

**Unsafe Structures Study Group
First Meeting Summary
Date: August 27, 2025
Location: Virginia Housing Center
Time: 10:00 AM – 1:00 PM**

Attendees:

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

- **Jeff Brown** – Deputy Director, Division of Building and Fire Regulation
- **Florin Moldovan** – Director, State Building Codes Office
- **Paul Messplay** – Code and Regulation Specialist, State Building Codes Office
- **Travis Luter** – Code and Regulation Specialist, State Building Codes Office
- **Chris Scott** – Code and Regulation Specialist, State Building Codes Office

Study Group Members:

- **Ron Clements** – Chesterfield County
- **Michelle Gowdy** – Virginia Municipal League (VML)
- **Richard Gordon** - Hanover County
- **Steve Shapiro** – Virginia Apartment and Management Association (VAMA),
Apartment & Office Building Association of Metropolitan Washington (AOBA)
- **Sandra Escorcía** – City of Richmond

Interested Parties

- **Nicholas Bowles** – Nottoway County
- **Michelle Throckmorton** - City of Chesapeake
- **Joshua Davis** – Virginia Department of Fire Programs
- **Anne Ligon** – City of Hampton
- **Jessica Turner** – City of Chesapeake
- **Jerri Wilson** – City of Newport News

Purpose

DHCD received a request from Delegate Leftwich asking DHCD to review, during the 204 Code Development Cycle, procedures followed by local governments to demolish an unsafe structure.

The Unsafe Structures Study Group convened to review and discuss issues related to the Virginia Property Maintenance Code, specifically focusing on the authority and process for demolishing unsafe structures, notice provisions, appeal timelines, and the clarity of emergency repair and demolition authority. The group examined recent and proposed changes to the code, discussed the need for additional specificity around timelines and procedures, and considered whether further code amendments were necessary to address local interpretations and concerns. While consensus was not reached on all issues, there was broad agreement that clarifying the code's language regarding emergency demolition could be valuable. The group decided to draft potential language changes for further review and encouraged ongoing collaboration ahead of the October 10th proposal deadline.

Background

Jeff B provided an overview of Virginia's Code Development Process and the context for the group's formation.

Ron C summarized relevant code change proposals adopted in the 2021 Virginia Property Maintenance Code (VPMC).

Steve S inquired about the group's objectives.

Jeff B clarified that the group was formed in response to the letter that was received, and no additional guidance was provided. The group's task is to review the issue as it relates to the building code and determine if any changes are needed. At the end of the process an update will be provided to the delegate.

Review of Code Provisions and Issues Raised

Jessica T explained that her office wanted something in the code that nothing prevents a locality from demolishing an unsafe structure once all requirements are met, particularly to address concerns about appeals and notices. She reiterated that the intent was to clarify local authority, especially in cases where structures are boarded up but remain unsafe.

Michelle T described local concerns by some who interpret the current code as preventing demolition if a structure is boarded up.

Ron C and others noted that most localities do not share this interpretation and regularly proceed with demolition even if structures are boarded up, provided other requirements are met.

DHCD Staff displayed VPMC Section 106.7 and VPMC Section 106.1 on the screen for the group to review and discuss to identify the specific code provisions in question. There was discussion and general agreement that while the second sentence of Section 106.1 allows the code official to use some discretion in allowing a building to be vacated and secured to address certain unsafe conditions as applicable, the last sentence of Section 106.1 begins with “Notwithstanding the above..”, making it clear that, regardless of the provisions in the second sentence, the code official has the authority to order demolition of a hazardous structure (in accordance with the VPMC)

Michelle T clarified that she believes Section 106.1 is the section that raised the initial concerns.

Richard G added that localities benefit from flexibility in determining-"unsafe," depending on urban or rural contexts, and that the code intentionally allows for this. In his locality he has some areas that are urban/suburban and some areas that are extremely rural, so his criteria for those two portions of the locality are different. He gave an example of a farmhouse located 500 feet off a roadway in a rural area. If it is vacant and secure that is a different situation even if it is in danger of collapse because it is not a hazard to anybody. It is important to allow localities to make that determination.

Jessica T noted concerns with due process related to boarding up, particularly the lack of explicit timelines for notices or appeals, which could lead to ambiguity and potential legal challenges. For due process, an individual needs proper notice and an opportunity to be heard and time to appeal a decision. If the code official determines that the unsafe structure is a hazard and orders its demolition the code is not very clear on how long that process could take.

DHCD Staff pointed out that Section 107 of the VPMC already includes some timeliness requirements, such as a 14-day window for appeals. The group debated whether this is sufficient or whether further clarity should be legislated.

Ron C added that under the notice of what’s unsafe Section 106.3, it says that the notice shall indicate the right of appeal by referencing the appeals section of this code.

Jeff B for clarification, asked if one of the concerns is that a code official could demolish a structure before an appeal is heard.

Jessica T said she understood that the intent of the legislation was to clarify how long it would take to get through the process to give property owners time to comply.

Ron C asked why the city decided to go the legislative route when none of this is statutory.

Jessica T stated, "Probably to formalize it and strengthen the locality's arguments."

Jeff B reminded the group that the direction was to get together and look at the issue. If the group identifies something that everyone agrees is a good idea to change, a proposal could be developed by the group. If this group decides not to move forward with a proposal, that will not prevent anyone from submitting a code change proposal on their own.

Jeff B asked if the group and specifically Chesapeake had further discussion regarding Section 106.1.

Jessica T stated that the City's position, as she understood it, was that the code could be made stronger by having a timeline added to it. Particularly as it relates to when somebody secures a vacant structure.

Jeff B asked if she had any specific changes.

Jessica T stated, "Just in general."

Jeff B opened it up to the Study Group for further comments and discussion, but the consensus among the Study Group was that the current code language works as it is currently written. It was reiterated that if the City of Chesapeake wants to continue to pursue this that there would be other people willing to continue the conversation outside of this meeting and help guide them in putting together a proposal.

Discussion on Emergency Repairs and Demolition

Michelle T raised another issue regarding Section 106.8 of the VPMC, questioning whether the current code clearly distinguishes between emergency repairs and emergency demolition. She highlighted that some interpret the section as authorizing emergency demolition, while others do not.

Michelle T stated that Section 106.8 mainly pertains to emergency repairs and not emergency demolition, despite being grouped together. Michelle noted the ongoing debate about its interpretation and suggested that the section should be clarified to distinctly separate the two actions and specify the authority for each.

Steve S and others recounted instances where emergency demolition was necessary for public safety, noting that in practice, such actions have occurred even if the code isn't explicit.

Steve S – What section do you use when a storm comes through and the building is leaning halfway over. It has to come down because it's an imminent danger. So, I believe Chesapeake raises a valid point. In my reading of the section, I don't see language that explicitly states you can proceed with demolition without following the Notification processes unless you interpret the action as a repair.

Steve S - There are situations where you simply don't have time to send a notice, and you might not be able to identify the full process in advance. In such cases, immediate demolition may be necessary to address imminent danger and prevent harm.

Jessica T suggested that the section could be clarified, either by re-wording or separating emergency repairs from demolition, to avoid differing interpretations.

Florin M stated that it appears that the consensus is that, as currently written, this section is not intended to apply solely to emergencies. If an emergency occurs, the section as drafted is not meant to be used on its own to cite a violation and demolish a building. Therefore, some clarification or work may be needed to ensure that emergency demolitions are permitted when appropriate, especially since no other sections in Chapter 1 explicitly cover that scenario. Is that the understanding?

Let the record reflect that everyone is nodding in agreement. Thank you.

Action Items and Consensus

The group generally agreed that further clarification of the emergency repair and demolition section would be helpful.

Jessica T volunteered to draft proposed language to clarify this section, with input and review from the group.

Jeff B reminded the group of the October 10th deadline for code change proposals and encouraged anyone interested to participate in refining and submitting the draft.

The group discussed the process for submitting code changes.

Next Steps

Drafting Code Amendment: Jessica T will draft proposed language to clarify the code's provisions regarding emergency repairs and emergency demolition, ensuring it addresses the consensus concerns raised.

Group Review: Once drafted, the proposal will be circulated among group members for feedback and refinement. Group members are encouraged to provide comments and suggest improvements.

Submission Preparation: DHCD staff will assist in ensuring the proposal is technically correct and ready for submission. Group members interested in co-sponsoring the proposal should express their interest.

Proposal Submission: A finalized proposal should be submitted ahead of the October 10th deadline for consideration in the General Stakeholder Workgroup Meeting.

Continued Collaboration: The group is encouraged to continue discussions, especially if additional issues arise or if the City of Chesapeake or other members wish to pursue further code changes.

Reporting Back: DHCD staff will prepare and distribute a meeting summary and ensure the delegate is updated on the group's work, discussions, and any outcomes.