforcement processes in response to COVID-19, please click [here](#).

Virginia Department of Health

General Information

Please visit the [Virginia Department of Health's website](#) for the most current status of their regulatory functions.

Department of Housing and Community Development

2018 Code Development Process (Updated 4/13)

While we have had success with recent web-based workgroup and sub-workgroup meetings, with many of the changes that have occurred in the past couple of weeks, we have decided to pause the code development process to allow you to focus your attention elsewhere over the next several weeks.

The Board of Housing and Community Development's (BHCD) public hearing that was previously rescheduled for May 15 has been rescheduled for June 26.

All previously scheduled regular workgroup meetings, including the combined workgroup meeting scheduled for April 15 are postponed and will be rescheduled for June-August (exact dates TBD). Issue-specific subworkgroup meetings will continue as interest dictates. **The new deadline for submitting cdpVA proposals for the 2018 code cycle has been extended to July 3.** We will continue to evaluate as the situation evolves and will determine if the meetings will be web-based, in-person or a combination of the two.

There are currently over 120 code change proposals that have been submitted in cdpVA for the final regulations phase. We highly encourage you to review these proposals over the next couple of months, and if you have concerns related to any proposal, please collaborate with the proponent by utilizing the "Discussion" feature in cdpVA or reach out to the proponent by email to resolve any issues prior to the summer workgroup meetings.

Circuit Court Clerks

Issues with Recording, Indexing and Scanning Local Land Records

The Chief Justice of the Supreme Court of Virginia recently issued a declaration of judicial emergency, which suspended all non-essential, non-emergency Circuit and District court proceedings with some exceptions, which can be found [here](#). The Chief Justice's declaration also stated that "the courts and clerks' offices shall remain operational and provide essential services while balancing the health and safety needs of court visitors and personnel."

We believe that the Chief Justice's declaration and underlying judicial protocols hold that indexing, scanning and recording by the Clerks' Offices are deemed "essential functions" of the Virginia court

system. However, we have received several reports of challenges with the recording, indexing and scanning of local land records.

We have been in frequent communication with the Virginia REALTORS® and the Virginia Court Clerks Association to resolve any challenges that arise during these unprecedented times. In order to resolve these issues in a timely manner, it is helpful to consolidate our communications to the relevant stakeholders through HBAV. **If you run into any challenges with local Circuit Court Clerks and the recording, indexing, and scanning of land records, please contact HBAV's Vice President of Government Affairs, Andrew Clark, at AClark@HBAV.com as soon as possible.**

On March 20th, the Virginia Court Clerk Association (VCCA) issued the below statement re: Circuit Court Clerk operations during this state of emergency:

The Virginia Court Clerks Association (the "VCCA") is a professional organization representing the 120 Circuit Court Clerks who are elected constitutional officers directly accountable to the citizens. Like other governmental officials at all levels of federal, state and local government, the COVID-19 virus is impacting our ability to provide important services to citizens, and conduct business as usual. The Circuit Court Clerks are committed to serving each of our constituents within the emergency parameters set by the President of the United States and the Governor of the Commonwealth of Virginia.

The Chief Justice of the Virginia Supreme Court entered an order on Monday, March 16, 2020, declaring a "judicial emergency" to protect the health and safety of court-related staff, litigants, judges and the general public. The Chief Justice suspended all non-essential judicial proceedings, with certain exceptions, for 21 days with the right under Section 17.1-330 to "extend such order for the duration of the threat". This order further states that "except as provided in this order, to the extent possible, the courts and clerks' offices shall remain operational and provide essential services while balancing the health and safety needs of court visitors and personnel". Finally, this order states that local chief judges are not prohibited from "implementing additional local policies as needed."

Under Virginia Code, only the Chief Judge or Presiding Judge of a Judicial Circuit is authorized to close a local courthouse pursuant to a court order entered under Section 17.1-207. The Virginia Code recognizes that what may justify closure of a courthouse may well vary from locality to locality, which is the reason discretion is left to the Chief Judge or Presiding Judge of each Judicial Circuit. Section 17.1-207 (A)(3) states that the Chief Judge or Presiding Judge may close the local courthouse by court order when such Judge decides that the "operation of the clerk's office, under prevailing conditions, would constitute a threat to the health and safety of the clerk's office personnel or the general public".

If a local courthouse is closed, pursuant to Section 17.1-207, no official business may be conducted. In the land records context, closing a local courthouse means that while the Clerk may receive land records for recordation online or by an alternative method, the Clerk would not be able to actually record and index any such land records document during the period the local courthouse is closed by order of that court.

In response to the COVID-19 virus, we are not yet seeing most of the local courthouses being closed under Section 17.1-207, but some have been closed for a day or two. At this time, we are

not seeing any extended closings of local courthouses by local court orders under Section 17.1-207. Most local court orders are “implementing additional policies” as authorized in the order of declaration of “judicial emergency” by the Chief Justice of the Supreme Court, under Section 17.1-330. Local court orders often include closing the local courthouse to the general public for most matters but authorizing the Clerk to continue to perform essential functions including land record transactions. In instances where technology systems do not exist or are not adequate to provide a particular service, the Clerk may adopt alternative methods during the period for which the general public is not allowed to enter the local courthouse.

Department of Professional and Occupational Regulation

Extension of Licenses, Certifications, and Other Credentials

The Department of Professional and Occupational Regulation (DPOR) announced that they will be extending the validity of licenses, certifications, and other credentials issued by its regulatory boards that would otherwise expire during the declared state of emergency or be eligible for renewal or reinstatement during the state of emergency under applicable regulations, until the 30th day after the date by which the state of emergency is lifted.

DPOR also announced that they will be waiving any regulations of regulatory boards under the DPOR that prohibit or limit online, electronic, or distance theoretical instruction, in order to prevent and mitigate the spread of the coronavirus (COVID-19). This waiver does not waive statutory requirements or limitations, nor does it waive practical (hands-on) instruction required by a board’s regulations. This waiver shall take effect on March 18, 2020 and shall remain in full force and in effect until June 10, 2020, unless sooner amended or rescinded by further executive order.

[More information from DPOR can be found here.](#)