

## **Expediting Permits and COs Study Group**

### **First Meeting Summary**

**Date: June 25, 2025**

**Location: Virginia Housing Center**

**Time: 10:02 AM – 1:24 PM**

#### **Attendees:**

#### **VA Department of Housing and Community Development (DHCD) Staff:**

- **Jeff Brown** – Deputy Director, Division of Building and Fire Regulation
- **Florin Moldovan** – Code and Regulation Specialist, State Building Codes Office
- **Paul Messplay** – Code and Regulation Specialist, State Building Codes Office
- **Chris Scott** – Code and Regulation Specialist, State Building Codes Office
- **Chase Sawyer** – Policy and Legislative Services Manager

#### **Study Group Members:**

- **Cory Carney** – Independent Alliance of the Electrical Industry, VA Chapter
- **Delegate Paul Milde** – Virginia House of Delegates 2025, 64<sup>th</sup> District
- **Chris Reynolds** – Atlantic Builders
- **Ron Clements** – Local Building Official
- **Michelle Gowdy** – Virginia Municipal League
- **Amanda Spittle** – Virginia Building and Code Officials Association
- **Andrew Clark** – Home Builders Association of Virginia

#### **Interested Parties**

- **Nicholas Bowles** – Nottoway County, Building Official

#### **Purpose:**

The Expediting Permits and Certificates of Occupancy (CO) Study Group (the group) convened Virginia DHCD staff, code enforcement professionals, homebuilders, and local government stakeholders to discuss processes related to the issuance of building permits and COs with a focus on identifying opportunities for streamlining the review and issuance of such.

Key topics included current regulatory timelines, delays caused by staffing and procedural issues, and the feasibility of establishing clearer standards for review times and third-party involvement. The group explored options to streamline permit and CO issuance, reduce costs, and enhance coordination among agencies, with a focus on developing code change proposals to address delays and administrative bottlenecks.

## **Background:**

- Jeff – Provided background on the study group's formation, including the legislation (HB 2682) that preempted the group's formation.
- Del. Milde – Acknowledged that he is unsure if this study group is the appropriate vehicle to handle the issue of expediting permits and COs. Delegate Milde also expressed familiarity with Stafford County, a rapidly growing top-ten county with significant commercial development. He noted that both commercial and residential builders are experiencing increasing delays, which lead to higher costs for applicants. Many small, mom-and-pop builders struggle to understand the complex code, further prolonging the process. Milde questioned whether current timelines are mandated by county or state law, and if the building code can specify such timelines, highlighting that life safety is the primary goal. He asked if this is the appropriate place to incorporate timelines.
- Jeff clarified that the regulations do include some timing provisions. For example, there are timeline limitations on issuing Certificates of Occupancy (CO) and response times for inspections. Specifically, suppose the building official is unable to perform an inspection within two working days. In that case, the permit holder can hire a third-party inspector and submit that report for review and approval by the building official. Delegate Milde confirmed Jeff was referring to the Virginia Uniform Statewide Building Code, which Jeff affirmed.
- Discussion about whether current timelines are mandated by law or policy, and how local staffing issues influence permit issuance times.

## **Key Discussion Points:**

### **Permit Timelines and Administrative Processes**

The group discussed existing regulatory timelines, such as the 5-day timeframe for issuing COs, and the challenges associated with actual review and inspection durations.

#### **Five-Day Timeline Discussion:**

- Jeff - Brings attention to Section 116.1 of the USBC, which requires the issuance of COs within five working days.
- Chris R – In the past, he has been able to get COs in 1 day. The reality is that five working days, starting on a Friday afternoon, mean the clock begins Monday morning. So, three days have already passed. Then we go through five working

days and get the CO on Friday, which means we can't close until Monday. The carrying costs are \$1,500-\$2,000 over that timeline.

Plan Review Duration Discussion:

- Chris R – Trying to establish a precise timeline for issuing permits isn't reasonable. Instead, he suggested focusing on defining what constitutes a reasonable time for at least an initial review, given the significant evolution of the permitting process, from generic house plans covering various elevations to highly specific, engineered designs. He pointed out that most work is now done by engineers, making it unfair to set a fixed timeline for permit issuance. Additionally, some municipalities will not start the review until they receive the health permit, which can cause a month-long delay between localities. In practice, the permit isn't issued until the health permit is obtained, and he questioned why concurrent reviews can't be performed to speed up the process.
- ::Short break until 11:17::
- Jeff – (Reopened the discussion.)
- Del. Milde – If the group is interested in defining a reasonable timeline or working within the framework of Section 109.4 to add some boundaries, that might not be the purpose of this group. (He suggested that it could be simplified by establishing timelines for localities with a population size above a certain threshold.)
- Andrew – (Has some hesitation about setting size limits, noting that doing so could lead to frequent code change proposals every cycle. He agreed there is value in considering a "reasonable time," but the second sentence of the section might allow for some flexibility with re-reviews. He suggests that the locality should be required to notify the applicant within a certain number of days. Asks Ron how often people resubmit plans.)
- Ron – It's common for builders to have six or seven inspections, and that multiple re-reviews happen on plan review as well. The main challenge is defining what constitutes a "reasonable" review time.
- Andrew – (Clarified he was referring to the provision after that, regarding notification of plan deficiencies.)
- Chris R – What we're seeing is that we have to proactively seek and find that information instead of it being shared with us – we have staff who monitor it daily.
- Andrew – Just throwing out ideas. The applicant knows that within a certain number of days, they will be informed if the response is not sufficient.

- Ron – For (Chesterfield) we used to have a gatekeeping process for commercial permits. Applicants would go to the office, and a plan reviewer would look at the plans to ensure all necessary information was included before we accepted them. We moved away from doing a preliminary review because it didn't provide a good return on investment of time.
  - i. Ron – Andrew, you want to set a timeframe for the initial review, but not for subsequent reviews, correct?
  - ii. Andrew – Yes. It seems to provide some benefit for both the locality and the applicant.
  - iii. Del. Milde – And your idea of how quickly you'd be notified of deficiencies?
  - iv. Andrew – Yes, the second sentence—effectively. We should work on this offline.
  - v. Chris R – Review processes mainly depend on the system used by each county. Some localities provide formal notifications; others we don't receive any notifications at all.
  - vi. Del. Milde – Delays often start after the quality control (QC) process. The challenge is that we don't always know where reviewers are, and different departments are trying to work on it. The technical review is particularly hard to pin down.
  - vii. Jeff – From my experience as a plan reviewer and building official, the type of drawing and the type of house significantly affects the review time.

### **Staffing, Resources, and Best Practices**

Staffing shortages, high turnover, and resource limitations are major factors affecting review times.

- Amanda – Staffing has been an issue, but not in Prince William, where we have project management and proactive project oversight. I think smaller localities may be struggling more, especially when they're experiencing rapid growth.
- Del. Milde – Labor shortages and high turnover are definitely challenges. It's also about how they prioritize their customers. One idea I have is to develop a tailored list specific to each project. I've seen code that suggests this should be done, but it has never been mandated. I really like that idea.

Some localities implement proactive project management and tailored checklists to expedite reviews, especially for large commercial projects.

- Ron – Typically, about a month out from the end of a commercial project, our commercial inspector reaches out to the contractor to update them on what's outstanding. This includes planning and zoning, environmental engineering, utilities, and coordinating all relevant parties. However, I don't understand why it takes five days to issue the CO after all of that is completed.

::Separate Discussion::

- Ron – What I was referencing was larger commercial projects, full buildings. Our commercial inspection chief keeps an eye on those jobs, and once they're close to Certificate of Occupancy (CO), he pulls together all outstanding issues.
- Del. Milde – What's the criteria?
- Ron – That would be difficult; it involves a lot of judgment calls. Take the "two-day" concept and apply it to plan review—start with that as a trial balloon. The challenge is, what do you replace the two days with? Thirty days?
- Ron – For some localities, it won't be an issue. I recommend identifying those where it might be problematic.

### **Third-Party Plan Review and Inspection**

The group examined the possibility of formalizing third-party review processes, with considerations around vetting, approval, and how to ensure quality control.

- Del. Milde – Has anyone ever considered using a third-party review?
- Cory – Refer to 109.4.1.
- Del. Milde – It says "may." I guess that's the keyword.
- Cory – We still have to conduct a review.
- Del. Milde – Do you still need to review a third-party submission even if it's "approved"?
- Ron – We can accept third-party reviews. It's really up to the building official's authority to set parameters and decide what aspects they want to QC.
- Andrew – Is there interest in requiring at least a baseline standard of third-party review in localities?
- Del. Milde – A pre-approved list of engineers?
- Chris R – (Shares his experience with the third-party plan review policy in Spotsylvania.)

- Amanda – That can cut review time in half because the engineer takes responsibility.
- Florin – Spotsylvania had a program specifically for expediting review that required sealing by an RDP. It was intended to be a quick review of the site-specific documents only, such as soil compaction reports and HVAC design worksheets. They also had a master file program where the contractor submitted a file with all the different designs and options for a specific house. Once the plan review was completed on that, any subsequent permits for that house would only require site-specific review. Section 109.4.1 is used by localities and facilitates some of that process.
- Cory – Implementing processes like that across the board would be mutually beneficial.

There was debate about whether to change “may” to “shall” in code language to mandate third-party reviews, and how to implement qualified lists of engineers or reviewers.

- Del. Milde – So, just change “may” to “shall,” and we’re good.
- Ron – In Chesterfield, that would be problematic.
- Florin – (Shares Section 113.7 on the screen, for context.)
- Jeff – Clarified that “accept” in Section 113.7 does not mean the building department must “approve” an inspection report submitted by a third-party, and added that some local building department third-party policies include a list of approved third-party agencies, ensuring the reports they are accepting are from third-parties they have vetted.
- Del. Milde – If it’s an approved engineer, you still have to review what they’re doing. You can’t just blindly accept their work.
- Jeff – If there’s no vetting process in place—for example, with plan review—more items might be missed during plan review and if issues are identified during inspections, corrections may be more costly and cause increased delays.
- Del. Milde – The only way that approach would meet our goal is if, along with that, there’s a prescriptive, shortened timeline. If you’re using an approved third-party review, then you only have a certain number of days to approve that third-party’s technical review.

### **Defining “Reasonable Time” & Timeline Standards**

A key challenge is establishing what constitutes a “reasonable” review and approval timeline, given the diversity of localities and project types.

- Florin – (Shares Section 109.4 on the screen, for context, which states “within a reasonable time.”)

- Chris R – That is a very grey area. We build a lot of well and septic homes, and their process is different. Everything is engineered and done by onsite soil engineers, who have a very defined timeline—21 days. If they can't complete their review within that period, it's deemed approved. It would be helpful to have some focus on this—I'm not suggesting we replicate the health department, but something more clearly defined. The process varies so widely and has become so unpredictable that the most predictable part is actually building the home and structure.
- Andrew – Is there some sort of reasonable timeline for the building official?
- Cory – Mandating a statewide timeline is incredibly unwise. I suggest each locality develop its own timelines to guarantee it returns plans within a certain number of working days.
- Andrew – There has to be some timeline.
- Michelle – Any specific timeline will be discussed later.
- Chris R – Trying to set a strict timeline for permit issuance isn't reasonable. It makes more sense to define what constitutes a reasonable time for at least an initial review because the permitting process has evolved significantly. It used to be a generic house plan that covered all elevations, but now everything is highly specific and engineered. All work is done by engineers. It's not fair to set a fixed timeline for permit issuance. Some municipalities won't even start reviewing until they receive the health permit, which can be a month apart between localities. In reality, it doesn't matter because the permit isn't issued until the health permit is obtained. I don't understand why concurrent reviews can't be done.
- [Short break]
- Jeff – (Opens the discussion back up.)
- Del. Milde – If this group is interested in how to define a reasonable time, or in working with the language in Section 109.4 to add some boundaries, then that's not the purpose of this group. It would be helpful to add specific timelines for localities of a certain population size or greater to simplify the process.
- Andrew – (Has some hesitation about setting a size limit.) Every code cycle, we'll likely get proposals like this. There's value in considering a "reasonable time," but the second sentence of Section 109.4 might allow for re-reviews.

### **Pertinent Laws and Ordinances & Certificate of Occupancy (CO) Delays**

Discussions focused on how other laws (zoning, landscaping, etc.) can delay CO issuance beyond the building code requirements.

Potential revisions to code language (e.g., removing "all pertinent laws and ordinances" or clarifying language) were considered to reduce unnecessary delays.

- Ron – What this is telling us—Section 116.1—is that the building official, beyond verifying compliance with the building code, must also ensure compliance with other laws and ordinances. The term “pertinent” was included for a reason. Planning departments might consider landscaping plans pertinent. In this context, is “pertinent” appropriate? It could include everything from screening dumpsters, striping parking lots, to paving versus gravel. Most planning and zoning departments will consider anything on the site plan as “pertinent,” and that could be grounds to hold up the CO.
- Michelle – How do they enforce landscaping if it’s not part of the building permit?
- Amanda – They hold up escrow.
- Ron – Since it’s an ordinance, if the owner doesn’t comply, I’m not in compliance with those ordinances. Occasionally, localities will issue a temporary CO.
- Jeff – I am aware of many instances where the reason for not issuing a CO is related to landscaping and other items that are not related to being able to safely use the building. I am not sure that is the intent of the code
- Jeff – If the USBC were updated to remove the building official from being the gatekeeper and the building official were no longer required to deny issuance of a CO on behalf of other departments and agencies, it would not prevent those other departments from enforcing their requirements. It would also not impact existing state laws, like those regarding health department approvals, that specifically address when a building official may or may not issue a CO.
- Florin – If you add a period after “code” in Section 116.1 and strike everything afterward, that addresses the issue.
- Cory – You can change the language, but the ordinance issues still prohibit issuance of the CO. Stopping right after “code” makes it clear.
- Florin – The way it’s written, an argument could be made that the building code is used as an enforcement mechanism for laws or ordinances outside the scope of the building code.
- Ron – (Agrees. He thinks that for zoning and land use, “pertinent” is quite broad, similar to “reasonable.”) When should we hold up the issuance of a CO beyond the building code? (He doesn’t have a specific answer, but zoning is a clear example.)
- Jeff – If the words “all pertinent laws and ordinances,” were removed, would the building official still have some discretion in issuing a CO if, for example, the final inspection passed, but an approved plat was not in place?
- Ron – If you remove it, all you’re left with is the building code, and that would give the permit-issuing authority the ability to issue a permit without regard to zoning or other laws.



### **Proposal Development**

The group discussed developing proposals for clearer timelines, third-party review standards, and administrative procedures.

Future actions include drafting code change proposals, circulating proposals for feedback, and possibly convening additional meetings or working via email.

### **Conclusion & Next Steps**

The group agreed to take the lead on developing specific language and proposals related to timelines, third-party reviews, and administrative procedures.

They emphasized flexibility in approach, with opportunities for further discussion and refinement before formal adoption or legislative change.

Adjourned: 1:24pm